

CRC RESOLUTION NO. 2010-002

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 county charter amendments approved after December 1, 2010, that conflict with, transfer or limit a municipality's service, function, power, or authority apply to that municipality only if the amendment is approved or consented to by a majority of voters in that municipality voting in a referendum?

YES FOR APPROVAL _____

NO FOR REJECTION _____

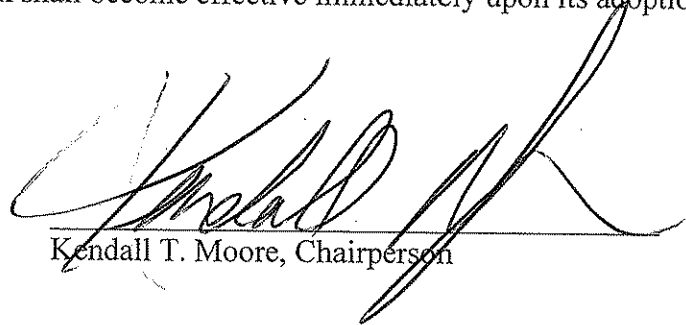
SECTION 3: That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue, attached **Exhibit "A"** shall become a part of the Charter of Brevard County, Florida.

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 2010-002)**

BOBAY	DISTRICT 1	<u>N</u>	PORTER	DISTRICT 2	<u>Y</u>
FINNEY	DISTRICT 2	<u>Y</u>	ROSASCO	DISTRICT 3	<u>Y</u>
HARRIS	DISTRICT 1	<u>Y</u>	SCHMITT	DISTRICT 4	<u>Y</u>
HOLTON	DISTRICT 5	<u>Y</u>	YOUNG	DISTRICT 3	<u>Y</u>
JENKINS	DISTRICT 4	<u>Y</u>	ZILAITIS	DISTRICT 5	<u>Y</u>
LAMB	DISTRICT 5	<u>-</u>			
LUDWICZAK	DISTRICT 4	<u>Y</u>			
LUNDGREN	DISTRICT 2	<u>Y</u>			
MOORE	DISTRICT 1	<u>Y</u>			
NYE	DISTRICT 3	<u>-</u>			

Resolution **CRC 2010-002** passed 12-1 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"

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.

2009-2010 Brevard County Charter Review Commission

Concept Proposal Voting Record

Concept Proposal: **Proposed Res. No. 2010-002; Proposal #6 Municipal Consent to Charter Amendment**

Date: **July 8, 2010**

MOTION/SECOND BY: John Porter/Tres Holton

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 12-1, with Bobay voting nay.