

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Charter Amendment: Clerk Duties

**DEPARTMENT:** County Attorney **DIVISION:** \_\_\_\_\_

**AUTHORIZED BY:** Robert A. McMillan **CONTACT:** Robert McMillan **EXT.** 7250

<b>Agenda Date</b> <u>09.12.2006</u>	<b>Regular</b> <input type="checkbox"/>	<b>Consent</b> <input type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>
<b>Briefing</b> <input type="checkbox"/>	<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/>		<b>Public Hearing – 7:00</b> <input type="checkbox"/>

**MOTION/RECOMMENDATION:**

Adopt the proposed ordinance authorizing and directing the Supervisor of Elections to place charter amendment on the ballot for the November 7, 2006 General Election.

**BACKGROUND:**

The proposed ordinance is to place a charter amendment on the November 7, 2006 General Election ballot to provide that the Clerk of the Circuit Court shall not be the Clerk of the Board of County Commissioners, auditor, recorder and custodian of all county funds and to require the County to provide its own clerk, auditor, recorder and custodian of all county funds.

<b>Reviewed by:</b> _____
<b>Co Atty:</b> _____
<b>DFS:</b> _____
<b>Other:</b> _____
<b>DCM:</b> _____
<b>CM:</b> <u>Ca</u>
<b>File No.</b> <u>CRC-57</u>

AN ORDINANCE PROPOSING AN AMENDMENT TO THE SEMINOLE COUNTY HOME RULE CHARTER; PROPOSING TO AMEND ARTICLE II TO PROVIDE THAT THE CLERK OF THE CIRCUIT COURT SHALL NOT BE THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS, AUDITOR, RECORDER AND CUSTODIAN OF ALL COUNTY FUNDS; PROVIDING FOR THE ASSIGNMENT OF THE DUTIES AND RESPONSIBILITIES OF CLERK OF THE BOARD OF COUNTY COMMISSIONERS, AUDITOR, RECORDER AND CUSTODIAN OF ALL COUNTY FUNDS BY CHARTER OR ADMINISTRATIVE CODE; PROVIDING FOR A REFERENDUM; PROVIDING FOR CODIFICATION AND SEVERABILITY AND CONDITIONING THE EFFECTIVENESS OF THE PROPOSED CHARTER AMENDMENTS UPON VOTER APPROVAL AT A REFERENDUM.

WHEREAS, pursuant to the Seminole County Home Rule Charter, Article IV, Section 4.2(C), the Board of County Commissioners may propose a Charter amendment for referendum vote by passing an ordinance relating to such amendment by a majority vote of the Board; and

WHEREAS, the Charter Review Commission has proposed various amendments or revisions to the Seminole County Home Rule Charter to be placed on the next General Election ballot; and

WHEREAS, the Constitution of the State of Florida Article V Section 16 and Article VIII Section 1(d) provides for changes to the office of the Clerk of the Circuit Court; and

WHEREAS, charter counties have all the powers of local self-government not inconsistent with general law or special law approved by vote of the electors pursuant to Article VIII Section 1(g) of the Florida Constitution; and

**WHEREAS**, the Economic Impact Statement has been appropriately prepared and made available for public review in agreement with the provisions of the Seminole County Home Rule Charter;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

**Section 1. Adoption of Amendments:**

Subject to the approval of the electors at a special election to be held in conjunction with the general election on November 7, 2006, as required by the Constitution, Laws of Florida and Section 4.2(C) of the Seminole County Home Rule Charter, a new section shall be added to the Seminole County Home Rule Charter at Article II Section 2.6 to read as follows:

Section 2.6 Clerk to the Board of County Commissioners, Auditor, Recorder and Custodian of Funds.

The Clerk of the Circuit Court shall no longer be the ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds. If not otherwise provided in this Charter, the Board of County Commissioners shall provide for the assignment of the duties and responsibilities of clerk, auditor, recorder and custodian of all county funds as part of the administrative code required by Article II Section 2.2 E of this Charter.

**Section 2. Referendum.**

(a) The Supervisor of Elections of Seminole County is hereby authorized and directed to place on the ballot for the General Election to be held on November 7, 2006, the following ballot title and question:

Ballot Title

County to provide its own clerk,  
auditor, recorder and custodian of all county funds

Ballot Summary

Unless otherwise provided by county charter, the Florida Constitution requires the Clerk of the Circuit Court, in addition to its constitutional duties as clerk of the court, be the ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds. Shall the Seminole County Charter be amended to transfer those specified functions from the Clerk and require the County to assign those duties in its charter or administrative code?

Yes \_\_\_\_\_

No \_\_\_\_\_

(b) Notice of such referendum shall comply with all requirements of the Seminole County Home Rule Charter, Article IV, Section 4.2(C) and Chapter 100, Florida Statutes.

**Section 3. Codification.** Section 1 of this Ordinance shall be codified in the Seminole County Home Rule Charter if approved by referendum and the word "Ordinance" may be changed to "Section," "Article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered

to accomplish such intention; provided however that no other Sections of this ordinance shall be codified.

**Section 4. Severability.** If any provision of this Ordinance is for any reason held by a court to be unconstitutional, invalid, or void, it is the intent of the Board that such ruling shall not affect other provisions of this Ordinance which can be given affect without the invalid provision, and to such end, the provisions of this Ordinance are declared severable.

**Section 5. Effective Date.** Sections 2, 3, 4, 5 and 6 of this Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners. Section 1 of this Ordinance shall take effect on October 1, 2007 if approved by a majority of voters at referendum.

**ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
CARLTON D. HENLEY, Chairman

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# ECONOMIC IMPACT STATEMENT

**DATE:** August 29, 2006

**DEPT./DIVISION:** County Attorney

**CONTACT PERSON:** Robert McMillan

**EXTENSION:** 7250

## **DESCRIBE PROJECT/PROPOSAL:**

A charter amendment to be placed on the November 7, 2006 General Election ballot providing that the Clerk of the Circuit Court shall not be the Clerk of the Board of County Commissioners, auditor, recorder and custodian of all county funds and for the County to provide its own clerk, auditor, recorder, and custodian of all county funds.

## **DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE OPERATION OF THE COUNTY:**

None.

## **DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE PROPERTY OWNERS/TAX PAYERS/CITIZENS WHO ARE EXPECTED TO BE AFFECTED:**

None.

## **IDENTIFY ANY POTENTIAL INDIRECT ECONOMIC IMPACTS, POSITIVE OR NEGATIVE WHICH MIGHT OCCUR AS A RESULT OF THE PROJECT PROPOSAL:**

None.