

Item # 82₍₂₎

ADDITIONAL MATERIAL
Regular Meeting
June 1, 2021

SUBMITTED AT THE REQUEST OF

COMMISSIONER
TIM RYAN

PROPOSED

RESOLUTION NO. 2021-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 8, 2022, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO PROVIDE FOR A COUNTYWIDE ELECTED MAYOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Tim Ryan)

WHEREAS, Section 2.06 of the Broward County Charter ("Charter") authorizes the Broward County Board of County Commissioners ("Board") to propose amendments and revisions to the Charter, subject to referendum of the general electorate;

WHEREAS, pursuant to Article VIII, Section 1 of the Florida Constitution, the voters of Broward County have the constitutional right to determine the form of Broward County's governmental structure, which includes the authority to increase or decrease the size of the Board, establish Charter offices, and grant such powers to County Commissioners and Charter officers as the voters deem appropriate;

WHEREAS, the Board desires to place an amendment to the Charter before the voters at the November 8, 2022, General Election;

WHEREAS, the proposed amendment would change the Office of Mayor from being Commission-elected on an annual basis to being a new countywide Charter position elected on a partisan basis for a four-year term;

WHEREAS, Broward County's voters should have the opportunity to exercise their right to decide whether the entire County should elect the Mayor of Broward County, with

1 such Mayor serving both as a representative of the Board of County Commissioners and
2 a representative of the entirety of Broward County; and

3 WHEREAS, if the position of Broward County Mayor should ever become vacant
4 for any reason, it is the will of the Board, and if this proposal is approved by the voters,
5 the will of the residents of Broward County, that the position lapse until the next scheduled
6 general election, and that pending such election the duties of Mayor be automatically
7 transferred to and performed by the Vice-Mayor or such other member of the Board that
8 the Board selects, NOW, THEREFORE,

9 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. Subject to an affirmative vote of the general electorate, Section 2.01
12 of the Charter of Broward County, Florida, entitled "Composition, redistricting, terms,
13 qualifications, and compensation of members," is hereby amended, effective
14 November 5, 2024 (except that Section 2.01 shall govern with respect to the qualifying
15 for and the holding of the primary and general elections for Mayor in 2024), to read as
16 follows:

17 **Sec. 2.01. Composition, redistricting, terms, qualifications, and**
18 **compensation of members.**

19 The County Commission comprises the Legislative Branch of County government
20 empowered to enact ordinances and resolutions, and to take action that is consistent with
21 this Charter and that is in the best interest of the health, safety, and welfare of the County's
22 citizens. For purposes of this section only, the term "Commissioner(s)" does not include
23 the Mayor.

1 A. The County Commission shall be composed of ~~nine (9)~~ ten (10) members
2 ~~elected from single-member districts;~~ nine (9) Commissioners elected from
3 single-member districts; and one (1) Mayor elected at large. If the Office of Mayor ever
4 lapses due to the existence of a vacancy, the County Commission shall be composed of
5 nine (9) members from single-member districts.

6 . . .

7 (5) Beginning with the 2024 General Election, the Mayor shall be elected at
8 large, and shall serve for a term of four (4) years. The Mayor must be a
9 County elector and resident.

10 (6) Should there be a vacancy (as defined by Article X, Section 3 of the Florida
11 Constitution) in the Office of Mayor, the position shall automatically lapse
12 and the Office shall be deemed recreated so it may be filled for a new
13 four-year term in the next general election cycle. If no candidate qualifies
14 during a general election cycle, the position shall be filled in the general
15 election cycle occurring two years later.

16 B. Commissioners and the Mayor shall be elected on a partisan basis. The
17 terms of office for both Commissioners and the Mayor shall begin on the Tuesday
18 two (2) weeks following the day of the general election.

19 C. Except as provided in this Section, election of Commissioners and the
20 Mayor shall be as provided in Article VIII, Section 1(e), of the Florida Constitution.

21 D. The Commissioners' salaries shall be determined and established in
22 accordance with the general law of the State of Florida pertaining to compensation for
23 Commissioners of non-charter counties. The Mayor's salary shall be \$220,000 for the
24 2025 fiscal year (prorated for the first year), and for every fiscal year thereafter shall

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underscored type are additions.

1 of each December. ~~The County Commission may remove the individual from the position~~
2 ~~of Mayor by a majority vote. The Mayor may serve consecutive terms.~~

3 ~~B. A.~~ Following the election of the Mayor, tThe County Commission shall elect a
4 Commissioner to the position of Vice-Mayor by a majority vote during the County
5 Commission's annual organizational meeting, which shall take place no earlier than the
6 third Tuesday of each November and no later than the third Tuesday of each December.

7 In the Mayor's absence, the Vice-Mayor shall have all the rights, privileges, and duties of
8 the Mayor, except that the Vice-Mayor shall not be subject to Section 2.01.F. of the
9 Charter and shall receive the same salary as other County Commissioners. The County
10 Commission may remove the individual from the position of Vice-Mayor by a majority
11 vote. The Vice-Mayor may serve consecutive terms.

12 ~~G. B.~~ In the event the position of Mayor shall become vacant for any reason, the
13 Vice-Mayor shall automatically become Mayor and serve as Mayor for the balance of the
14 Mayor's term. The Commission shall elect a new Vice-Mayor who shall serve for the
15 balance of the Mayor's term. If the Office of Mayor lapses pursuant to Section 2.01.A. of
16 the Charter, all duties and powers of the Office arising under the Charter, Florida Statutes,
17 Broward County Ordinance, and the Broward County Administrative Code shall
18 automatically be transferred on a temporary basis to the Vice-Mayor until such time as a
19 Mayor is elected pursuant to Section 2.01 of the Charter. During the period in which the
20 Vice-Mayor has the duties and powers of the Office of Mayor, the Vice-Mayor's service
21 shall be treated as continuous service as a Commissioner for purposes of term limitation
22 provisions, Section 2.01.F of the Charter shall not apply, and the Vice-Mayor shall
23 continue to receive the same salary as any other County Commissioner. If, for any
24 reason, the duties of Mayor are being performed by anyone not elected in a countywide

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1 election to the position of Mayor, the Board of County Commissioners may transfer the
2 Mayor's powers and duties to another member of the County Commission, and during
3 such period such Commissioner's service shall be treated as continuous service as a
4 Commissioner for purposes of term limitation provisions, Section 2.01.F of the Charter
5 shall not apply, and the Commissioner shall continue to receive the same salary as the
6 other County Commissioners.

7 ~~D. C.~~ In the event If the position of Vice-Mayor shall become vacant for any
8 reason, or the Vice-Mayor is performing the duties of Mayor pursuant to Section 2.03.B.
9 of the Charter, the County Commission shall select a County Commissioner to perform
10 the duties of Vice-Mayor ~~new Vice-Mayor who shall serve~~ for the balance of the
11 Vice-Mayor's term or the period during which the Vice-Mayor is performing the duties of
12 Mayor, whichever is shorter.

13 D. Except for the temporary performance of the Mayor's duties pursuant to this
14 section, if anyone is ever appointed to the Office of Mayor to fill a vacancy; or upon final
15 judicial determination, including all appeals, that under Florida law any vacancy in the
16 Office of Mayor must be filled by appointment, the amendment to the Broward County
17 Charter establishing such Office of Mayor, approved November 8, 2022, shall be
18 automatically, permanently, and irrevocably void in its entirety and the structure of
19 Broward County Board of County Commissioners shall return to the structure that existed
20 as of November 7, 2022.

21 Section 4. Subject to an affirmative vote of the general electorate, Section 2.04
22 of the Charter of Broward County, Florida, entitled "Mayor – Duties and responsibilities,"
23 is hereby amended, effective November 8, 2024, to read as follows:
24

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1 **Sec. 2.04. Mayor – Duties and responsibilities.**

2 The ~~position~~ Office of Mayor is created as a Charter Office in order to provide for
3 an elected County representative who shall serve as the County's official representative
4 and ceremonial dignitary, and who shall provide leadership on issues facing the County.

5 A. The Mayor shall be recognized as the head of the County by the Governor
6 for purposes of military law, and for service of process. Unless the County Commission
7 designates another member of the County Commission, ~~the~~ Mayor shall act as the
8 County official designated to represent the County in negotiations with respect to
9 agreements with other governmental entities, execute ordinances, resolutions,
10 proclamations, and other legislative documents, and perform such other duties as
11 specified in this Charter and as may be required by the County Commission, or as
12 required by law.

13 . . .

14 Section 5. A referendum election is called for the General Election on
15 November 8, 2022, and at such other times as permitted for voting under Chapter 101,
16 Florida Statutes, to determine whether the Broward County Charter should be amended
17 to create a Mayor elected countywide.

18 Section 6. In accordance with Section 100.342, Florida Statutes, at least thirty
19 (30) days' notice of the referendum election shall be published by the Broward County
20 Administrator in a newspaper of general circulation in Broward County. The publication
21 shall be made at least twice, including once in the fifth week and once in the third week
22 prior to the week in which the referendum is to be held. The notice is hereby attached as
23 Exhibit A and made a part hereof.

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1 as Mayor for more than two consecutive four-year terms, and (4) a prohibition on outside
2 employment while serving as Mayor?"

3 YES _____

4 NO _____

5 FINANCIAL IMPACT STATEMENT:

6 It is estimated that this amendment would result in a financial impact of additional
7 costs in the amount of approximately \$707,000 per year.

8 Section 12. Severability.

9 If any portion of this Resolution is determined by any court to be invalid, the invalid
10 portion will be stricken, and such striking will not affect the validity of the remainder of this
11 Resolution, unless a court finds that the Office of Mayor may be filled by appointment by
12 the Governor of the State of Florida resulting from a vacancy or lapse in the Office, in
13 which event it is the intent of the Board that this Amendment shall be deemed invalid in
14 its entirety. If any court determines that this Resolution, in whole or in part, cannot be
15 legally applied to any individual, group, entity, property, or circumstance, such
16 determination will not affect the applicability of this Resolution to any other individual,
17 group, entity, property, or circumstance. If the County determines any part of the ballot
18 statement, including the fiscal impact statement, is contrary to state law, the County
19 Attorney is authorized to request that the Supervisor of Elections remove the applicable
20 language from the proposed ballot proposal and the Supervisor of Elections is authorized
21 to remove such language.

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