

**CRC RESOLUTION NO. 2010-006**

**ITEM VII. F.**

**A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, ENTITLED "ETHICS IN GOVERNMENT" TO PROVIDE FOR ADDITIONAL RIGHTS AND PROTECTIONS INCLUDING ACCESS TO GOVERNMENT, RELIANCE ON INFORMATION PROVIDED BY GOVERNMENT, THE RIGHT TO ACCESS TO PUBLIC RECORDS, THE RIGHT TO BE HEARD, THE RIGHT TO NOTICE OF HEARINGS AND DECISIONS, THE IMPLEMENTATION OF A CODE OF ETHICS, JUST AND EQUITABLE TAXATION, AND REGULATING THE USE OF PUBLIC PROPERTY; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 2010 GENERAL ELECTION; PROVIDING THE BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENT; PROVIDING FOR THE COUNTY ATTORNEY TO RENUMBER AND RELETTER ARTICLES AND SECTIONS IN ORDER TO CONFORM THE AMENDMENTS TO THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, after three (3) public hearings and by an affirmative vote of at least ten (10) of the fifteen (15) members, the Brevard County Charter Review Commission may submit a proposal to the Board of County Commissioners to amend the Brevard County Charter; and

**WHEREAS**, the Charter of Brevard County, Florida mandates that the Charter Review Commission, within one year from the date of its first meeting, present to the County Commissioners its recommendations for amendments to the Charter; and

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**WHEREAS**, the Charter of Brevard County, Florida provides that all amendments and revisions proposed by the Charter Review Commission must be presented by the County Commission to the electorate at the next general election;

**NOW, THEREFORE, BE IT RESOLVED BY THE BREVARD COUNTY CHARTER REVIEW COMMISSION:**

**SECTION 1:** That pursuant to Section 7.4. of the Charter of Brevard County, Florida, the County Commission is hereby directed to place on the ballot for presentation to the electorate, at a special referendum election to be held in conjunction with the November, 2010 General Election, a special referendum issue, the subject of which is to amend Article 1 to provide for a new Section 1.9 of the Brevard County Charter, entitled "Ethics in Government", the full text of which is attached hereto as **Exhibit "A"**, and incorporated herein by reference.

**SECTION 2:** That the ballot title and summary for the proposed amendments/revisions as referred to above shall appear as follows:

**CREATION OF A NEW SECTION "ETHICS IN GOVERNMENT" TO ADDRESS VARIOUS CITIZEN RIGHTS**

Shall the Brevard County Charter be amended to provide for a section entitled "Ethics in Government" to provide for additional rights, including, access to government, reliance on governmental information, access to public records, the right to be heard, the right to notice, and of decisions or actions, the prohibition of conflicts of interest and compliance with a code of ethics, just and equitable taxation, and regulation of the use of public property?

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YES FOR APPROVAL \_\_\_\_\_

NO FOR REJECTION \_\_\_\_\_

**SECTION 3:** That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue, attached **Exhibit "A"** shall become a part of the Charter of Brevard County, Florida.

**SECTION 4:** That the County Attorney is hereby directed to insure that the appropriate numbers and/or letters are affixed to the Articles and Sections of the Charter in order to conform the Charter to the amendments if approved.

**SECTION 5:** That if any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

**SECTION 6:** That this resolution shall become effective immediately upon its adoption.  
Adopted this 8<sup>th</sup> day of July, 2010.

\_\_\_\_\_  
Kendall T. Moore, Chairperson

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**RECORD OF VOTE  
(CRC 2010-006)**

BOBAY	DISTRICT 1	___	PORTER	DISTRICT 2	___
FINNEY	DISTRICT 2	___	ROSASCO	DISTRICT 3	___
HARRIS	DISTRICT 1	___	SCHMITT	DISTRICT 4	___
HOLTON	DISTRICT 5	___	YOUNG	DISTRICT 3	___
JENKINS	DISTRICT 4	___	ZILAITIS	DISTRICT 5	___
LAMB	DISTRICT 5	___			
LUDWICZAK	DISTRICT 4	___			
LUNDGREN	DISTRICT 2	___			
MOORE	DISTRICT 1	___			
NYE	DISTRICT 3	___			

Resolution **CRC 2010-006** passed \_\_\_\_\_ on July 8, 2010.

**BREVARD COUNTY CHARTER REVIEW COMMISSION**

Attest: \_\_\_\_\_  
 Maria Scruggs, Secretary, Charter Review Commission

SSG:DNT:dnt  
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**EXHIBIT "A"**

**Section 1.9 ETHICS IN GOVERNMENT**

The citizens of Brevard County shall enjoy those rights bestowed by the Constitutions of the United States and the State of Florida, and as further established by county charter in order to guarantee the County's citizens' freedom from administrative abuses, encroachments, levies, or violations of these referenced documents.

**A. Access to Government.** Each Person has the right to transact business with the County during normal business hours for the purpose of compliance with ordinances, policies and regulations, and the County shall be accessible for those purposes.

**B. Reliance on Government Information.** Each Person has the right to rely upon the information, permissions, and licensing provided by the County as valid and correct.

**C. Public Records.** Each Person has the right of access to county records unless exempted by Florida or Federal law, during normal business hours and at a convenient location in the pertinent county facility. Pending ballot issues shall be posted at all County Libraries, without other commentary.

**D. Right to be Heard.** Any person has the right to appear before the County Commission, County board, council, committee or agency for the presentation of supplemental facts, opinions, and arguments in any issue or administrative matter before such entity for action. Such matters will encourage such public comment by proper public notice at least 48 hours prior to that action, and in a place considered to be of reasonable convenience for the matter being considered. The County may establish reasonable procedures relating to public discussion and appearances including limits on length of time allowed.

**E. Right to Notice.** Pursuant to applicable, Federal, State, or County laws or regulations, the County shall provide timely notice to persons entitled to notice of a hearing before the County Commission, regulatory boards, or committees. The notice shall be in accordance with the applicable Federal, State, or County requirements, as may be amended from time to time. Such notice shall give the location for viewing the matter at issue.

**F. Notice of Decision or Actions.** The outcomes or decisions made by any county agency pursuant to Paragraph E shall be issued in a timely manner of no more than thirty (30) days, and the outcome or decision shall be made readily available to the public at either the pertinent agency, the Clerk of Court, County records, or online at public libraries.

**G. Prohibitions of Conflicts of Interest and Compliance with the Code of Ethics.** The County shall enforce a conflict of interest prohibition in all county employees, committees, agencies, or authorities who act in a quasi-judicial or advisory capacity to the County Commission and County management, in order to avoid even the appearance of impropriety in the performance of their duties and responsibilities. Violation of this prohibition may be cause

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for nullification of the action taken. An employee Code of Ethics shall be supplied to all new County employees, and shall be provided to the public upon request.

**H. Just and Equitable Taxation.** The County shall not impose any tax or fee that would cause ad valorem taxes imposed on a property to exceed the limits set by Article VII, Section 9 of the Florida Constitution, or as otherwise provided by the laws of the State of Florida.

**I. Use of Public Property.** The County shall be prohibited from allowing the use of public property, by any private business, or organization unless the use of the property was offered through an open bidding/proposal process, or the use of the property is made available to the public pursuant to applicable County ordinances, regulations, policies, or through the use of the Brevard County reservation process and rental fees as established by Brevard County.

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