

BROWARD COUNTY CHARTER REVIEW COMMISSION

MEMORANDUM NO. 2017-026

TO: Thomas McDonald, Chair
Members of the Charter Review Commission

CC: Carlos Verney, Executive Director
Madison Cerniglia, Assistant Executive Director

FROM: Samuel S. Goren, General Counsel *SSG*
Jacob G. Horowitz, Assistant General Counsel *JGH*
Michael D. Cirullo, Assistant General Counsel *MDC*
David N. Tolces, Assistant General Counsel *DTT*

DATE: November 21, 2017

RE: Broward County Charter Review Commission (“CRC”) / Governance Committee –
County Commission Redistricting Procedures

At the direction of the Governance Subcommittee (“Subcommittee”), the General Counsel’s Office has prepared language amending Section 2.01 of the Broward County Charter related to the redistricting process for county commission districts. A copy of the proposed Charter amendment is attached hereto as Exhibit “A.” The Subcommittee is transmitting this language to the CRC for further consideration.

I. SUMMARY

The Charter currently requires the County Commission to divide Broward County into nine (9) single-member districts of contiguous territory as nearly as equal in population as practicable, utilizing the most recent decennial census. This is required to occur no later than December 31 of the year of publication of each decennial census.

The proposed amendment would require the County to engage an accredited, public four-year college or university within the State of Florida for the purpose of identifying and designating nine (9) single-member districts within the County. The County Commission would be required to adopt the redistricting plan prepared by the college or university, as designated, so long as the plan is consistent with the requirements of state law and the Charter.

II. ADDITIONAL CONSIDERATION

Note that the General Counsel’s Office was previously directed to prepare Charter language embracing the Fair District Amendment concepts from the Florida Constitution for the County Commission districts. That proposal is compatible and consistent with the attached Charter language. The items are not mutually exclusive. However, the Fair District Amendment proposal

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and the attached proposal both offer material changes to Section 2.01 of the Charter. In the event that both items are placed on the ballot and both items pass, it will be necessary to further revise Section 2.01 in order to harmonize both proposals. One option would be to create a new Charter section entitled "Redistricting," which could embrace both items. Should both items be placed on the ballot by the CRC and approved by the electorate, the General Counsel's Office would be willing to work with the County Attorney's Office to re-codify and re-organize this section, as necessary.

Please contact our office if there is any additional information that we can provide.

EXHIBIT A

Proposed Charter Language Regarding Redistricting Procedures

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Article II – Legislative Branch: County Commission

Sec. 2.01. - Composition, redistricting, terms, qualifications, and compensation of members.

The County Commission comprises the Legislative Branch of County government empowered to enact ordinances and resolutions, and to take action that is consistent with this Charter and that is in the best interest of the health, safety, and welfare of the County's citizens.

- A. The County Commission shall be composed of nine (9) members elected from single-member districts.

~~(1) No later than December 31st of the year of publication of each decennial census, the County Commission shall divide the County into nine (9) single-member districts of contiguous territory as nearly as equal in population as practicable, utilizing the most recent decennial census. If, as a result of redistricting, Commissioners no longer reside in the District they were elected to represent, the Commissioners may remain in office, and serve out the balance of their term. Following the decennial census in 2020, and every ten (10) years thereafter, or sooner if it is determined by the County Commission that districts have become unbalanced due to population shifts, the County Commission shall contract with an accredited public four (4) year college or university located within the State of Florida for the purpose of identifying and designating nine (9) single-member districts within Broward County. The process utilized by the college or university shall be open and transparent. The County Commission shall adopt the redistricting plan as designated, provided that the plan is consistent with the requirements of state law and this charter. If, as a result of redistricting, a Commission member no longer resides in the district they were elected to represent, the Commission member may remain in office and serve out that balance of their term. Nothing contained in this section shall be construed to alter the residency requirements for any candidate, including incumbents, during subsequent regular elections.~~

(2) Each District shall be assigned a number from one (1) through nine (9). Commissioners from Districts 1, 3, 5, 7, and 9 shall be elected in the 2004 general election for a term of four (4) years. Commissioners from Districts 2, 4, 6, and 8 elected in 2002 shall serve for a term of four (4) years.

(3) Only qualified electors residing within each District may vote for the Commissioner representing that District. Each Commissioner must be an elector of the County and must be a resident of the particular District upon election.

- B. Commissioners shall be elected on a partisan basis. The terms of office shall begin on the Tuesday two (2) weeks following the day of the general or special election.
- C. Except as provided in this Section, election of Commissioners shall be as provided in Article VIII, Section 1(e), of the Florida Constitution.
- D. The Commissioners' salaries shall be determined and established in accordance with the general law of the State of Florida pertaining to compensation for Commissioners of non-charter counties. Commissioners shall only be reimbursed for expenses that are specifically approved by the County Commission, and when properly incurred on County business, in conformance with the laws of the State of Florida.
- E. Vacancies on the County Commission shall be defined and filled as provided by the laws of the State of Florida. Other than as a result of redistricting, any Commissioners who cease to reside in the District they represent shall be deemed to have vacated their office.