

RESOLUTION 2007- 382

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY RESOLUTION 1980-25, IN ORDER TO ADD A NEW PROVISION, WHICH WILL REQUIRE MEMBERS OF THE ST. JOHNS COUNTY HOUSING FINANCE AUTHORITY TO FILE A STATE OF FLORIDA FINANCIAL DISCLOSURE FORM, IN ACCORDANCE WITH SECTION 112.3145, FLORIDA STATUTES

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, by and through County Resolution 1980-25, established a St. Johns County Housing Finance Authority; and

WHEREAS, from time-to-time, there have been questions posed from the public as to whether individual members of the St. Johns County Housing Finance Authority are required to file a Florida Financial Disclosure Form, in accordance with Section 112.3145, Florida Statutes; and

WHEREAS, the State of Florida Commission on Ethics has opined in Commission Ethics Opinion (CEO) 03-5, that members of a dependent special district are not "*local officers*" for purposes of financial disclosure because Section 112.3145(1)(a)(2), Florida Statutes, lists only "*independent special districts, and not dependent special districts*"; and

WHEREAS, Phillip C. Claypool, Executive Director of the State of Florida, Commission on Ethics, advised the County Administrator, by letter dated October 18, 2007 (a copy of which is attached, and incorporated to this Resolution), that the St. Johns County Housing Finance Authority is considered a "*dependent special district*", and therefore not subject to the financial disclosure provisions of Section 112.3145, Florida Statutes; and

WHEREAS, at no time since the establishment of the St. Johns County Housing Finance Authority, has the Board of County Commissioners of St. Johns County, Florida, required that individual members of the St. Johns County Housing Finance Authority file a Florida Financial Disclosure Form, in accordance with Section 112.3145, Florida Statutes; and

WHEREAS, nevertheless, over the course of the last several years, individual members of the St. Johns County Housing Finance Authority have filed a Florida Financial Disclosure Form, in accordance with Section 112.3145, Florida Statutes; and

WHEREAS, in order to maintain what has been an annual, but not required practice of the St. Johns County Housing Finance Authority, it is now time for the Board of County Commissioners of St. Johns County, Florida, to memorialize and require such practice by means of a Resolution; and

WHEREAS, requiring individual members of the St. Johns County Housing Finance Authority to file a Florida Financial Disclosure Form is permitted under Section 112.3145, Florida Statutes; and

WHEREAS, requiring individual members of the St. Johns County Housing Finance Authority to file a Florida Financial Disclosure Form promotes the overall interests of the County, in that such disclosure promotes open government.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida that:

Section 1. The above recitals are incorporated by reference into the body of this Resolution, and such recitals are adopted as Findings of Fact.

Section 2. Consistent with authority granted under Section 112.3145(1)(a)(2)(g), Florida Statutes, the definition of "*local officer*" includes any member of the St. Johns County Housing Finance Authority.

Section 3. St. Johns County, Florida Resolution 1980-25 is amended, in order to add a new provision, which will be considered Section 7, and will contain the following language:

Section 7. For purposes of Section 112.3145(1)(a)(2)(g), Florida Statutes, each member of the St. Johns County Housing Finance Authority shall be considered a "*local officer*". As such, each member of the St. Johns County Housing Finance Authority shall file a Florida Financial Disclosure Form, in the format noted, and frequency mandated, under applicable Florida law, specifically including Section 112.3145, Florida Statutes.

Section 4. It is the intent of the Board, and it is hereby provided, that if any phrase, clause, sentence, subsection, section, or provision of this Resolution is held be invalid, or unconstitutional by a court of competent jurisdiction, such invalidation or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining phrases, clauses, sentences, subsections, or provisions of this Resolution.

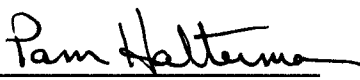
Section 5. Subsequent to adoption of this Resolution, the Clerk shall be instructed to deliver a copy of this Resolution to the Executive Director of the State of Florida Commission on Ethics, no later than December __, 2007.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 27 day of November November, 2007.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: 
Board Chair

**ATTEST: Cheryl Strickland, Clerk
of the Courts**

By: 
Deputy Clerk

RENDITION DATE 11/30/07