Agenda Item #:	6	A	-2
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## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM SUMMARY

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Meeting Date:	August 21, 2007	[]	Consent Ordinance	[X] []	Regular Public Hearing
Department: Submitted By: Submitted For:	Administration				
		=====	==============	=====	

## I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 11, 2007 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE PALM BEACH COUNTY CHARTER CONCERNING THE TRANSFER OR LIMIT OF A SERVICE, FUNCTION, POWER OR AUTHORITY OF A MUNICIPALITY; PROVIDING FOR CHARTER AMENDMENT LANGUAGE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

**Summary:** This Ordinance will place a proposed charter amendment on the November 4, 2008 general election ballot that will revise how and where future charter amendments will be implemented. If passed, this charter amendment would provide that any approved charter amendment that transfers or limits a service, function, power or authority of a municipality shall be effective in a municipality only if the amendment is also approved by a majority of voters in that municipality voting in the referendum. <u>Countywide</u> (LB)

**Background and Policy Issues:** The proposed charter amendment is being initiated by the County Commission at the request of the Let Us Vote Political Action Committee (LUVPAC). Last Spring, the LUVPAC began a petition drive seeking to place the proposed amendment on the January 29, 2008 ballot. At the same time, LUVPAC asked the County Commission to initiate the amendment, and thereby eliminate the need to complete the petition drive. The Commission agreed to do so after LUVPAC agreed to defer the question to a later election. This item sets the proposed amendment and ballot language and directs the Supervisor of Elections to place the matter on the November 4, 2008 ballot.

#### Attachments:

1. Proposed Ordinance

# II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal impact:

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)	······	·			
NET FISCAL IMPACT # ADDITIONAL FTE POSITIONS (Cumulative		·			
Is Item Included In Current Budget Account No.:	Budget? Fund Program	Yes Dept	No _ Unit	Objec	t

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

A. OFMB Budget and/or Contract Dev. and Control Comments:

OFMB/Budget [1]

175/07 0 Contract Developingnt and ol

Β. Lega) Sufficiency: ma Assistant County Attorney

C. Other Department Review:

**Department Director** 

This summary is not to be used as a basis for payment.

1	ODDING NOT NO. 2007
2 3	ORDINANCE NO. 2007
4 5	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY,
6	FLORIDA, PROVIDING FOR AN AMENDMENT TO THE
7 8	PALM BEACH COUNTY CHARTER CONCERNING THE TRANSFER OR LIMIT OF A SERVICE, FUNCTION,
9	POWER OR AUTHORITY OF A MUNICIPALITY;
10 11	PROVIDING FOR CHARTER AMENDMENT LANGUAGE; PROVIDING FOR REFERENDUM AND
12	BALLOT LANGUAGE; PROVIDING FOR FORM OF
13 14	NOTICE; PROVIDING FOR ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR
15	SEVERABILITY; PROVIDING FOR INCLUSION IN THE
16 17	CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.
18	DATE.
19	WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida
20	provides that by general law a county government may be established by charter; and
21	WHEREAS, the voters of Palm Beach County adopted the Palm Beach County Charter
22	on November 6, 1984, effective January 1, 1985; and
23	WHEREAS, the Palm Beach County Charter provides that the Board of County
24	Commissioners may propose a charter amendment subject to voter approval; and
25	WHEREAS, the Board of County Commissioners of Palm Beach County desires to
26	propose a charter amendment that would require both County and Municipal approval of
27	charter amendments affecting a municipal power or function.
28	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
29	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:
30	Section 1. AMENDMENT OF CHARTER
31	Subject to the approval of the electorate as required by the Constitution and Laws of
32	Florida, Section 6.3 of the Palm Beach County Charter shall be amended as follows:
33 34	Sec. 6.3 Home Rule Charter Amendments
35	Amendments to this Home Rule Charter may be proposed by the
36 37	Board of County Commissioners by an affirmative vote of at
38	least four (4) members <del>, subject to approval by the voters of Palm</del> Beach County in a referendum. The Home Rule Charter
39	amendment may also be initiated by seven (7) percent of the
40 41	number of voters qualified to vote in the last general election, and the initiated amendment shall be presented and verified in the
42	manner and time set forth in Article V, Section 5.1. The Home
43 44	Rule Charter amendment so initiated shall be placed on the ballot
45	on the first Tuesday after the first Monday in November of any year or in connection with a presidential preference primary
46 47	occurring at least thirty (30) days after verification. Amendments
-+/	to this Home Rule Charter must be approved by a majority of the

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1 2 3 4 5 6 7 8 9 10	voters of Palm Beach County voting in a referendum. Approved charter amendments that transfer or limit a service, function, power or authority of a municipality shall be effective in a municipality only if the amendment is also approved by a majority of voters in that municipality voting in the referendum. If approved by a majority of those who voted, the Home Rule Charter amendment shall become effective on the date specified in the amendment or, if not so specified, on January 1 following the election. Each amendment to this Home Rule Charter shall be limited to a single and independent subject.
11	Section 2. REFERENDUM AND BALLOT LANGUAGE
12	On November 4, 2008, a general election is to be held, and in accordance with the
13	requirements of the Constitution and Laws of Florida, the following question shall be placed on
14	the ballot by the Supervisor of Elections:
15 16 17 18 19	REQUIRE BOTH COUNTY AND MUNICIPAL APPROVAL OF CHARTER AMENDMENTS AFFECTING MUNICIPAL POWER OR FUNCTION Shall the Palm Beach County Charter be amended to have charter
20 21 22 23 24	amendments that are approved by a majority of Palm Beach County voters take effect in a municipality only if the amendment is also approved by a majority of voters in that municipality, when the proposed amendment transfers or limits a municipal service, function, power or authority?
25 26	YES
27	NO
28	Section 3. FORM OF NOTICE
29	The form of notice of the election by which this Charter shall be submitted to a
30	referendum shall contain the complete text of Sections 1 and 2 of this Ordinance.
31	Section 4. ADOPTION BY VOTE OF THE BOARD OF COUNTY COMMISSIONERS
32	Pursuant to Section 6.3 of the Palm Beach County Charter, this Ordinance providing for
33	amendment to the Palm Beach County Charter was adopted by an affirmative vote of at least

- 34 four (4) members of the Board of County Commissioners of Palm Beach County.
- 35 Section 5. SEVERABILITY
- 36 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
- 37 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
- 38 such holding shall not affect the remainder of this Ordinance.

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# Section 6. INCLUSION IN THE CHARTER

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In the event this proposed amendment is approved by referendum, Section 1 of this Ordinance shall become and be made a part of the Home Rule Charter of Palm Beach County, Florida. The Articles or Sections of this Charter Amendment Ordinance may be renumbered or relettered to accomplish such, and the word "amendment" may be changed to "section," "article," or any other appropriate word.

### 7 Section 7. EFFECTIVE DATE

- 8 The proposed charter amendment set forth in this Ordinance shall become law on
- 9 January 1, 2009, if approved by a majority of those electors voting on the matter.

10 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach

11 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2007.

12	SHARON R. BOCK, CLERK	PALM BEACH COUNTY, FLORIDA, BY ITS
13	& COMPTROLLER	BOARD OF COUNTY COMMISSIONERS
14		
15		
16		Ву:
17	Deputy Clerk	Addie L. Greene, Chairperson
18		
19	APPROVED AS TO FORM AND	
20	LEGAL SUFFICIENCY	
21		
22		
23	By:	
24	County Attorney	
25		
26	EFFECTIVE DATE: Filed with	the Department of State on the day of
27	, 2007.	