

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



**PUBLIC WORKSHOP
AGENDA
CHARTER GOVERNMENT**

MONDAY, MARCH 12, 2007 - 9:00 A.M.

**County Commission Chamber
County Administration Building**

1840 25th Street, Vero Beach, Florida, 32960-3365

WWW.IRCGOV.COM

COUNTY COMMISSIONERS

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

-
- | 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | <u>PAGE</u> |
|-----------|--|-------------------------------|--------------------|
| 2. | <u>INVOCATION</u> | Commissioner Wesley S. Davis | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Peter D. O'Bryan | |
| 4. | <u>PRESENTATION ON CHARTER GOVERNMENT IN FLORIDA</u> | | |
| | Kurt Spitzer, Kurt Spitzer & Associates, Inc | | |
| A. | First Draft of the Home Rule Charter – for use as a Discussion Guide | | 1-24 |
| ----- | | | |
| B. | Alternative Language to consider – Planning and Growth Management | | 25-27 |
| ----- | | | |
| 5. | <u>BOARD DISCUSSION/COMMENTS</u> | | |
| 6. | <u>PUBLIC COMMENTS</u> | | |

7. **CONCLUDING REMARKS**

8. **ADJOURNMENT**

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 meeting.

First draft of the Home Rule Charter for use as Discussion Guide

Attached please find a first draft of the Home Rule Charter for the citizens of Indian River County. It is to be used as a discussion guide for the meeting set for this coming Monday morning. I have attempted to reflect current practice in Indian River County in the discussion draft of the Charter.

The document is formatted in two columns. The left side is the actual language of the draft charter. The right side contains comments or alternative language that the BCC may might wish to consider.

Kurt Spitzer

INDIAN RIVER COUNTY HOME RULE CHARTER
Discussion Draft - March 12, 2007

<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<u>PREAMBLE</u>	(Preamble to be added)
<u>ARTICLE 1</u> CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT	
1.1 Creation and general powers of home rule charter government Indian River County shall be a home rule charter county, and, except as may be limited by this Home Rule 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	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
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.	
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.	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p>1.5 Transfer of powers</p> <p>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.</p>	
<p>1.6 Division of powers</p> <p>This Charter hereby establishes the separation between legislative and administrative functions of this government. 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.</p>	Provides for separation of powers between legislative and administrative functions.
<p>1.7 Relation to state law</p> <p>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.</p>	Charter must be consistent with constitution and general laws of Florida, and with special acts approved by the electorate.
<p>1.8 Conflict of County Ordinances with Municipal Ordinances</p> <p>Notwithstanding any other provisions 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</p>	In the event of a conflict between municipal ordinances and that of the County, municipal ordinances prevail within the city's boundaries, unless the charter specifically provides otherwise.

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
ordinance, (provided, however, that the County may by ordinance adopt)	(Specific exceptions to this provision may be added later.)
<u>ARTICLE 2</u> 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 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.	BCC is composed of five members – charter may provide for other number Commissioners live in residence areas but are elected by all of the voters countywide. Charter may provide for single-member districts or a combination of single-member and at-large.
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.	Follows constitutional and statutory requirements and tracks policy concerning notice in administrative code. Charter may require more extensive notice requirements concerning revisions to district boundaries. Charter may provide guidance to be followed when redistricting BCC boundaries: follow major man-made and natural boundaries, avoid splitting cities, etc.

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p>2.3 Qualifications and Election</p> <p>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.</p>	<p>Tracks current practice concerning residency.</p> <p>Charter may require that candidate for office live in district at time of qualifying, or for some period of time prior to qualification.</p> <p>Charter may require that BCC are elected on non-partisan basis.</p>
<p>2.4 Terms of office</p> <p>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 so that one more or one less than half of the commissioners elected from residence areas are elected every two years.</p>	<p>Charter may provide for different lengths of term of office.</p> <p>Charter may provide for limitations on the number of consecutive terms an incumbent may seek re-election to office.</p>
<p>2.5 Salary and other compensation</p> <p>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.</p>	<p>Charter may provide for alternative ways to determine compensation for the BCC: specifically identified in charter, by ordinance, etc.</p>

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p>2.6 Vacancies and suspensions</p> <p>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.</p>	
<p>2.7 Meetings</p> <p>The organizational meeting of the Board of County Commissioners shall be held annually at its first meeting in January.</p> <p>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.</p>	
<p>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.</p>	<p>Language consistent with current Code</p> <p>Alternative: Special meetings may be held on call of the chair or two (2) or more commissioners.</p> <p>Alternative: Action by the BCC at a special meeting shall be limited to the purpose for which the special meeting was</p>

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
	called.
<p>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.</p>	
<p>2.8 Powers</p> <p>The Board of County Commissioners shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida, 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:</p>	
<p>(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.</p>	<p>Alternative: Hire and/or fire the Administrator by majority-plus-one vote of the BCC</p> <p>Alternative: Terminate the Administrator by simple majority vote at any regular meeting of the BCC</p>
<p>(2) Adopt such ordinances as may be necessary to carry out both county and municipal powers and purposes.</p>	<p>In the absence of language to the contrary, the BCC will have the authority to impose a utility or public services tax in the unincorporated area of the county</p>

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p>(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.</p>	
<p>(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.</p>	<p>Adopt rules by simple majority of BCC</p>
<p>(5) Designate which officers and employees shall be bonded and fix the amount and approve the form of the bond.</p>	
<p>(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</p>	
<p>(7) Exercise any power of the County not specifically assigned to any other office by this Charter.</p>	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p>2.9 Legislative procedures</p> <p>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.</p>	
<p>2.10 Code of ordinances</p> <p>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.</p>	
<p><u>ARTICLE 3</u> ADMINISTRATIVE BRANCH: COUNTY ADMINISTRATOR</p>	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p>3.1 County Administrator: qualifications</p> <p>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.</p>	
<p>3.2 Compensation and terms of employment</p> <p>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 be set forth in a contract.</p>	
<p>3.3 Powers and duties</p> <p>The County Administrator shall be head of the 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.</p>	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
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 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	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
(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.	
(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.	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
(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.	
<p>3.4 Non-interference by Board of County Commissioners</p> <p>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.</p>	
<p>3.5 Temporary absence or incapacity</p> <p>The Board of County Commissioners may appoint an acting manager in the case of vacancy or</p>	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
temporary absence or disability of the County Administrator, until a successor has been appointed and qualified or until the County Administrator returns.	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p><u>ARTICLE 4</u> ADMINISTRATIVE DEPARTMENTS</p>	
<p>4.1 Initial departments</p> <p>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.</p>	
<p>4.2 Department heads</p> <p>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.</p>	
<p>4.3 County attorney</p> <p>There shall be a 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 department of legal services. The County 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.</p>	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p><u>ARTICLE 5</u> COUNTY OFFICERS</p>	
<p>5.1 County constitutional officers</p> <p>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 Board of County Commissioners, auditor, recorder and custodian of all county funds.</p>	<p>Provides that the constitutional officers' positions, powers and duties remain unchanged.</p>
<p><u>ARTICLE 6</u> POWERS RESERVED TO THE PEOPLE: INITIATIVE AND RECALL</p>	
<p>6.1 Initiative</p> <p>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</p>	<p>Authorizes ordinances to be proposed via a petition process. Requires signatures of registered voters equal to at least 8% of the electorate qualified to vote at the last general election, countywide and in at least 3 of 5 district areas</p> <p>Numerous alternatives, including not authorizing a petition process for proposing ordinances.</p>

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
least eight percent of the qualified electors in three or more commission election districts.	
<p>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 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 is 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.</p>	<p>Limits ordinances to one subject. Alternative: not include single-subject rule.</p> <p>Signatures must be obtained within six months</p>
<p>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</p>	<p>Upon verification of the correct number of signatures on the petitions, the BCC must hold hearing on proposed ordinance.</p>

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p>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 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.</p>	<p>If not adopted, the BCC must call for referendum to be held during next general election.</p> <p>If adopted by public, ordinance may not be amended or repealed by BCC until after succeeding general election or upon approval of future amendment by voters.</p> <p>Alternative: Allow BCC to amend or repeal ordinances adopted by petition by majority-plus-one vote of the BCC prior to next election.</p>
<p>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.</p>	<p>Clarifies that the subject matter of ordinances proposed by petition is limited to matters consistent with constitution, general laws and charter</p>
<p>6.2 Recall</p> <p>Members of the Board of County Commissioners shall be subject to recall as provided by general law.</p>	<p>Members of the legislative body of a charter county must be subject to recall policy and procedure as is provided in general law.</p> <p>Alternative: Recall procedure may be applied to county constitutional officers</p>

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p><u>ARTICLE 7</u> MISCELLANEOUS PROVISIONS</p>	
<p>7.1 Effective date</p> <p>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.</p>	
<p>7.2 Transition</p> <p>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.</p>	
<p>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.</p>	
<p>7.2.3 Initial County Administrator and attorney. The County Administrator and County</p>	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
Attorney serving on the effective date of this Charter shall serve as the County Administrator and 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.	
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.	

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p>7.3 Charter amendment</p> <p>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 to this Charter not inconsistent with the State Constitution or with general law.</p>	<p>Alternative: Allow BCC to propose amendments by simple majority vote.</p>
<p>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 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 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.</p>	<p>Limits petitions to amendment charter to one subject</p> <p>Requires signatures equal to 12% to place on ballot</p> <p>Prohibits petitions from concerning certain subjects</p>
<p>7.3.3 Amendment referendum</p> <p>The Board of County Commissioners shall cause any Charter amendment proposed under section 8.3.1 or 8.3.2 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</p>	<p>Alternative: Could require higher standard (e.g. 60%) of voter approval for charter amendments to be effective</p>

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
<p>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 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 electors voting in said election.</p>	
<p>7.4 Charter Review Commission</p> <p>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 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 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.</p>	<p>Numerous alternatives available:</p> <ul style="list-style-type: none"> • Initial review sooner than 10 years • Regular reviews every six or eight years • Allow elected officials or staff to serve on CRC • Require CRC members to be registered voters • Provide that CRC is advisory to BCC and that BCC may amend or reject its recommendations

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<u>ARTICLE or SECTION</u>	<u>COMMENTS</u>
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.	

Alternative language to consider concerning Planning & Growth Management

Attached please find alternative language for the BCC to consider concerning planning and growth management.

Kurt Spitzer

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Planning and Growth Management Alternative Language

1. Section XX. Voter Approval Required for Approval of Comprehensive Land Use Plan Amendment.

A comprehensive plan amendment, as defined in Chapter 163, Florida Statutes, shall not be adopted by the County Commission until such proposed plan amendment is approved by a referendum of the county electors. However, elector approval shall not be required for any plan amendment that affects five or fewer parcels of land or as otherwise prohibited by Florida Statutes including but not limited to Florida Statutes Section 163.3167.

2. Section XX. Unanimous County Commission Approval Required for Approval of Comprehensive Land Use Plan or Comprehensive Land Use Plan Amendments Affecting Five or Fewer Parcels.

A comprehensive land use plan amendment, as defined in Chapter 163, Florida Statutes, which plan amendment affects five or fewer parcels as defined in Section 163.3167(12), Florida Statutes, shall only be adopted by the County Commission by a unanimous *[majority plus one]* vote of the entire Commission.

3. Subsection 1.8.1 Rural Boundary and Rural Area.
(Exception to Section 1.8 of Draft Charter)

- a. There is hereby established an Rural Boundary as more delineated on that certain map titled "Rural Boundary Map" and dated _____, 2007, and a "Rural Area" as described in that certain legal description titled "Legal Description for Rural Area" and dated _____, 2007, both of which are on file in the official records of the Clerk of the Board of County Commissioners. "Rural Lands", for the purpose of this Section, are those contained within the area depicted in the above referenced legal description. After the effective date of this Charter, the Future Land Use Element of the Indian River County Comprehensive Plan shall include a copy of the map and legal description.
- b. The Board of County Commissioners may remove property from the "Rural Area" and amend the Rural Boundary accordingly by adopting an ordinance by a *[majority plus one]* *[unanimous]* vote of its entire membership *[or after approval of electorate in referendum]*.

Nothing herein shall authorize the County Commission to expand the “Rural Area” beyond the area contained in the above referenced legal description.

- c. From and after the effective date of this charter the future land use designations contained in the Indian River County Comprehensive Plan shall control the density and intensity of development on all Rural Lands, as that term is defined herein. The Board of County Commissioners must approve all changes to the future land use designations of all Rural Lands, regardless of whether some or all of the Rural Lands are located within a municipality, by a *[majority plus one] [unanimous]* vote of its entire membership *[or after approval of electorate in referendum]*.
- d. The Board of County Commissioners may enact ordinances to implement this section. Municipal ordinances in conflict with this section of the charter or any implementing county ordinance are superseded to the extent of such conflict.