

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?	Yes <input type="checkbox"/>		No <input type="checkbox"/>		
Budget Account No.:	Fund _____	Dept _____	Unit _____	Object _____	
	Program _____				


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

C. Departmental Fiscal Review:

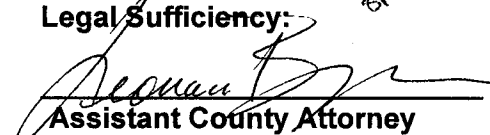
III. REVIEW COMMENTS

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

No fiscal impact.

 _____ OFMB/Budget	 _____ Contract Development and Control
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B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

 Department Director

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

ORDINANCE NO. 2007-_____

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.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter; and

WHEREAS, the voters of Palm Beach County adopted the Palm Beach County Charter on November 6, 1984, effective January 1, 1985; and

WHEREAS, the Palm Beach County Charter provides that the Board of County Commissioners may propose a charter amendment subject to voter approval; and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to propose a charter amendment that would require both County and Municipal approval of charter amendments affecting a municipal power or function.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. AMENDMENT OF CHARTER

Subject to the approval of the electorate as required by the Constitution and Laws of Florida, Section 6.3 of the Palm Beach County Charter shall be amended as follows:

Sec. 6.3 Home Rule Charter Amendments

Amendments to this Home Rule Charter may be proposed by the Board of County Commissioners by an affirmative vote of at least four (4) members, ~~subject to approval by the voters of Palm Beach County in a referendum.~~ The Home Rule Charter amendment may also be initiated by seven (7) percent of the number of voters qualified to vote in the last general election, and the initiated amendment shall be presented and verified in the manner and time set forth in Article V, Section 5.1. The Home Rule Charter amendment ~~so initiated~~ shall be placed on the ballot on the first Tuesday after the first Monday in November of any year or in connection with a presidential preference primary 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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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.

Section 2. REFERENDUM AND BALLOT LANGUAGE

On November 4, 2008, a general election is to be held, and in accordance with the requirements of the Constitution and Laws of Florida, the following question shall be placed on the ballot by the Supervisor of Elections:

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 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?

YES _____
NO _____

Section 3. FORM OF NOTICE

The form of notice of the election by which this Charter shall be submitted to a referendum shall contain the complete text of Sections 1 and 2 of this Ordinance.

Section 4. ADOPTION BY VOTE OF THE BOARD OF COUNTY COMMISSIONERS

Pursuant to Section 6.3 of the Palm Beach County Charter, this Ordinance providing for amendment to the Palm Beach County Charter was adopted by an affirmative vote of at least four (4) members of the Board of County Commissioners of Palm Beach County.

Section 5. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, 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.

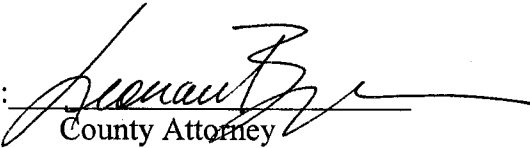
12 SHARON R. BOCK, CLERK
13 & COMPTROLLER

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

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16 By: _____
17 Deputy Clerk

By: _____
Addie L. Greene, Chairperson

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19 APPROVED AS TO FORM AND
20 LEGAL SUFFICIENCY

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23 By: 
24 County Attorney
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26 EFFECTIVE DATE: Filed with the Department of State on the ____ day of
27 _____, 2007.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
(CODRS) CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (PALM BEACH) COUNTY ORDINANCE # (2007 - _____)
(e.g., 00-001)

PRIMARY KEYFIELD
 DESCRIPTOR: (CHARTER)

SECONDARY KEYFIELD
 DESCRIPTOR: (REFERENDA)

OTHER KEYFIELD
 DESCRIPTOR: (MUNICIPALITIES)

ORDINANCE DESCRIPTION: (CHARTER AMENDMENT BY REFERENDUM)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (_____) AMENDMENT # 2: (_____)

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: (_____) REPEAL # 3: (_____)

REPEAL # 2: (_____) REPEAL # 4: (_____)

(Others repealed: List all that apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: (_____)

KEYFIELD 1 CODE: (_____) KEYFIELD 2 CODE: (_____)

KEYFIELD 3 CODE: (_____)

Rev. 4/10/04