

# Fiscal Impact of Proposed Charter Amendments

The ballot language for Resolution 2022-001 approved by the Charter Review Commission is as follows:

## BREVARD COUNTY CHARTER AMENDMENT PROPOSAL NO. 1 – ATTORNEY REVIEW PANEL

The County Charter does not say what will be done when the Charter's attorney review panel determines that a proposed Charter amendment is inconsistent with the Florida Constitution, general law, and existing charter. Shall the Charter be amended to provide that proposals found to be inconsistent with the Florida Constitution, general law, or the existing Charter be returned to the County Commission or Charter Review Commission for further action if any is to be done?

\_\_\_\_\_ Yes for approval

\_\_\_\_\_ No for rejection

The actual changes to the Charter, Section 7.4.1. are:

### **Sec. 7.4.1. - Independent review of proposed charter amendments.**

1. For any proposed amendment sponsored by the County Commission or the Charter Review Commission, the County Commission, at the county's expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law and this Charter. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from a Florida law practice or the Florida judiciary within the past five years.
2. If at least two members of the panel find that the proposed amendment embraces only one subject and is consistent with the Florida Constitution, general law and this Charter, the County Commission shall place the proposed charter amendment on the ballot for consideration at a referendum at a special election held concurrently with the next countywide election or at an earlier special election called for that purpose. Notice of the election shall conform to the requirements set forth in the last paragraph of section 7.3.3. in this Charter. Passage of a proposed charter

amendment shall require approval by a majority of the registered electors voting in the special election. If at least two members of the panel find that the proposed amendment is not consistent with the Florida Constitution, general law, or this Charter, then the proposal is considered rejected and is returned to the County Commission or to the Charter Review Commission for further action if any is to be done.

**Fiscal Impact:**

Under Section 7.4.1. of the Charter, the Board of County Commissioners is required to fund the Charter Review Commission. Included in the total cost to operate the Charter Review Commission is the requirement to hire three attorneys for the three person panel. Under the current Charter if two of the three panel members reject a proposed amendment, there is no further action taken. This proposed amendment would allow a rejected proposal amendment to be return to the Board of County Commissioners or the Charter Review Commission.

A fiscal impact would only occur if a proposed amendment would be reworked and sent back to the three person panel for a second review. Using the total billable hours of the 2010 review, the last time the three panel was utilized, finds that the total hours billed for the four proposed amendments was \$27,718.15, an average of \$6,929.54 per amendment.

It could reasonably be assumed that a second review of a proposed amendment would require the same approximate billable hours. Using the 2010 three panel billing rate per hour, each second review of a proposed amendment would have an impact of approximately \$7,000.

**The ballot language for Resolution 2022-002 approved by the Charter Review Commission is as follows:**

**BREVARD COUNTY CHARTER AMENDMENT  
PROPOSAL NO. 2 – APPROVAL BY 60% OF VOTERS  
VOTING ON AMENDMENT**

The Brevard County Charter may currently be amended by a majority of electors voting on a proposed amendment. Shall the Charter be amended to require that at least sixty percent of the electors voting on a proposed amendment be required to adopt the proposal?

\_\_\_\_\_ Yes for approval

\_\_\_\_\_ No for rejection

The actual changes to the Charter, Section 7.3.3. are:

**Sec. 7.3.3. - Amendment referendum.**

The Board of County Commissioners will cause any Charter amendment proposed under section 7.3.1 or 7.3.2 to be submitted to the electors for their approval or rejection. Upon receipt of the official certification from the Supervisor of Elections that the initiative requirements have been met, the Board will, within 30 days, establish the referendum date. The proposed amendment will be placed on the ballot at a special election held concurrent with the next countywide election, or at any earlier special election called for that purpose. If the Board refuses to comply with Section 7.3.2 or refuses to place the proposed amendment on the ballot as required by this section of the charter, the Board's action may be construed as interfering with the right of the people to petition and may be considered an act of malfeasance within the meaning of Article IV, Section 7(a) of the State Constitution.

Notice of said referendum, together with the language of the proposed amendment, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first publication being not more than forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval by a vote of at

least sixty percent of the ~~a majority of~~ electors voting on the  
measure in said election.

**Fiscal Impact:**

Under Section 7.3.3. of the Charter, any proposed amendment must be approved by a majority of electors. This proposed amendment changes that requirement to at least 60% for an amendment to be approved by the electorate.

This proposed amendment does not impose any additional election costs. This proposed amendment could lead to fewer future amendments to pass the electorate, but the fiscal impact of fewer amendments can not be measured.

**The ballot language for Resolution 2022-003 approved by the Charter Review Commission is as follows:**

**BREVARD COUNTY CHARTER AMENDMENT**

**PROPOSAL NO. 3 – RECALL OF COUNTY OFFICERS  
AND SCHOOL BOARD MEMBERS**

The proposal permits the voters to recall and replace School Board Members, the Clerk of Court, Property Appraiser, Supervisor of Elections, Tax Collector, or Sheriff, in the manner provided for by state law for recall of county commissioners.

\_\_\_\_\_ Yes for approval

\_\_\_\_\_ No for rejection

The actual changes to the Charter, Section 5.2. are:

**Sec. 5.2. - Recall.**

The County Commissioners shall be subject to recall as provided by section 100.361, Florida Statutes, as amended or superseded from time to time ~~general law~~. Any elected County officer named in Section 4.1.1. 4.2 of this Charter and school board members may be recalled in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, ~~general law~~ for removal of a County Commissioner of a charter county. A successor to the unexpired term of any recalled commissioner or elected County officer, or school board member, shall be elected in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, ~~general law~~ for filling of vacancies in office after recall in charter counties.

**Fiscal Impact:**

Section 5.2 of the Charter is the method under which County elected officers may be subject to recall by the electorate. This proposed amendment makes three changes to the recall section:

1. Corrects an error in the Charter language to properly identify County Elected Officers that may be recalled.
2. Adds language to the Section that recalls shall occur in a manner provided by Florida Statutes (F.S. 100.361).
3. Adds that School Board Members can be recalled in a manner provided by Florida Statutes (F.S. 100.361)

As the first two changes to Section 5.2 are textual changes, there is no fiscal impact to be measured. The third change could have an additional fiscal impact as it adds five additional County Elected Officers that can be recalled, School Board Members. The Charter Review Commission requested a possible cost of a recall election from the Supervisor of Elections while considering this proposed amendment. The Supervisor of Elections estimated the costs of a special election as follows:

Single District Special Election: \$383,325.41

Countywide Special Election: \$1,441,779.99

All costs are estimated and the backup for the Special Election costs are attached.



# Estimate

6/23/2022

P O Box 410819  
Melbourne Florida 32941-0819

To: Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

Attn: Jim Lisenfelt, Assistant County Manager

Item#	Description	Amount
<u>Special Election -County Wide</u>		
1	Ballots, Mail Ballots, and Postage	\$ 479,642.15
2	Communications and Election Supplies	\$ 7,046.00
3	Election Office Staff Overtime	\$ 25,606.08
4	Election Support Temporary Staff	\$ 512,075.76
5	Election Poll Worker Pay	\$ 233,070.00
6	Legal Services, Legal Notices and Sample Ballots	\$ 169,939.00
7	Precinct Rental	\$ 3,640.00
8	Translation Services	\$ 75.00
9	Truck Rental	\$ 10,686.00
*Total Estimate		<b>\$ 1,441,779.99</b>

\*Does not include costs associated with a recount if required under state law.

**\*\*IMPORTANT\*\* - Due to significant supply chain issues and a national paper shortage (predicted to last through 2024), the lead time necessary to conduct an off-cycle election has dramatically increased and should be factored into all off-cycle election timelines.**

If you have any questions regarding this estimate, please contact :  
Supervisor of Elections Finance 321-633-2088



# Estimate

6/23/2022

P O Box 410819  
Melbourne Florida 32941-0819

To: Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

Attn: Jim Lisenfelt, Assistant County Manager

Item#	Description	Amount
<u>Special Election - Single District</u>		
1	Ballots, Mail Ballots, and Postage	\$ 170,264.22
2	Communications and Election Supplies	\$ 1,826.00
3	Election Office Staff Overtime	\$ 18,751.19
4	Election Support Temporary Staff	\$ 99,749.00
5	Election Poll Worker Pay	\$ 50,325.00
6	Legal Services, Legal Notices and Sample Ballots	\$ 37,910.00
7	Preinct Rental	\$ 625.00
8	Translation Services	\$ 75.00
9	Truck Rental	\$ 2,800.00
*Total Estimate		<b>\$ 382,325.41</b>

*Estimate based on a single member district containing 98,500 registered voters*

\*Does not include costs associated with a recount if required under state law.

**\*\*IMPORTANT\*\* - Due to significant supply chain issues and a national paper shortage (predicted to last through 2024), the lead time necessary to conduct an off-cycle election has dramatically increased and should be factored into all off-cycle election timelines.**

If you have any questions regarding this estimate, please contact :  
Supervisor of Elections Finance 321-633-2088



**The ballot language for Resolution 2022-004 approved by the Charter Review Commission is as follows:**

**BREVARD COUNTY CHARTER AMENDMENT**

**PROPOSAL NO. 4 – Charter Review Commission  
Proposed Amendments**

The Charter requires a panel of three attorneys to review proposed amendments for legality before placing the proposed amendment on the ballot. When the amendment is proposed by the Charter Review Commission, the panel shall be selected by the Charter Review Commission. If the panel finds a Charter Review Commission proposed amendment inconsistent with the law, it shall be returned to the Charter Review Commission for further consideration.

\_\_\_\_\_ Yes for approval

\_\_\_\_\_ No for rejection

The actual changes to the Charter, Section 7.4.1. are:

**Sec. 7.4.1. - Independent review of proposed charter amendments.**

1. For any proposed amendment sponsored by the county commission ~~County Commission~~ or the charter review commission ~~Charter Review Commission~~, the county commission ~~County Commission~~, at the county's expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law and this charter ~~Charter~~. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from a Florida law practice or the Florida judiciary within the past five years.
2. If at least two members of the panel find that the proposed amendment embraces only one subject and is consistent with the Florida Constitution, general law and this charter ~~Charter~~, the county commission ~~County Commission~~ shall place the proposed charter amendment on the ballot for consideration at a referendum at a special election held concurrently with the next countywide election or at an earlier special election called for that purpose. Notice of the election shall conform to the requirements set forth

in the last paragraph of section 7.3.3. in this ~~charter~~ Charter. Passage of a proposed charter amendment shall require approval by a majority of the registered electors voting in the special election.

3.
  - a. Under section 7.4.1. 1., when a proposed amendment is sponsored by the charter review commission, members of the three person panel shall be selected by the charter review commission. The three person panel shall report directly and maintain a fiduciary duty to the charter review commission.
  - b. The three person panel shall submit its findings for each proposed amendment to the board of county commissioners and the charter review commission within fifteen (15) days of receipt and shall include a comprehensive written report containing the panel's conclusion(s) for each proposal. If two members of the three person panel reject the proposed amendment, the proposal shall be promptly returned to the charter review commission for a reasonable opportunity to cure any defect. The panel's written report must include, with specificity, the rationale for rejecting the proposed language and a suggested manner in which the defect(s) may be resolved. Notwithstanding section 7.4 of this charter, the term of the charter review commission shall be extended for the sole purpose of further considering any charter amendment proposal rejected by the three person panel.

### **Fiscal Impact:**

Under Section 7.4.1. of the Charter, the Board of County Commissioners is required to fund the Charter Review Commission. Included in the total cost to operate the Charter Review Commission is the requirement to hire three attorneys for the three person panel. Under the current Charter if two of the three panel members reject a proposed amendment, there is no further action taken.

This proposed amendment would make the follow changes:

1. Required that the three person panel be selected by and report directly to the Charter Review Commission.
2. Add requirements to the three person panel to explain the rationale if any of the panel rejects a proposed amendment and return the proposed amendment to the Charter Review Commission to cure any defect.
3. Extend the term of the Charter Review Commission for the sole purpose to consider any rejected proposal.

The first change would replace county staff as the selection committee for the procurement of the three person panel. As the procurement would still be required and funded through the Brevard County procurement system, the fiscal impact would be not change. The second change would entail a fiscal impact similar to the Proposal 1, if a proposed amendment is rejected, approximately \$7,000.

The third proposed change could extend the term of the Charter Review Commission. Under Section 7.4, 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 of the Charter or its recommendation that no amendment is appropriate.” As there is a specific date, set by the Supervisor of Elections, when ballot language must be approved and submitted, it is assumed that the Charter Review Commission would begin their meetings earlier in the previous calendar year. It is not known, whether this proposed amendment would add additional meetings to the schedule. If that was to occur, there would be additional staff time, Charter Review Commission Attorney costs to attend meetings, public notice costs and addition broadcast (Space Coast Government TV) costs. At this time, without the knowledge of the total amount of additional meetings, the total fiscal impact can not be calculated.

**The ballot language for Resolution 2022-005 approved by the Charter Review Commission is as follows:**

**PROPOSAL NO. 5 – FILLING A VACANCY IN THE TERM OF A COUNTY COMMISSIONER**

Revises the Charter to be consistent with the Florida Constitution and to provide that vacancies resulting from death, resignation, or removal from office of a County Commissioner with less than twenty-eight months remaining in the term shall be filled by the Governor. Vacancies with twenty-eight months or more remaining in the term will be filled by election by the voters.

\_\_\_\_\_ Yes for approval

\_\_\_\_\_ No for rejection

The actual changes for Section 2.7. are:

**Section 2.7 Vacancies and Suspensions.**

~~A vacancy or suspension in the office of county commissioner County Commissioner arising from the death, resignation or removal of such official shall, if one year or less remains in the term of office, be filled by appointment of the Governor; provided, a shall be defined and filled as provided by law. A vacancy created by recall shall be filled as provided in section Section 5.2 of this Charter. Unless otherwise required by the State Constitution or general law, if more than one year remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by a special election. The Board of County Commissioners, after first consulting with the Supervisor of Elections, shall by resolution fix the time period for candidate qualifying, the date of the election, and the date of any runoff election. There shall be a minimum of thirty (30) days between the close of qualifying and the date of the election, and between the election and any runoff election. Such special elections shall otherwise be governed by the applicable provisions of general law.~~

B. The above amendment to Article 7, shall become effective upon approval of the electors of Brevard County after November 8, 2022.

**Fiscal Impact:**

This proposed amendment does impose any fiscal impacts as it is a correction to the County Charter to align with current State Law regarding the vacancy or suspension of a County Commissioner.

The ballot language for Resolution 2022-006 approved by the Charter Review Commission is as follows:

**PROPOSAL NO. 6 – WORKFORCE  
AND SUPPORTIVE HOUSING**

The amendment establishes an affordable housing trust fund to assist in establishing affordable housing for renters and homeowners to create and increase workforce housing opportunities throughout the county. The trust fund shall be funded as directed by the county commission.

\_\_\_\_\_ Yes for approval

\_\_\_\_\_ No for rejection

The language for a new Section 1.9 of the Charter is:

**Sec. 1.9. Brevard County Workforce and Supportive Housing Trust Fund.**

(a) The Brevard County Workforce and Supportive Housing Trust Fund is hereby established.

(b) Purpose of Trust Fund. The purpose of the trust fund is to provide a continuing, non-lapsing fund for Brevard County to use to address the need for affordable housing within Brevard County. The trust fund shall be used to create and sustain affordable housing throughout Brevard County for renters and homeowners and to increase workforce housing opportunities.

(c) Revenue sources. The trust fund shall be funded as directed from time to time by the county commission and may be comprised of the following sources:

(1) Funds from the sale of county surplus real property, the funds of which are not otherwise legally committed to other sources; and

(2) Other sources as established from time to time by ordinance.

(d) Continuing nature of trust fund. Unless otherwise provided by ordinance or resolution or required by applicable law, unspent portions of the trust fund, repayments of principal and interest on loans provided from the trust fund, and interest earned from the deposit or investment of monies from the trust fund:

(1) Shall remain in the trust fund to be used exclusively for the purposes of the trust fund;

(2) Shall not revert to the general revenues or other funds of the county;

and

(3) Any appropriations shall not lapse.

(e) Implementation. Not later than July 1, 2023, the county commission shall adopt one or more ordinances implementing the provisions of this section, which ordinances may be amended from time to time.

**Fiscal Impact:**

This proposed amendment does not mandate that the Board of County Commissioners fund the Workforce and Supportive Housing Trust Fund and lists two possible sources: (1) Funds from the sale of county surplus real, property, the funds which are not otherwise legally committed to other sources; and (2) other sources as established from time to time by ordinance.

The Charter Review Commission requested information on county surplus real property proceeds from the previous five years. The analysis showed that surplus real property proceeds not legally committed to other sources totaled \$277,850 an average of \$55,570 per year. The requested information is attached. Without the knowledge of the future funding action by the Board of County Commissioners, the total fiscal impact can not be calculated.



BOARD OF COUNTY COMMISSIONERS

County Manager's Office  
2725 Judge Fran Jamieson Way  
Building C, Room 301, MS# 88  
Viera, Florida 32940

## Inter-Office Memo

TO: Charter Review Commission

FROM: James Liesenfelt, Assistant County Manager *JL*

DATE: July 21, 2022

SUBJECT: Land Sales Proceeds

At the July 7, 2022 Charter Review Commission meeting, the Commission requested information regarding the total land sales proceeds that the county had received.

Listed below are the land sales proceeds from the past five years:

- 5 parcels, escheated to the County; revenue of \$47,850; returned to 001 General Fund, less fees.
- 1 parcel, Natural Resources purchased for drainage purposes; revenue \$91,650 returned to Natural Resources fund 1112, less fees.
- 1 parcel, purchased for future Sheriff expansion on Gus Hipp Blvd; \$230,000 returned to 001 General Fund, less fees.
- 2 parcels, Public Works road widening on Grissom and Wendy Lee; revenue \$18,800; returned to fund 1160 Local Option Gas Tax, less fees.
- 2 court case special assessments owed; revenue \$14,655 returned to 0035 Affordable Housing, less fees.

Staff will be available at the meeting to answer any questions.

Thank you.