

Meeting Date
May 20, 2010



AGENDA	
Proposal #	49
Item No.	X. C.

AGENDA REPORT
BREVARD COUNTY CHARTER REVIEW COMMISSION

SUBJECT: Section 1.9 Ethics in Government.

PETITIONER: Penny Canales

Requested Action:
 Requesting the Charter Review Commission consider approval of a Charter Amendment to add a section for Ethics in Government.

Summary Explanation & Background:
 This proposal requests that the Charter Review Commission approve an amendment to the Charter to add a section for the purpose of establishing a section for Ethics in Government. This is a revision to postponed Agenda Proposal #44 Item No. X.A. Presented on May 06, 2010.

- A. Access to Government
- B. Truth in Government
- C. Public Records
- D. Right to be Heard
- E. Right to Notice
- F. Notice of Decision or Actions
- G. Prohibitions of Conflicts of Interest and Compliance with the Code of Ethics
- H. Just and Equitable Taxation
- I. Use of Public Property

See attached exhibit A

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Exhibits Attached:
Exhibit A

Reviewed by Administrative Secretary/Chairman Yes No

	County Department
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Exhibit A

Section 1.9 ETHICS IN GOVERNMENT

The citizens of Brevard County shall enjoy those rights bestowed by Constitutions of the U.S. and the State of Florida and as further established by county charter in order to guarantee the County's citizens freedom from improper 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. Truth in Government.

Each Person has the right to rely upon the information, permissions, and licensing provided by the county as valid and correct and no person shall be held liable for erroneous actions of the county or its employees.

C. Public Records.

Each Person has the right of access 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.

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 F.S. 125.66(4)(b)2,3, and 3(6). Such notice shall give the location for viewing the matter at issue. **Emergency actions shall be for the protection of public safety only.**

F. Notice of Decision or Actions.

Actions taken by any county agency under Para E above shall provide the outcomes or decisions in a timely manner of no more than 60 days and make those readily available to the public at either the pertinent agency, the Clerk of Courts 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 management in order to avoid even the appearance of impropriety in the performance of their duties and responsibilities. Violation of this prohibition shall be cause for nullification of the action, or removal of the offender. An employee Code of Ethics shall be supplied to all new employees and requests from the public.

H. Just and Equitable Taxation.

The County shall not impose any tax or fee that would cause taxes imposed on a property to exceed the limits set by Article VII, Section 9 of the Florida Constitution or by laws of the State of Florida.

I. Use of Public Property.

The county shall be prohibited from allowing the use of public property or credit by private persons, businesses or organizations unless offered by open bidding in conformance with the laws of the State of Florida.

Effective upon voter approval.

