

RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 3, 2020, 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, the Board desires to place an amendment to the Charter before the voters at the November 3, 2020, General Election; and

WHEREAS, the proposed amendment would change the Office of Mayor from being Commissioner-elected on an annual basis to being elected countywide for a four-year term, but would not alter the substantive powers of the Broward County Mayor, NOW, THEREFORE,

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

Section 1. Subject to an affirmative vote of the general electorate, Section 2.01 of Article II of the Charter of Broward County, Florida, entitled Composition, Redistricting, Terms, Qualifications, and Compensation of Members, is hereby amended, effective November 8, 2022, to read as follows:

1 **Sec. 2.01. Composition, redistricting, terms, qualifications, and**
2 **compensation of members.**

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

8 A. The County Commission shall be composed of ~~nine (9)~~ ten (10) members
9 ~~elected from single-member districts;~~ nine (9) Commissioners elected from
10 single-member districts; and one (1) Mayor elected at large. In the event there is a
11 vacancy in the Office of Mayor, the Office shall lapse until such time as there is an election
12 to fill that Office, and during such period, the County Commission shall be composed of
13 nine (9) members from single-member districts.

14 ...

15 (5) Beginning with the 2022 General Election, the Mayor shall be elected at
16 large, and shall serve for a term of four (4) years. The Mayor must be a
17 County elector and resident.

18 (6) Should the Office of Mayor lapse due to a vacancy and, at the time of the
19 lapse, fewer than twenty-four (24) months remain in the Mayor's term, then
20 the Office shall be filled at the next general election unless the County
21 Commission by two-thirds (2/3) vote calls an earlier special election to fill
22 the Office. If, at the time of the lapse, more than twenty-four (24) months
23 remain in the Mayor's term, the County Commission must hold a special
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 underscored type are additions.

1 election to fill the Office within a reasonable time, preferably to coincide with
2 a regularly scheduled election.

3 B. Commissioners and the Mayor shall be elected on a partisan basis. The
4 terms of office for both Commissioners and the Mayor shall begin on the Tuesday
5 two (2) weeks following the day of the general or special election.

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

8 D. The Commissioners' salaries shall be determined and established in
9 accordance with the general law of the State of Florida pertaining to compensation for
10 Commissioners of non-charter counties. The Mayor's salary shall be \$250,000 for the
11 2023 fiscal year (prorated for the first year), and for every fiscal year thereafter shall
12 increase or decrease on October 1 in accordance with the Consumer Price Index for All
13 Urban Consumers (CPI-U), All Items, Miami-Fort Lauderdale-West Palm Beach, FL,
14 calculated by the United States Department of Labor, or successor reports, for the
15 preceding calendar year as most recently reported by the United States Department of
16 Labor. Commissioners and the Mayor shall only be reimbursed for expenses that are
17 specifically approved by the County Commission, and when properly incurred on County
18 business, in conformance with the laws of the State of Florida.

19 E. Vacancies on the County Commission shall be defined and filled as
20 provided by the laws of the State of Florida. Other than as a result of redistricting, any
21 Commissioners who cease to reside in the District they represent shall be deemed to
22 have vacated their office. If the Mayor ceases to reside in Broward County, the Mayor
23 will be deemed to have vacated the Office.

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1 F. The Mayor shall not have any employment or independent contractor
2 relationship with any entity for which the Mayor provides personal or professional
3 services, nor shall the Mayor serve as an officer of any business entity. The Mayor may,
4 however, manage his or her personal investments, including real estate and securities,
5 to the extent not otherwise prohibited by law, and may participate in the activities of
6 nonprofit charitable, religious, professional, or social organizations, including by serving
7 on such organization's board of directors, provided the Mayor does not receive
8 compensation or other remuneration from the entity.

9 Section 2. Subject to an affirmative vote of the general electorate, Section 2.02
10 of Article II of the Charter of Broward County, Florida, entitled Term Limitation for County
11 Commissioner Office, is hereby amended, effective November 8, 2022, to read as follows:

12 **Sec. 2.02. Term limitation for County Commissioner office.**

13 ~~Effective with the terms of the Commissioners that commenced in November 2000,~~
14 aAn individual shall not be eligible for election as a Commissioner, including Mayor, for
15 more than three consecutive four-year terms. ~~Service as a Commissioner prior to the~~
16 ~~terms that commenced in November 2000 shall not be considered in applying the term~~
17 ~~limitations of this Section.~~ Service of a two-year term, or any other partial term
18 ~~subsequent to November 2000,~~ shall not be considered in applying the term limitation
19 provisions of this ~~S~~section. For purposes of this section, the offices of Mayor and County
20 Commissioner shall be considered separate offices, and service as the Mayor or County
21 Commissioner shall not be considered when applying the term limitation provisions in this
22 section to the other office.

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1 Section 3. Subject to an affirmative vote of the general electorate, Section 2.03
2 of Article II of the Charter of Broward County, Florida, entitled Commission Election of
3 Mayor and Vice-Mayor, is hereby amended, effective November 8, 2022, to read as
4 follows:

5 **Sec. 2.03. Commission election of Mayor and Vice-Mayor.**

6 A. ~~The County Commission shall elect one (1) Commissioner to the position~~
7 ~~of Mayor by a majority vote. The election of the Mayor shall occur on an annual basis,~~
8 ~~during the County Commission's annual organizational meeting, which shall take place~~
9 ~~no earlier than the third Tuesday of each November and no later than the third Tuesday~~
10 ~~of each December. The County Commission may remove the individual from the position~~
11 ~~of Mayor by a majority vote. The Mayor may serve consecutive terms.~~

12 B. A. ~~Following the election of the Mayor, t~~The County Commission shall elect a
13 Commissioner to the position of Vice-Mayor by a majority vote during the County
14 Commission's annual organizational meeting, which shall take place no earlier than the
15 third Tuesday of each November and no later than the third Tuesday of each December.
16 In the Mayor's absence, the Vice-Mayor shall have all the rights, privileges, and duties of
17 the Mayor, except that the Vice-Mayor shall not be subject to Section 2.01.F. of the
18 Charter and shall receive the same salary as other County Commissioners. The County
19 Commission may remove the individual from the position of Vice-Mayor by a majority
20 vote. The Vice-Mayor may serve consecutive terms.

21 C. B. ~~In the event the position of Mayor shall become vacant for any reason, the~~
22 ~~Vice-Mayor shall automatically become Mayor and serve as Mayor for the balance of the~~
23 ~~Mayor's term. The Commission shall elect a new Vice-Mayor who shall serve for the~~
24 ~~balance of the Mayor's term. If the Office of Mayor lapses pursuant to Section 2.01.A. of~~

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1 the Charter, all duties and powers of Mayor shall be transferred to the Vice-Mayor, who
2 shall become Interim Mayor until such time as a new Mayor is elected. The Interim Mayor
3 shall not be subject to Section 2.01.F. of the Charter and shall receive the same salary
4 as other County Commissioners.

5 D. C. In the event the position of Vice-Mayor shall become vacant for any reason,
6 including by the Vice-Mayor becoming the Interim Mayor, the County Commission shall
7 elect a new Vice-Mayor who shall serve for the balance of the Vice-Mayor's term.

8 Section 4. Subject to an affirmative vote of the general electorate, Section 2.04
9 of Article II of the Charter of Broward County, Florida, entitled Mayor – Duties and
10 Responsibilities, is hereby amended, effective November 8, 2022, to read as follows:

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

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

15 . . .

16 Section 5. A referendum election is called for the General Election on
17 November 3, 2020, and at such other times as permitted for voting under Chapter 101,
18 Florida Statutes, to determine whether the Broward County Charter should be amended
19 to create a Mayor elected countywide.

20 Section 6. In accordance with Section 100.342, Florida Statutes, at least thirty
21 (30) days' notice of the referendum election shall be published by the Broward County
22 Administrator in a newspaper of general circulation in Broward County at least two (2)
23 times, including once in the fifth week and once in the third week prior to the week in
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1 which the referendum is to be held. The notice is hereby attached as Exhibit A and made
2 a part hereof.

3 Section 7. Said referendum election shall be held between the hours of
4 7:00 a.m. and 7:00 p.m. on November 3, 2020, and at such other days and times as
5 provided under applicable law, including for early voting as provided by Section 101.657,
6 Florida Statutes, at the polling places established in Broward County. All registered and
7 qualified electors in Broward County shall be eligible to vote in the referendum election.
8 Vote-by-mail ballots and early voting access for the referendum shall be made available
9 as provided by law.

10 Section 8. The election boards consisting of the clerks and inspectors
11 appointed to serve for the November 3, 2020, General Election are hereby appointed to
12 serve in the referendum election in the manner provided by law.

13 Section 9. The Broward County Canvassing Board shall canvass the returns in
14 said election and shall certify the results of the referendum election as provided by law.

15 Section 10. The County Administrator shall furnish a certified copy of this
16 adopted Resolution to the Supervisor of Elections for Broward County on or before
17 June 15, 2020.

18 Section 11. The title and summary of the referendum question to appear on the
19 November 3, 2020, General Election, as embodied in this enabling Resolution, shall be
20 as follows:

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1 **BROWARD COUNTY MAYOR ELECTED AT LARGE**

2 "Shall the Broward County Charter be amended to provide a Charter Office of Broward
3 County Mayor, to be elected at large starting with the 2022 General Election, with (1) the
4 Mayor exercising such powers as granted by the Charter, (2) annual compensation of
5 \$250,000 as adjusted for inflation, (3) no person eligible to serve as Mayor for more than
6 three consecutive four-year terms; and (4) a prohibition on outside employment while
7 serving as Mayor?"

8 YES _____

9 NO _____

10 **FINANCIAL IMPACT STATEMENT:**

11 [to be supplied by auditor, subject to state law limitations]

12 **Section 12. Financial Impact of the Charter Amendment.**

13 Consistent with Section 11.07 of the County Charter, the Supervisor of Elections
14 shall include, immediately following the ballot language, a financial impact statement not
15 to exceed seventy-five (75) words prepared by the County Auditor estimating the increase
16 or decrease in revenues or costs to the County resulting from approval of this proposed
17 Charter amendment, subject to state law limitations.

18 **Section 13. Severability.**

19 If any portion of this Resolution is determined by any court to be invalid, the invalid
20 portion will be stricken, and such striking will not affect the validity of the remainder of this
21 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
22 legally applied to any individual, group, entity, property, or circumstance, such
23 determination will not affect the applicability of this Resolution to any other individual,
24 group, entity, property, or circumstance.

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1 Section 14. Effective Date.

2 This Resolution shall be in force and take effect immediately upon its adoption by
3 an affirmative vote of no fewer than six (6) members of the Broward County Commission.
4

5 ADOPTED this day of , 2020.

6
7 Approved as to form and legal sufficiency:
8 Andrew J. Meyers, County Attorney

9 By /s/ (in italics) 00/00/2020
10 Joseph K. Jarone (date)
11 Assistant County Attorney
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19 JKJ
20 Elected Mayor Amendment
21 03/24/2020
22 491949.7
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