

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Charter Amendment: Frequency of Charter Review Commission appointments

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 provide for a Charter Review Commission to be appointed every ten (10) years instead of every six (6) years.

Reviewed by:	<u>AS</u>
Co Atty:	<u>AS</u>
DFS:	<u>AS</u>
Other:	_____
DCM:	_____
CM:	<u>CC</u>
File No.	<u>CRC-59</u>

AN ORDINANCE PROPOSING AN AMENDMENT TO THE SEMINOLE COUNTY HOME RULE CHARTER; PROPOSING TO AMEND ARTICLE IV OF THE HOME RULE CHARTER PROVIDING THAT A CHARTER REVIEW COMMISSION BE APPOINTED EVERY TEN (10) YEARS; 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, hearings have been held to inform the public and receive suggestions regarding this and other amendments proposed to be made to the Seminole County Home Rule Charter; and

WHEREAS, the Seminole County Home Rule Charter provides Seminole County with all powers of local self-government not inconsistent with general law and special acts approved by referendum pursuant to Article VIII, Section 1(g) of the Florida Constitution; and

WHEREAS, passage of this Ordinance will allow the residents of Seminole County to adopt or reject the proposed Amendment at a special election in conjunction with the general election to be held on November 7, 2006; 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 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, Article IV, Section 4.2(B) of the Seminole County Home Rule Charter is amended to read:

Section 4.2(B) Amendments and Revisions by Charter Review Commission.

1. A Charter Review Commission consisting of fifteen (15) electors of the County shall be appointed by the Board of County Commissioners at least twelve (12) months before the general election occurring in 2006 and at least twelve (12) months before the general election every ~~six (6)~~ ten (10) years thereafter. Of the fifteen (15) members, at least one (1) shall reside in each of the municipalities in the County and at least one (1) shall reside in each County Commission district in the unincorporated area. The Charter Commission shall review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the State Legislature, elected County or municipal officer, County Manager, County Department head, County Attorney or Manager, Attorney or Department head of any municipality shall be a member of the Charter Review Commission. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

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

Appointment of Charter Review Commission changed from every 6 years to every 10 years

Ballot Summary

Shall the Seminole County Charter be amended to change the frequency of appointment of the Charter Review Commission from every six (6) years to every ten (10) years?

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. 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

CARLTON D. HENLEY, Chairman

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8/14/06
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Last printed 8/24/2006 9:53:00 AM
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ECONOMIC IMPACT STATEMENT

DATE: August 29, 2006

DEPT./DIVISION: County Attorney

CONTACT PERSON: Robert McMillan

EXTENSION: 7250

DESCRIBE PROJECT/PROPOSAL:

To place a charter amendment on the November 7, 2006 General Election ballot providing for a Charter Review Commission to be appointed every ten (10) years instead of every six (6) years.

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.