

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Charter Amendment: Requirement of Financial Impact Statement

DEPARTMENT: County Attorney DIVISION: _____

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

Agenda Date <u>09.12.2006</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>
Briefing <input type="checkbox"/>	Public Hearing – 1:30 <input checked="" type="checkbox"/>		Public Hearing – 7:00 <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 proposed charter amendment on the November 7, 2006 General Election ballot to authorize the county to adopt an ordinance requiring a financial impact statement be prepared regarding proposed charter amendments and making the financial impact statement a prerequisite to placement on the ballot.

Reviewed by:	_____
Co Atty:	_____
DFS:	_____
Other:	_____
DCM:	_____
CM:	_____
File No.	<u>CRC-58</u>

AN ORDINANCE PROPOSING AN AMENDMENT TO THE SEMINOLE COUNTY HOME RULE CHARTER; PROPOSING TO ADD A SUBSECTION TO ARTICLE IV SECTION 4.2 AUTHORIZING THE COUNTY TO ADOPT AN ORDINANCE REQUIRING A FINANCIAL IMPACT STATEMENT REGARDING PROPOSED CHARTER AMENDMENTS; PROVIDING THAT A FINANCIAL IMPACT STATEMENT CAN BE MADE A PREREQUISITE TO PLACEMENT ON THE BALLOT, 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 Seminole County Home Rule Charter provides that an economic impact statement shall be required for any legislative action to evaluate the costs to the public or taxpayers of Seminole County; and

WHEREAS, it would be to the benefit of the public to include an economic analysis as a part of proposed amendments to the Seminole County Home Rule Charter for the public to better evaluate the impact of such proposed amendments; 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; 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;

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

Section 1. Adoption of Amendment:

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, the Seminole County Home Rule Charter at Article II Section 4.2(D) shall be added to read:

D. Fiscal Impact of Proposed Charter Amendments. The Board of County Commissioners is authorized to provide by county ordinance for the provision of a statement to the public regarding the probable financial impact of any proposed charter amendment. The ordinance may provide that proposed amendments be submitted to the County for fiscal analysis as a prerequisite to placement on the ballot and that the fiscal impact be reflected in any proposed ballot language.

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

Financial Impact of Proposed Charter Amendments

Ballot Summary

Shall the Seminole County Charter be amended to authorize the County to require a statement of financial impact be provided to the public regarding proposed charter amendments and to make the statement a prerequisite to placement of proposed charter amendments on the ballot?

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 November 7, 2006 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 authorizing the county to adopt an ordinance requiring a financial impact statement be prepared for proposed charter amendments and making the financial impact statement a prerequisite to placement on the ballot.

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:

Citizens will be better informed of the financial impacts proposed charter amendments will have on them and the operations of the county.