

CRC RESOLUTION NO. 2010-002

ITEM VII. B.

**A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE FOR CHARTER AMENDMENTS WHICH TRANSFER OR LIMIT ANY FUNCTION, SERVICE, POWER, OR AUTHORITY OF A MUNICIPALITY WITHIN BREVARD COUNTY TO BE EFFECTIVE WITHIN THE MUNICIPALITY ONLY UPON THE APPROVAL OF A MAJORITY OF THE ELECTORS IN THE COUNTY, AS WELL AS A MAJORITY OF THE ELECTORS WITHIN THE RESPECTIVE MUNICIPALITY VOTING IN A REFERENDUM TO APPROVE THE APPLICABILITY OF THE CHARTER AMENDMENT IN THE MUNICIPALITY; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 2010 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**, after three (3) public hearings and by an affirmative vote of at least ten (10) of the fifteen (15) members, the Brevard County Charter Review Commission may submit a proposal to the Board of County Commissioners to amend the Brevard County Charter; and

**WHEREAS**, the Charter of Brevard County, Florida mandates that the Charter Review Commission, within one year from the date of its first meeting, present to the County Commissioners its recommendations for amendments to the Charter; and

**WHEREAS**, the Charter of Brevard 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 BREVARD COUNTY  
CHARTER REVIEW COMMISSION:**

**SECTION 1:** That pursuant to Section 7.4. of the Charter of Brevard 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, 2010 General Election, a special referendum issue, the subject of which is to provide for a new Section 1.8 of the Brevard County Charter, which would prohibit any charter amendment which affects the transfer of any municipal services, functions, power, or authority, from being effective within a specific municipality unless a majority of the voters in the municipality, voting in a referendum regarding the charter amendment, approve the applicability of the charter amendment within the municipality, as more fully set forth in **Exhibit "A"**.

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

**REQUIRES MUNICIPAL VOTER APPROVAL OF COUNTY CHARTER  
AMENDMENTS AFFECTING MUNICIPAL SERVICE, FUNCTION,  
POWER OR AUTHORITY**

Shall the Brevard County Charter be amended to require that charter amendments that are approved after December 1, 2010, by a majority of Brevard County voters, voting in a referendum, apply to a municipality only if the amendment is also approved by a majority of voters in that municipality voting in a referendum, when the proposed amendment conflicts with, transfers or limits a municipal service, function, power, or authority?

YES FOR APPROVAL \_\_\_\_\_

NO FOR REJECTION \_\_\_\_\_

**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 Brevard 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 8<sup>th</sup> day of July, 2010.

\_\_\_\_\_  
Kendall T. Moore, Chairperson

**RECORD OF VOTE  
(CRC 2010-002)**

BOBAY	DISTRICT 1	___	PORTER	DISTRICT 2	___
FINNEY	DISTRICT 2	___	ROSASCO	DISTRICT 3	___
HARRIS	DISTRICT 1	___	SCHMITT	DISTRICT 4	___
HOLTON	DISTRICT 5	___	YOUNG	DISTRICT 3	___
JENKINS	DISTRICT 4	___	ZILAITIS	DISTRICT 5	___
LAMB	DISTRICT 5	___			
LUDWICZAK	DISTRICT 4	___			
LUNDGREN	DISTRICT 2	___			
MOORE	DISTRICT 1	___			
NYE	DISTRICT 3	___			

Resolution **CRC 2010-002** passed \_\_\_\_\_ on July 8, 2010.

**BREVARD COUNTY CHARTER REVIEW COMMISSION**

Attest: \_\_\_\_\_  
 Maria Scruggs, Secretary, Charter Review Commission

SSG:DNT:dnt  
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**EXHIBIT "A"**

**ARTICLE 1.**

**CREATION OF POWERS AND ORDINANCES  
OF HOME RULE CHARTER GOVERNMENT**

**SECTION 1.8 CHARTER AMENDMENTS AFFECTING MUNICIPALITIES**

No provision of this Charter adopted after December 1, 2010, which conflicts with, transfers, or limits any function, service, power, or authority of a municipality within Brevard County, shall apply to a municipality affected unless a majority of the voters in the municipality voting in a referendum approve the charter amendment.

**Coding: Words in ~~struck-through~~ type are deletion from existing text.  
Words in underscored type are additions.**