

CRC RESOLUTION NO. 2010-001

A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE FOR A PREAMBLE FOR THE BREVARD COUNTY CHARTER; 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 proposed to retitle Section 1.1 of the Brevard County Charter to be the Preamble of the Brevard County Charter, 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:

**CREATION OF A PREAMBLE FOR
THE BREVARD COUNTY CHARTER**

Currently the Charter commences with Article 1, entitled "Creation, Powers and Ordinances of Home Rule Charter Government". Shall the Charter be amended to create an introductory Preamble by moving language from the existing Section 1.1 of the Brevard County Charter into the new Preamble?

YES FOR APPROVAL _____

NO FOR REJECTION _____

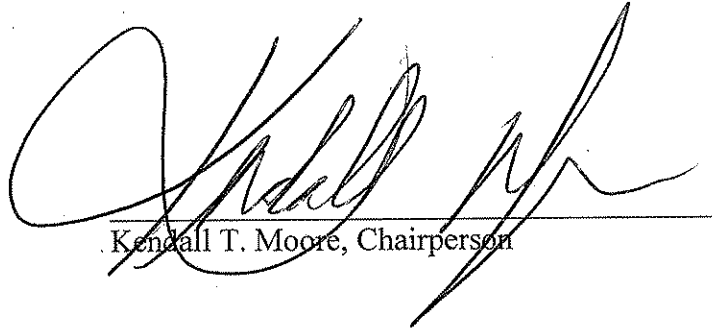
SECTION 3: That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue, attached **Exhibit "A"** shall become a part of the Charter of Brevard County, Florida.

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 8th day of July, 2010.



Kendall T. Moore, Chairperson

**RECORD OF VOTE
(CRC 2010-001)**

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 2010-001** passed 13-0 on July 8, 2010.

BREVARD COUNTY CHARTER REVIEW COMMISSION

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

SSG:DNT:dnt
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EXHIBIT "A"

PREAMBLE

WE, THE PEOPLE of Brevard County, residing in the constituent State of Florida of the United States of America, grateful for and secure in our protected individual rights, and in affirmation of dedication to the Constitution of the United States, the Constitution of the State of Florida and the laws enacted in accordance with these constitutions, do ordain and establish this Home Rule Charter for the execution of our County Government for the most common benefits to our inhabitants.

ARTICLE 1.

CREATION OF POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT

SECTION 1.1 CREATION AND GENERAL POWERS OF HOME RULE CHARTER GOVERNMENT

~~WE, THE PEOPLE of Brevard County, residing in the constituent State of Florida of the United States of America, grateful for and secure in our protected individual rights, and in affirmation of dedication to the Constitution of the United States, the Constitution of the State of Florida and the laws enacted in accordance with these constitutions, do ordain and establish this Home Rule Charter for the execution of our County Government for the most common benefits to our inhabitants.~~ Brevard County shall be a home rule charter county, and, except as may be limited by this Home Rule Charter, shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.

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

2009-2010 Brevard County Charter Review Commission

Concept Proposal Voting Record

Concept Proposal: **Proposed Res. No. 2010-001; Proposal #21 Preamble to the Brevard County Charter**

Date: **July 8, 2010**

MOTION/SECOND BY: Duwayne Lundgren/Neta Harris

MOTION TO: **Approve**

#	DISTRICT	COMMISSIONER	YES	NO	COMMENTS
1	1	Mr. Bobay	X		
2	1	Mr. Moore	X		
3	1	Ms. Harris	X		
4	2	Mr. Lundgren	X		
5	2	Mr. Porter	X		
6	2	Ms. Finney	X		
7	3	Mr. Nye			ABSENT
8	3	Mr. Rosasco	X		
9	3	Mr. Young	X		
10	4	Mr. Ludwiczak	X		
11	4	Mr. Jenkins	X		
12	4	Ms. Schmitt	X		
13	5	Mr. Holton	X		
14	5	Mr. Lamb			ABSENT
15	5	Mr. Zilaitis	X		
Vote Total				PASSES X	FAILS

Result: The vote was unanimous, 13-0.