

RESOLUTION 2022-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CALLING A SPECIAL ELECTION ON NOVEMBER 5, 2024, ON THE QUESTION OF WHETHER BREVARD COUNTY SHOULD AMEND THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE FOR A CHARTER AMENDMENT WHICH AMENDS SECTION 2.6 AS TO COMMISSIONER SALARY TO FOLLOW FLORIDA STATUTE CHAPTER 145, WHICH CHANGE IS CONSISTENT WITH THE FLORIDA CONSTITUTION, GENERAL LAW, AND THE CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Florida legislature enacted Chapter 145 Florida Statutes to provide for the annual compensation for county officers, including commissioners; and

WHEREAS, the Florida legislature enacted Chapter 145 after it determined that a uniform system, and not an arbitrary and discriminatory salary law, was needed to replace the haphazard, preferential, inequitable and probably unconstitutional local law method of paying elected county officers; and

WHEREAS, the Florida legislature has provided a Florida statute to provide uniform compensation to county officials across Florida who have substantially equal duties and responsibilities, taking into account the multitude of changes that have affected these offices within the past decade; and

WHEREAS, the salary schedules laid out by Chapter 145 Florida Statute are based on a classification of counties according to each county's population, which the legislature determined to be the most practical basis from which to arrive at an adequate, uniform salary system; and

WHEREAS, the Brevard County Board of County Commissions has voted to place a Charter amendment on the ballot in 2024 that, if enacted, will bring Brevard County close to the rest of the State by setting commissioner salaries to 90 percent of the salaries calculated by Chapter 145, Florida Statute, effective January 1, 2025.

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

SECTION 1. AUTHORITY FOR RESOLUTION. This Resolution is adopted pursuant to the authority of the Board under Chapter 125, Florida Statutes, the Brevard County Home Rule

Charter, Article VII, Section 7.3.1, and Article X, Section 12(d), of the Florida Constitution and any other applicable provision of law.

SECTION 2. FINDINGS. It is hereby found and determined as follows:

A. A charter has been adopted for Brevard County entitled "Brevard County Home Rule Charter."

B. The Brevard County Commission has proposed an amendment to the Brevard County Charter.

C. The Three Person Panel (also known as the "Attorney Review Panel") review of the amendment found the proposal to be consistent with the Florida Constitution, general law, and the Brevard County Charter and to contain a single subject.

D. The general election to be held on November 5, 2024, is an appropriate and desirable date to conduct a concurrent special election on the proposed amendment.

SECTION 3. SPECIAL ELECTION. A special election is hereby called and ordered to be held concurrently with the general election to be held on November 5, 2024, to determine whether or not to amend the Brevard County Home Rule Charter Article 2, Section 2.6, in the manner set forth below.

SECTION 4. NOTICE OF SPECIAL ELECTION. This Resolution shall be published once a week for four consecutive weeks in full as part of the Notice of Special Election, together with a notice in substantially the form attached hereto as Exhibit "A," in Florida Today, a newspaper of general circulation in the County with the first such publication occurring in the fifth week prior to the election provided that the first publication must be at least thirty days but no more than forty-five day prior to the date set for the election.

SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting places on the date of such special election during the hours prescribed by law. All qualified electors shall be entitled and permitted to vote at such special election on the proposition provided below. The places of voting and the inspectors and clerk for the special election shall be those designated by the Supervisor of Elections of Brevard County.

SECTION 6. OFFICIAL BALLOT. The ballots to be used in the special election shall contain a statement of the description of the proposed amendment to the County Charter, and shall be in substantially the following form:

BALLOT
Brevard County, Florida

BREVARD COUNTY CHARTER AMENDMENT, ARTICLE 2, SALARY

Effective January 1, 2025, shall Article 2, Section 2.6 of the Brevard County Charter be amended to provide that the salary of the Brevard County Board of County Commissioners be determined solely as 90 percent of that set forth in Chapter 145, Florida Statutes for county commissioners, as amended from time to time, which state statute provides a uniform method of compensation for county commissioners with similar duties across the state?

_____ YES FOR APPROVAL

_____ NO FOR REJECTION

SECTION 7. CHARTER AMENDMENT. The full text of the amendment reads as follows:

A. Section 2.6 Brevard County Home Rule Charter is hereby amended to read as set forth below. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 2.6. - Salary and other compensation.

~~Salary and other compensation of the County Commissioners shall be the same as that in effect on December 31, 1999. On or before October 1, 2001, and on or before October 1 of every even-numbered year thereafter, the Board of County Commissioners may adopt an ordinance fixing the salaries of Commissioners for the next two years. There shall be no automatic increases in salary or other compensation. An ordinance increasing salary or other compensation shall not become effective until the first day of January in the year following adoption of the ordinance.~~

~~The specified salary shall not exceed the average percentage increase in the salaries of county employees for the fiscal year just concluded, or the percentage change of the consumer price index from the previous year, whichever is less. The salary of the County Commissioners shall be the same as 90 percent of that set forth in Chapter 145, Florida Statutes for members of a board of county commissioners, as the statute may be amended from time to time.~~ All other

compensation must be based on actual expenses incurred in Board directed performance of duties of Commissioners as provided by general law of the State of Florida.

~~An ordinance providing for an increase in salary or compensation shall be subject to nullification under the provisions for initiative provided in Article 5 of this Charter. Except for such nullification, the salary or other compensation of a Commissioner shall not otherwise be decreased during that Commissioner's term of office.~~

B. The above amendment to Article 2, Section 2.6, shall become effective on January 1, 2025 after approval of the electors of Brevard County, and the amendment shall operate prospectively on any Charter amendment proposal submitted to the electors of Brevard County after November 5, 2024.

SECTION 8. PAYMENT OF SPECIAL ELECTION EXPENSES. The County Manager is hereby authorized and directed to approve the payment of lawful expenses associated with conducting the special election and the Clerk of the Board of County Commissioners is hereby authorized and directed to disburse funds necessary to pay such expenses.

SECTION 9. VOTER REGISTRATION BOOKS. The Supervisor of Elections for Brevard County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such special election, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors.

SECTION 10. ELECTION ADMINISTRATION. The special election shall be held and conducted in the manner prescribed by law and, as soon as practicable, shall be returned and canvassed in the manner prescribed by law. The result shall show the number of qualified electors who voted at such special election and the number of votes cast respectively for and against approval of the amendments. Upon certification in the manner prescribed by law, the results shall be recorded in the minutes of the Board of County Commissioners.

SECTION 11. ELECTION RESULTS. If the majority of the votes cast at such a special election shall be "Yes For Approval," the amendments shall pass.

SECTION 12. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

SECTION 13. REPEALING CLAUSE. All resolutions or other actions of the County which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 14. EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of County Commissioners.

DONE, AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida, this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk
(SEAL)

BY: _____
Kristine Zonka, Chair

Reviewed for legal form and content:

As approved by the Board on _____

County Attorney

EXHIBIT A

NOTICE OF REFERENDUM ELECTION ON AMENDMENTS TO BREVARD COUNTY HOME RULE CHARTER, SECTION 2.6

Notice is hereby given that a referendum election shall be held to consider a certain amendment to the Brevard County Home Rule Charter, Section 2.6. The referendum election shall be held on November 5, 2024, at which the question described in the following resolution number 22-___ adopted by the Board of County Commissioners of Brevard County, Florida, on the ___ day of September 2022 shall be submitted to the electors:

[RECITE RESOLUTION]