

CRC RESOLUTION NO. 2018-009

A RESOLUTION OF THE BROWARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 2.01, "COMPOSITION, TERMS, QUALIFICATIONS, AND COMPENSATION OF MEMBERS", BY AMENDING SUBSECTION 2.01(E), TO PROVIDE FOR THE FILLING OF VACANCIES IN THE OFFICE OF ANY MEMBER OF THE COUNTY COMMISSION BY APPOINTMENT MADE BY THE COUNTY COMMISSION IF THE REMAINDER OF THE TERM OF THE COUNTY COMMISSIONER'S OFFICE IS LESS THAN TWENTY-EIGHT (28) MONTHS, OTHERWISE UNTIL THE FIRST TUESDAY AFTER THE FIRST MONDAY FOLLOWING THE NEXT GENERAL ELECTION; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 2018 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, in accordance with Section 6.02 of the Broward County Charter, after two (2) public hearings and by an affirmative vote of at least thirteen (13) of the nineteen (19) members, the Broward County Charter Review Commission may submit a proposal to the Board of County Commissioners to amend or revise the Broward County Charter; and

WHEREAS, the Charter of Broward County, Florida mandates that all Charter amendments and revisions proposed by the Charter Review Commission must be submitted to the County Commission no later than the first Tuesday in June of the year in which the term of the Charter Review Commission shall expire; and

WHEREAS, the Charter of Broward 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 BROWARD COUNTY CHARTER REVIEW COMMISSION:

SECTION 1: That pursuant to Section 6.02 of the Charter of Broward 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 2018 General Election, a special referendum issue, the subject of which is proposed to amend Section 2.01, "Composition, Terms, Qualifications, and Compensation of Members", sub-Section 2.01(E), in the Charter of Broward County, Florida, to provide for the process for filling vacancies in the office of any member of the County Commission by appointment made by the County Commission, for the remainder of the term of the County Commissioner's office if less than twenty-eight (28) months, otherwise until the first Tuesday after the first Monday following the next general election, the full text of which is attached hereto and incorporated by reference as if fully set forth herein as **Exhibit "A"**.

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

FILLING VACANCIES ON THE COUNTY COMMISSION

The Charter provides that the filling of vacancies on the County Commission shall be as provided in Florida law. Shall the Charter be amended to provide that vacancies in any office of the County Commission shall be filled by appointment

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made by the County Commission if the remainder of the County Commissioner's term of office is less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election?

YES _____

NO _____

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 Broward 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 ____ day of _____, 20__.

Thomas McDonald, Chairperson

APPROVED AS TO LEGAL FORM:

Samuel S. Goren, General Counsel

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**RECORD OF VOTE
(CRC 2018-009)**

BUSCH	_____	McDONALD	_____
DAVIS	_____	MOSELEY	_____
DIPIETRO	_____	MOSKOWITZ	_____
FABRICIO	_____	NAVARRO	_____
FORMAN	_____	NORRIS-WEEKS	_____
GREENBERG	_____	PETTIS	_____
GUERRA	_____	REYES	_____
GUNZBURGER	_____	SMITH	_____
KANE	_____	WELLS	_____
MAYLOR	_____		

Resolution **CRC 2018-009** passed _____ on _____, 20__.

BROWARD COUNTY CHARTER REVIEW COMMISSION

Attest: _____

Carlos Verney, Executive Director

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Exhibit "A"

Article II, Legislative Branch; County Commission

Section 2.01 Composition, 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.

* * *

E. ~~Vacancies on the County Commission shall be defined and filled as provided by the laws of the State of Florida.~~ The County Commission shall fill by appointment any vacancy in office of any member of the County Commission for the remainder of the term of the County Commissioner's office if less than twenty-eight (28) months, otherwise until the first Tuesday after the first Monday following the next general election. 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.

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