

**BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA**



**PUBLIC WORKSHOP  
AGENDA  
CHARTER GOVERNMENT**

**THURSDAY, APRIL 12, 2007 - 9:00 A.M.**

**County Commission Chamber  
County Administration Building**

**1840 25<sup>th</sup> Street. Vero Beach, Florida, 32960-3365**

**WWW.IRCGOV.COM**

---

**COUNTY COMMISSIONERS**

<b>Gary C. Wheeler, Chairman</b>	<b>District 3</b>	<b>Joseph A. Baird, County Administrator</b>
<b>Sandra L. Bowden, Vice Chairman</b>	<b>District 5</b>	<b>William G. Collins II, County Attorney</b>
<b>Wesley S. Davis</b>	<b>District 1</b>	<b>Jeffrey K. Barton, Clerk to the Board</b>
<b>Joseph E. Flescher</b>	<b>District 2</b>	
<b>Peter D. O'Bryan</b>	<b>District 4</b>	

- 
- | <b>1.</b> | <b><u>CALL TO ORDER</u></b>                                       | <b><u>9:00 A.M.</u></b>                | <b><u>PAGE</u></b> |
|-----------|---|--|--------------------|
| <b>2.</b> | <b><u>PLEDGE OF ALLEGIANCE</u></b>                                | William G. Collins II, County Attorney |                    |
| <b>3.</b> | <b><u>PRESENTATION ON CHARTER GOVERNMENT IN FLORIDA</u></b>       |  |                    |
|           | Kurt Spitzer, Kurt Spitzer & Associates, Inc                      |  |                    |
|           | A. Draft of the Home Rule Charter – for use as a Discussion Guide |  |                    |
| <b>4.</b> | <b><u>BOARD DISCUSSION/COMMENTS</u></b>                           |  |                    |
| <b>5.</b> | <b><u>PUBLIC COMMENTS</u></b>                                     |  |                    |
| <b>6.</b> | <b><u>CONCLUDING REMARKS</u></b>                                  |  |                    |
| <b>7.</b> | <b><u>ADJOURNMENT</u></b>   |  |                    |

NOTICE: All proceedings before this Board are electronically recorded. Any person who decides to appeal any action taken by the Board at these meetings will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made. Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act Coordinator at 226-1223, (TDD # 772-770-5215) at least 48 hours in advance of the workshop.



## MEMORANDUM

TO: Board of County Commissioners  
Indian River County

FROM: Kurt Spitzer

DATE: April 9, 2007

RE: Indian River County Charter  
April 9, 2007 Draft

Under separate cover please find an updated draft of the proposed charter for Indian River County that was discussed during the workshop meeting of last month. The attached version is presented in “black-line” format so that each change can be easily identified. Most of the revisions contained in the attached draft are deletions of language that was a limitation on the operation of the county or was otherwise not necessary for the charter to function effectively. Significant changes or revisions to specific articles or sections of the charter are discussed below.

### Preamble

A Preamble has been added to the charter.

### Article I – Creation, Powers and Ordinances

1.4.2 (Municipal purposed) - This subsection states that the county has powers to perform municipal purposes within special districts and restates that property within cities shall not be subject to taxation for services rendered by the county for the benefit of property or residents outside municipal boundaries. The language that was deleted was not necessary.

1.6 (Separation of Powers) – The revisions clarify the principal of separation of powers and that Indian River County shall operate under a Commission-Administrator form of government.

Memorandum  
April 9, 2007  
Page two

1.8 (Conflict of County Ordinances with Municipal Ordinances) – This section clarifies that county ordinances that are in conflict with municipal ordinances shall not be effective within the city to the extent of the conflict. Exceptions are policies concerning increases in height of buildings. Exceptions concerning the county comprehensive plan are provided under separate cover.

#### Article II – Legislative Branch

2.7 (Meetings) – The section concerning regular and special meetings of the county commission has been deleted in its entirety. Policy in this area will be controlled by general law and the County's administrative code.

2.8 (Powers) – Most of the section concerning the powers of the Board of County Commissioners has been deleted. Policy in this area is set by the Florida Constitution and general law.

2.9 (Legislative procedures) – This section concerning the process and procedures by which official actions are taken by the Board of County Commissioners has been deleted. Policy in this area is set by the Florida Constitution, general law and the County's administrative code.

#### Article III – Administrative Branch

3.3 (Powers and duties) – As with Section 2.8, most of Section 3.3 has been deleted. The powers and duties of the Administrator will be set by the Board of County Commissioners, in accordance with general law and the County's administrative code.

#### Article IV – Administrative Departments

4.2 (Department heads) – This section is deleted so that general law and policy set in the administrative code will control.

The section concerning the County Attorney was relocated as a separate Article of the Charter, thereby further clarifying that the County Attorney is not employed or supervised by the County Administrator, as all other department heads are.

Please contact me if you have any questions.

# HOME RULE CHARTER

Indian River County

**DRAFT**    **April 9, 2007**

## **PREAMBLE**

THE CITIZENS OF INDIAN RIVER COUNTY, by the grace of God free and independent, joined together in the belief that governmental decisions affecting local interests should be made locally rather than by the State, and that policies and initiatives concerning planning for growth and development should be implemented with improved cooperation by and between the County and other governments within the County, and that the prerogatives of municipalities shall be respected when such concern municipal interests, to create a more responsive and effective system of government, and to avail themselves of the full home rule benefits afforded by the Florida Constitution to adopt a Home Rule Charter, do hereby ordain and establish this Home Rule Charter as our form of government for Indian River County.

## **ARTICLE 1**

### **CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT**

#### **1.1    Creation and general powers of home rule charter government**

# HOME RULE CHARTER

Indian River County

Indian River County shall be a home rule charter county, and, except as may be limited by this Home Rule Charter (“Charter”), shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.

## 1.2 Body corporate, name and boundaries

Indian River County shall be a body corporate and politic. The corporate name shall be Indian River County. The county seat and boundaries shall be those designated by law on the effective date of this Charter.

## 1.3 Construction

The powers granted by this Home Rule Charter shall be construed broadly in favor of the charter government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government, as stated in this article. It is the intent of this article to grant to the charter government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the charter government.

## 1.4 Special powers and duties of county

**1.4.1 County purposes.** The county, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter, heretofore granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

# HOME RULE CHARTER

Indian River County

**1.4.2 Municipal purposes.** The county shall have all necessary powers to accomplish municipal purposes within special districts. Property situated within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents not within municipal boundaries, nor shall property situated in the county be subject to taxation for services provided by the county exclusively for the benefit of the property or residents within municipal boundaries. ~~To this end, the Board of County Commissioners may by ordinance create districts for the purpose of levying ad valorem taxes and special assessments to pay for the furnishing of municipal services, and the tax imposed shall be within the limits of millage set for municipal purposes. Should such services be furnished within a municipality, the total millage levied by the municipality and the county district levy for said municipal purposes shall not exceed the maximum millage set by law for municipal purposes.~~

## 1.5 Transfer of powers

Whenever a municipality, special district or agency shall request the performance or transfer of a function to the county, the county shall have the power and authority to assume and perform such functions and obligations. This section does not authorize a transfer in violation of Article VIII, §4 of the Constitution of Florida.

## 1.6 Separation of powers

Indian River County shall operate under an elected county commission and appointed county administrator form of government with This Charter hereby establishes ~~the~~ separation between the legislative and ~~administrative~~ executive functions of the ~~this~~

# HOME RULE CHARTER

Indian River County

government in accordance with the provisions of this Charter. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Administrator.

## 1.7 Relation to state law

The provisions of this Charter are not intended, and shall not be construed, to conflict with the Constitution of the State of Florida, general law, or special law approved by vote of the electorate.

## 1.8 Conflict of County Ordinances with Municipal Ordinances

~~Notwithstanding any other provisions~~Except as otherwise provided in of this charter, any County ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict regardless of whether such municipal ordinance was adopted or enacted before or after the County ordinance.; In the event a county ordinance and a municipal ordinance shall cover the same subject matter without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

### 1.8.1 Urban Services Boundary

(supplemental language)

# HOME RULE CHARTER

Indian River County

## ARTICLE 2

### LEGISLATIVE BRANCH:

#### BOARD OF COUNTY COMMISSIONERS

##### 2.1 Composition

There shall be five county commissioners' districts in Indian River County, which shall be numbered one to five, inclusive, the districts ~~being together covering the entire county and~~ as nearly equal in population as practicable. There shall be one Commissioner for each of the five districts. County commissioners shall be elected on a countywide basis by all of the electors of the county.

##### 2.2 Redistricting

In the first odd-numbered year after each decennial census, the Board of County Commissioners shall divide the county into districts of contiguous territory. The Board of County Commissioners may redivide the districts in any other odd-numbered year so as to keep them as nearly equal in population as practicable. Whenever the boundaries of existing county commissioners' districts are changed by the Board of County Commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for two (2) consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the Board of County Commissioners.

##### 2.3 Qualifications and Election



# HOME RULE CHARTER

## Indian River County

County commissioners shall be qualified electors of the county. Commissioners shall reside one in each of the commission districts. During the term of office, each commissioner shall reside in the district for which he or she ran for office. Any commissioner who shall remove his or her residency from the district for which he or she is elected shall thereupon become disqualified to represent said district and the office of any such commissioner shall be deemed vacant, except that any commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

### **2.4 Terms of office**

Each commissioner shall be elected for a term of four (4) years, beginning on the second Tuesday after election, and continuing after such term until his or her successor is elected and qualified. Terms shall be staggered as provided in general law for the governing board of a non-charter county. ~~so that one more or one less than half of the commissioners elected from residence areas are elected every two years.~~

### **2.5 Salary and other compensation**

Salary and other compensation of the county commissioners shall be the same as those set by general law for the county commissioners of non-charter counties, and shall not be lowered during a county commissioner's term of office.

# HOME RULE CHARTER

Indian River County

## 2.6 Vacancies and suspensions

Vacancies in any county commissioner's office or other elected county office shall be filled in accordance with the Constitution and general laws of Florida. Commissioners may be suspended or removed from office in accordance with the Constitution and general laws of Florida, and in addition may be recalled from office as provided in this Charter.

## ~~2.7 Meetings~~

~~The organizational meeting of the Board of County Commissioners shall be held annually at its first meeting in January.~~

~~The Board of County Commissioners shall provide by resolution for the location, time and place for holding all regular meetings of the Board of County Commissioners. At its organizational meeting the Board of County Commissioners shall elect a chair and vice chair by majority vote to serve for a period of one (1) year, and shall each year thereafter elect from its membership a chair and a vice chair, who may succeed themselves.~~

~~**2.7.1 Special meetings.** Special meetings may be held at the call of the chairman, or, in his absence, at the call of the vice chairman, or at the request of a majority of the commissioners; and, whenever practicable, shall provide for not less than twelve (12) hours notice to each member and the public.~~

# HOME RULE CHARTER

Indian River County

~~2.7.2 Location of meetings.~~ The Board of County Commissioners shall meet at the county seat except that it may determine by resolution, from time to time, the place or places within the county at which the Board of County Commissioners shall meet for the purpose of conducting its business, provided that the notice of the time and place shall be published in a newspaper of general circulation in the county at least one (1) week prior to the holding of any such meeting outside the county seat. Such notice shall contain an agenda of all matters to be acted upon.

## 2.7.2.8 Powers

The Board of County Commissioners shall have all legislative authority, jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution, ~~and~~ laws of the State of Florida and this Charter, ~~provided that such powers shall be exercised in a manner consistent with this Charter.~~ The Board of County Commissioners, in addition to the powers and duties provided in the Charter, shall have the specific powers and duties to:

(1) ~~Appoint and reappoint the County Administrator by a vote of a majority of the entire Board of County Commissioners, and remove the County Administrator during a contract term by a majority vote of the entire Board of County Commissioners at each of two successive regular meetings.~~

(2) ~~Adopt such ordinances as may be necessary to carry out both county and municipal powers and purposes.~~

# HOME RULE CHARTER

## Indian River County

~~(3) — Review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all county governmental operations including but not limited to county management, all administrative departments of the government, adjustment boards and special authorities and tax districts which request a portion of the millage levied for county purposes under the Constitution of Florida or such other millage as may be levied by the county for municipal service districts, excepting the school system.~~ (4) — Adopt by a majority plus one vote of the entire Board of County Commissioners such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the Board of County Commissioners.

~~(5) — Designate which officers and employees shall be bonded and fix the amount and approve the form of the bond.~~

~~(6) — Adopt an Administrative Code. The Administrative Code shall organize the administration of county government and set forth the duties, powers and operating procedures of all County officials, agencies and departments under the Board of County Commissioners. The Administrative Code shall not apply to the elected county constitutional officers~~

~~(7) — Exercise any power of the County not specifically assigned to any other office by this Charter.~~

### ~~2.9 — Legislative procedures~~

## HOME RULE CHARTER

Indian River County

~~The Board of County Commissioners may take official action only by the adoption of ordinances, resolutions or motions. Except as otherwise provided by this Charter, all ordinances, resolutions or motions shall be adopted by majority vote of the entire Board of County Commissioners in accordance with the provisions of the Constitution and laws of Florida. A majority of the entire Board of County Commissioners shall constitute a quorum and the concurrence of a majority of the entire Board shall be required to adopt, amend or repeal any ordinance. The concurrence of a majority of those present shall be required to adopt, amend or repeal a resolution or motion under the terms of this provision. All commissioners in attendance, including the chair or presiding officer, shall vote on all Board of County Commissioners actions except when prevented from doing so by a provision of general law.~~

### **2.82.10 Code of ordinances**

The Board of County Commissioners shall maintain a current codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis.

# HOME RULE CHARTER

Indian River County

## ARTICLE 3

### ADMINISTRATIVE BRANCH: COUNTY ADMINISTRATOR

#### **3.1 County Administrator: qualifications**

There shall be a County Administrator who shall be appointed by the Board of County Commissioners and who shall serve at the pleasure of the Board of County Commissioners. The County Administrator shall be chosen on the basis of his or her professional training, executive and administrative experience and qualifications. The County Administrator need not be a resident of the County at the time of appointment but shall maintain residency within the county during the tenure of office and shall not engage in any other business or occupation without the express approval of the Board of County Commissioners.

#### **3.2 Compensation and terms of employment**

The Board of County Commissioners shall establish the salary for the County Administrator at a level which is commensurate with the requirements of the position and shall at least annually review the performance and salary. Terms and conditions of compensation and employment ~~shall~~ may be set forth in a contract.

# HOME RULE CHARTER

Indian River County

## 3.3 Powers and duties

The County Administrator shall be head of the ~~executive~~ ~~administrative~~ branch of county government, and shall be responsible to the Board of County Commissioners for the proper administration of all affairs of the county. The County Administrator shall attend all regular and special meetings of the Board and shall have the right to participate in its discussions. The County Administrator shall prepare and submit the annual operating and capital program budgets to the Board of County Commissioners, and execute the budget and capital programs in accordance with appropriations and ordinances enacted by the Board of County Commissioners.

### ~~The County Administrator shall:~~

- ~~(1) — Administer and carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances, and regulations of the Board to assure that they are faithfully executed.~~
- ~~(2) — Report to the Board on action taken pursuant to any directive or policy within the time set by the Board and provide an annual report to the Board on the state of the county, the work of the previous year, and any recommendations as to actions or programs the administrator deems necessary for the improvement of the county and the welfare of its residents.~~
- ~~(3) — Provide the Board, or individual members thereof, upon request, with data or information concerning county government and to provide~~

## HOME RULE CHARTER

### Indian River County

~~advice and recommendations on county government operations to the Board.~~

~~(4) — Establish the schedules and procedures to be followed by all county departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process.~~

~~(5) — Prepare and submit to the Board after the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year and submit his or her recommendations~~

~~(6) — Supervise the care and custody of all county property.~~

~~(7) — Recommend to the Board a current position classification and pay plan for all positions in county service.~~

~~(8) — Develop, install, and maintain centralized budgeting, personnel, legal, purchasing and other administrative procedures and systems.~~

~~(9) — Organize the work of county departments, subject to an administrative code developed by the manager and adopted by the Board, and review the departments, administration and operation of the county and make recommendations pertaining thereto for reorganization by the Board.~~

~~(10) — Employ, supervise, discharge, or remove any employee under the jurisdiction of the Board pursuant to procedures adopted by the Board.~~



# HOME RULE CHARTER

Indian River County

~~(11) Negotiate leases, contracts, and other agreements, including consultant services, for the county, subject to approval of the Board, and make recommendations concerning the nature and location of county improvements. Ensure that all terms and conditions in all leases, contracts, and agreements are performed and notify the Board of any noted violation thereof.~~

~~(12) Order, upon advising the Board, any agency under the manager's jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the county government to do so.~~

~~(13) Perform such other duties as may be required by the Board of County Commissioners.~~

## **3.4 Non-interference by Board of County Commissioners**

Except for the purpose of inquiry and information, members of the Board of County Commissioners are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the County Administrator by giving said employees instructions or directives. Such action shall be malfeasance within the meaning of Article IV, Section 7(a) of the Florida Constitution. However, nothing contained herein shall prevent a County Commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the County Administrator or County Attorney.

# HOME RULE CHARTER

Indian River County

## **3.5 Temporary absence or incapacity**

The Board of County Commissioners may appoint an acting manager in the case of vacancy or temporary absence or disability of the County Administrator, until a successor has been appointed and qualified or until the County Administrator returns.

# HOME RULE CHARTER

Indian River County

## ARTICLE 4

### ADMINISTRATIVE DEPARTMENTS

#### **4.1—Initial departments**

~~The initial departments of the Board of County Commissioners shall be those that exist upon the adoption of this Charter. Departments may be created, revised, merged or abolished by the Board of County Commissioners.~~

#### **4.2—Department heads**

~~Department heads shall be appointed, supervised and terminated by the County Administrator, and shall be employees at will and shall be responsible to the County Administrator. The County Administrator shall have the sole authority to terminate any department head with or without cause.~~

# HOME RULE CHARTER

Indian River County

## ARTICLE 4 COUNTY ATTORNEY

### 4.34.1 County attorney

There shall be a County Attorney ~~county attorney~~ who shall be appointed and terminated by the board of county commissioners, and who shall serve at the pleasure of the board. The County Attorney shall be the head of the county attorney's office ~~department of legal services~~. The County Attorney ~~attorney~~ shall be responsible directly to the board of county commissioners and shall provide legal services to the Board of County Commissioners, county departments, and county boards and agencies. The terms and conditions of compensation and employment of the County Attorney may be set forth in a contract.

## ARTICLE 5 COUNTY OFFICERS

### 5.1 County constitutional officers

The constitutional offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections shall remain as elected constitutional officers, and their powers, duties and functions will not be altered by this Home Rule Charter. The constitutional officers shall perform their executive and administrative functions as specified by law. The Clerk of the Court shall be ex officio clerk of the

# HOME RULE CHARTER

Indian River County

Board of County Commissioners, auditor, recorder and custodian of all county funds.

## ARTICLE 6

### POWERS RESERVED TO THE PEOPLE:

#### INITIATIVE AND RECALL

#### 6.1 Initiative

The electors of Indian River County shall have the right to initiate county ordinances in order to establish new legislation that is not in conflict with the State Constitution, general law or this Charter, and to amend or repeal existing ordinances when such amendments or repeal are not in conflict with the State Constitution or general law, upon petition signed by a number at least equal to eight percent of electors qualified to vote in the last preceding general election; provided that the number shall contain at least eight percent of the qualified electors in three or more commission election districts.

**6.1.1 Procedure for petition.** The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed and obtain a dated receipt therefore. Any such ordinance shall embrace but one subject, and matter directly connected therewith. The sponsor shall cause a notice of such submission to be published within fourteen days after the date of submission, in a newspaper of general circulation in the County. The allowable period for obtaining signatures on the petition shall be completed not later than six months after initial receipt of the petition by the Supervisor of Elections. The sponsor shall comply with all

## HOME RULE CHARTER

### Indian River County

requirements of general law for political committees, and shall file quarterly reports with the Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of signatures procured. The time and form of such reports may be prescribed by ordinance. When a sufficient number of signatures are obtained, the sponsor shall thereupon submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees required by general law. The Supervisor of Elections shall, within sixty (60) days after submission, verify the signatures thereon, or specify a reason for the invalidity of each rejected signature if the petition is rejected for insufficiency of the number of valid signatures. If the petition is rejected for insufficiency of the number of signatures, the sponsor shall have an additional thirty (30) days within which to submit additional signatures for verification. The Supervisor of Elections shall, within thirty (30) days verify the additional signatures. In the event sufficient signatures are still not acquired, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.

**6.1.2 Consideration by Board of County Commissioners.** Within sixty (60) days after the requisite number of names has been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board of County Commissioners shall give notice and hold a public hearing on the proposed ordinance according to law and vote on it. If the board fails to enact the proposed ordinance, it shall, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least forty-five (45) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the Board of County Commissioners to be enacted and shall become effective on the date specified in the

# HOME RULE CHARTER

Indian River County

ordinance, or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general election, without the approval of a majority of the electors voting at a referendum called for that purpose.

**6.1.3 Limitation on ordinances by initiative** The power to enact, amend or repeal an ordinance or amend this Charter by initiative shall not include ordinances or provisions relating to administrative or judicial functions; the county budget, debt obligations or capital improvement programs; salaries of county officers and employees; the assessment or collection of taxes; or, matters inconsistent with the Charter, the general laws of Florida, or the Florida Constitution.

## 6.2 Recall

Members of the Board of County Commissioners shall be subject to recall as provided by general law.

|

|

# HOME RULE CHARTER

Indian River County

## ARTICLE 7

### MISCELLANEOUS PROVISIONS

#### 7.1 Effective date

This Charter shall become law when approved by a majority of those electors voting on the matter in a referendum to be held in the county in \_\_\_\_\_ under the provisions of the Constitution and laws of Florida. The Charter Government shall assume all powers and duties provided by this Charter on the first day of \_\_\_\_\_, the effective date of this Charter.

#### 7.2 Transition

**7.2.1 Continuation of laws, ordinances and contracts.** Unless expressly provided otherwise in this Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Indian River County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected county officer, whose term shall continue as if this Charter had not been adopted.

**7.2.2 Initial county commissioners.** The persons comprising the Indian River County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the charter government and shall perform the functions thereof until the expiration of their terms or until qualification of their successors as provided by law.



## HOME RULE CHARTER

Indian River County

### **7.2.3 Initial County Administrator and Initial County Attorney. ~~attorney.~~**

The County Administrator and County Attorney serving on the effective date of this Charter shall serve as the initial County Administrator and initial County Attorney respectively.

**7.2.4 Employee continuation.** All employees of the former county government shall on the effective date of this Charter become employees of the county government created by this Charter. All existing wages, benefits, collective bargaining certifications and agreements, contracts and conditions of employment shall continue, until modified by lawful action of the Board of County Commissioners.

**7.2.5 Continuation of agencies and advisory bodies.** All existing appointments or designations of non-governmental agencies or corporations to act as official agencies of the County shall remain in full force and effect in accordance with their original terms, until amended or terminated by the Board of County Commissioners in accordance with the terms of such appointment and the provisions of this Charter. All members of advisory boards, resource groups or committees appointed for terms expiring after the effective date of this Charter shall continue to serve their terms without necessity of reappointment under this Charter.

## HOME RULE CHARTER

Indian River County

**7.2.6 Outstanding bonds.** All bonds, revenue certificates, and other financial obligations of the county outstanding on the effective date of this Charter shall be obligations of the charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

### **7.3 Charter amendment**

**7.3.1 Amendment by Board of County Commissioners.** The Board of County Commissioners, upon the concurrence of not less than a majority plus one of its entire membership, shall have the authority to propose by ordinance amendments or revisions to this Charter not inconsistent with the State Constitution or with general law.

## HOME RULE CHARTER

Indian River County

**7.3.2 Amendment by petition.** Amendments to this Charter, not inconsistent with the State Constitution or with general law, may be proposed by a petition signed by a number of electors at least equal to ~~twelve~~ ~~ten~~ per cent of the number of electors qualified to vote in the last preceding general election; provided that the number shall contain at least twelve percent of the number of such -qualified electors in each of the ~~three or more~~ commission election districts-; and further provided that any such amendment shall embrace but one subject and matter directly connected therewith. The sponsor of an amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed. The procedures for initiative petitions set forth in Section 6.1.1 of this Charter shall thereafter be followed. The power to amend this Charter by initiative shall not extend to administrative or judicial functions; the county budget, debt obligations or capital improvement programs; salaries of county officers and employees; the assessment or collection of taxes; or, matters inconsistent with the Constitution or general laws of Florida.

**7.3.3 Amendment referendum.** The Board of County Commissioners shall cause any Charter amendment proposed under section 7.3.1 or 7.3.2 to be submitted to the electors for their approval. If a general election is scheduled more than sixty (60) days after the proposed amendment is proposed or validated, the question shall be placed on the ballot at a special election held concurrent with the general election, or at any earlier special election called for that purpose. Notice of said referendum, together with the language of the proposed amendment, shall be published as provided by general law. ~~at least twice in a newspaper of general circulation in the county, at intervals of at least seven (7) days, but not less than five (5) nor more than thirty (30) days prior to the referendum.~~ Passage of proposed amendments shall require approval of a majority of

# HOME RULE CHARTER

Indian River County

electors voting in said election.

## 7.4 Charter Review Commission

Not later than July 1 of the year 2017 and of every tenth year thereafter, the Board of County Commissioners shall appoint a Charter Review Commission to review the Charter of the county. The Charter Review Commission shall consist of 15 residents of Indian River County, shall be funded by the Board of County Commissioners and shall be known as the "Indian River County Charter Review Commission." Elected officials and employees of state or local government shall be prohibited from serving on the Charter Review Commission. ~~It~~ The Charter Review Commission shall, within one (1) year from the date of its first meeting, present to the Board of County Commissioners its recommendations for amendment, revision or repeal of the Charter or its recommendation that no amendment, ~~or~~ revision or repeal is appropriate. If amendment, revision or repeal of the charter is to be recommended, the Charter Review Commission shall conduct at least two (2) public hearings, at intervals of not less than ten (10) nor more than twenty (20) days, immediately prior to the transmittal of its recommendations to the Board of County Commissioners. The Board of County Commissioners shall schedule a referendum on the proposed charter amendments, revisions or repeal concurrent with the next general election. After adoption of its recommendations, the Charter Review Commission may remain in existence until the general election for purposes of conducting and supervising public educational programs concerning the proposed amendments, revisions or repeal.

# HOME RULE CHARTER

Indian River County

## 7.5 Severability and validity

If any part of this Charter is held invalid or unconstitutional, the remainder thereof shall remain in full force and effect.

<G:\Wpdocs\CHARTER\2007\Indian River\Draft Charter\DRAFT - 4-9-07.doc>