

6A-2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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

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 FORM OF NOTICE; PROVIDING FOR ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS; 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. Countywide (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 (LUV PAC). Last Spring, the LUV PAC began a petition drive seeking to place the proposed amendment on the January 29, 2008 ballot. At the same time, LUV PAC 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 LUV PAC 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

Recommended by: \_\_\_\_\_

Department Director Date

Approved By: : \_\_\_\_\_ 7/23/07

Assistant County Administrator Date

**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)                             | _____       | _____       | _____       | _____       | _____       |
| <b>NET FISCAL IMPACT</b>                           | _____       | _____       | _____       | _____       | _____       |
| # ADDITIONAL FTE                                   | _____       | _____       | _____       | _____       | _____       |
| POSITIONS (Cumulative)                             | _____       | _____       | _____       | _____       | _____       |
| Is Item Included In Current Budget? Yes ___ No ___ |             |             |             |             |             |
| Budget Account No.:                                | Fund ___    | Dept ___    | Unit ___    | Object ___  |             |
|  | Program     |             |             |             |             |

**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:**

|   |   |
|---|---|
| <br>_____<br>OFMB/Budget | <br>_____<br>Contract Development and Control |
|---|---|

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

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



1                    voters of Palm Beach County voting in a referendum. Approved  
2                    charter amendments that transfer or limit a service, function,  
3                    power or authority of a municipality shall be effective in a  
4                    municipality only if the amendment is also approved by a  
5                    majority of voters in that municipality voting in the referendum.  
6                    ~~If approved by a majority of those who voted,~~ the Home Rule  
7                    Charter amendment shall become effective on the date specified  
8                    in the amendment or, if not so specified, on January 1 following  
9                    the election. Each amendment to this Home Rule Charter shall  
10                    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                    REQUIRE BOTH COUNTY AND MUNICIPAL APPROVAL  
16                    OF CHARTER AMENDMENTS AFFECTING MUNICIPAL  
17                    POWER OR FUNCTION  
18

19                    Shall the Palm Beach County Charter be amended to have charter  
20                    amendments that are approved by a majority of Palm Beach  
21                    County voters take effect in a municipality only if the amendment  
22                    is also approved by a majority of voters in that municipality,  
23                    when the proposed amendment transfers or limits a municipal  
24                    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.

1 **Section 6. INCLUSION IN THE CHARTER**

2 In the event this proposed amendment is approved by referendum, Section 1 of this  
3 Ordinance shall become and be made a part of the Home Rule Charter of Palm Beach County,  
4 Florida. The Articles or Sections of this Charter Amendment Ordinance may be renumbered or  
5 relettered to accomplish such, and the word "amendment" may be changed to "section,"  
6 "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  
13 & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

14  
15  
16 By: \_\_\_\_\_  
17 Deputy Clerk

By: \_\_\_\_\_  
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.