Board of County Commissioners
Agenda Request

Date of Meeting:	July 14, 2014
Date Submitted:	July 14, 2014
To:	Honorable Chairman and Members of the Board
From:	David Edwards, County Administrator Jessica Welch, Director, Communications & Public Services
Subject:	Request Board Approval to Schedule and Advertise a Public Hearing to Consider Adopting an Ordinance Providing for a Referendum Election To Be Held on Nov. 4, 2014 for the Purpose of Determining Whether the County Charter Should be Amended to Require Persons Elected to County Commission Provide a Voter Registration Card and an Oath of Residency Declaring Their Intent to Reside in the District from Which Elected Within 30 Days

Statement of Issue:
This agenda item requests Board approval to schedule and advertise a public hearing to consider adopting an Ordinance providing for a referendum election to be held on November 4, 2014 for the purpose of determining whether the County Charter should be amended to require persons elected to County Commission provide a voter registration card and an oath of residency declaring their intent to reside in the district from which elected within 30 days.

Background:
The Wakulla County Home Rule Charter was approved by a referendum vote on November 4, 2008. Pursuant to Section 7.4 of the Charter, no later than July 1, 2015, the Board must establish a Charter Review Commission to review the Charter and make a recommendation to the Board for amendment, revision or repeal, or no amendment, revision or repeal.

On January 21, 2014, the Board appointed 15 members to serve on the Charter Review Commission (CRC). The CRC is in the process of providing the Board with their recommend amendments to the Home Rule Charter for which includes a proposed amendment regarding residency requirements. It's anticipated the CRC will present the Board with their recommendation report at this same meeting on July 14th.

Analysis:
In accordance with Section 7.3.3 of the Charter, the Board is now required to call a referendum on the Proposed Charter Amendment for approval during the next general election scheduled more than 90 days after the Proposed Charter Amendment is validated.

In the event the Proposed Charter Amendment is approved by a majority vote at the referendum as called for in this Ordinance, a new sentence shall be added amending Section 2.3 of the Charter and shall be adopted as follows:

- Qualifications and elections – 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. <u>All persons who have been duly elected to the office of county commissioner shall provide a notarized declaration and oath stating the intent of the person to reside in the District in which elected or in the County where they have been elected to serve for the full term of office. The person elected shall also provide their voter registration card, verifying their physical address in the district or the County, within 30 days after election.</u>

Upon approval of this item, the public hearing to adopt the proposed Ordinance will be held on August 4, 2014.

Budgetary Impact:
The only budgetary impact associated with scheduling the proposed public hearing will be the Wakulla News advertisement fee of approximately $100.

Options:
1. Approve to Schedule and Advertise a Public Hearing to Consider Adopting an Ordinance providing for a Referendum Election to be held on Nov. 4, 2014 for the purpose of determining whether the County Charter should be amended to require Persons Elected to County Commission Provide a Voter Registration Card and an Oath of Residency Declaring Their Intent to Reside in the District from Which Elected Within 30 Days.
2. Do Not Approve to Schedule and Advertise a Public Hearing to Consider Adopting an Ordinance providing for a Referendum Election to be held on Nov. 4, 2014 for the purpose of determining whether the County Charter should be amended to require Persons Elected to County Commission Provide a Voter Registration Card and an Oath of Residency Declaring Their Intent to Reside in the District from Which Elected Within 30 Days.
3. Board Direction.

Recommendation:
Option #1

Attachment:
1. Proposed Ordinance

ORDINANCE NO. 2014-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 4, 2014, FOR THE PURPOSE OF DETERMINING WHETHER THE WAKULLA COUNTY CHARTER SHOULD BE AMENDED TO REQUIRE PERSONS ELECTED TO COUNTY COMMISSION PROVIDE A VOTER REGISTRATION CARD AND AN OATH OF RESIDENCY DECLARING THEIR INTENT TO RESIDE IN THE DISTRICT FROM WHICH ELECTED WITHIN 30 DAYS; PROVIDING FOR NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR THE TITLE AND SUBSTANCE OF THE BALLOT MEASURE; PROVIDING FOR ABSENTEE BALLOTS; PROVIDING FOR APPOINTMENT OF ELECTION BOARDS; PROVIDING FOR CANVASSING BOARD CERTIFICATION OF RESULTS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, under Article VIII, Section I, Florida Constitution, charter counties shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors; and

WHEREAS, the Board of County Commissioners of Wakulla County, Florida (the "Board") enacted the Wakulla County Home Rule Charter, which was subsequently approved by a referendum vote on November 4, 2008 (the "Charter"); and

WHEREAS, the Board wishes to amend the Charter to require persons elected to the county commission to provide a voter registration card and an oath of residency declaring intent to reside in the district from which elected within 30 days; and

WHEREAS, Section 7.3.1 of the Charter authorizes the Board, upon a supermajority vote, to propose by ordinance amendments or revisions to the Charter not inconsistent with the State Constitution or with general law; and

WHEREAS, in accordance with Section 7.3.3 of the Charter, the Board is now required to call a referendum on the Proposed Charter Amendment for approval during the next general election scheduled more than 90 days after the Proposed Charter Amendment is validated; and

WHEREAS, the Board now desires to call a referendum election to present the Proposed Charter Amendment to the general electorate of the County for consideration in accordance with their obligations under the Charter.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Wakulla County, Florida, that:

ARTICLE 1. INCORPORATION OF RECITALS. The above recitals are true and correct and are hereby incorporated by reference.

ARTICLE 2. PROPOSED CHARTER AMENDMENT. In the event the Proposed Charter Amendment is approved by a majority vote at the referendum as called for in this Ordinance, a new sentence shall be added amending Section 2.3 of the Charter and shall be adopted as follows:

2.3 – Qualifications and elections

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. <u>All persons who have been duly elected to the office of county commissioner shall provide a notarized declaration and oath stating the intent of the person to reside in the District in which elected or in the County where they have been elected to serve for the full term of office. The person elected shall also provide their voter registration card, verifying their physical address in the district or the County, within 30 days after election.</u>

ARTICLE 3. REFERENDUM.

(A) A referendum election is called and ordered to be held in conjunction with the general election on November 4, 2014 (the "November Election"), throughout Wakulla County, Florida, for the purpose of determining whether the Proposed Charter Amendment shall be adopted.

(B) The referendum election shall be held between the hours of 7:00 a.m. and 7:00 p.m. at the same polling places established in Wakulla County for the November Election to be held on said date, and all electors of the County shall be eligible to vote in the referendum election.

ARTICLE 4. NOTICE. As required by Section 100.342, Florida Statutes, at least 30 days' notice of the forthcoming referendum, including its purpose and eligibility requirements for voting, shall be published by the Board in a newspaper of general circulation in the County at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held. Such notice shall contain the text of the proposed ballot question.

ARTICLE 5. BALLOT LANGUAGE. The wording and title of the proposition to appear on the ballot on the date of the November Election, as embodied in this Ordinance, shall be as follows:

CHARTER AMENDMENT PROVIDING PERSONS ELECTED COUNTY COMMISSIONER TO FURNISH RESIDENCY OATH AND VOTER REGISTRATION CARD

Shall the Charter of Wakulla County, Florida be amended to require persons elected to the county commission provide a notarized declaration and oath stating their intent to reside in the district in which elected and provide their voter registration card, verifying their physical address in the County, within 30 days after the election?

_____Yes

_____No

ARTICLE 6. ABSENTEE BALLOTS. Absentee ballots for said referendum election shall be prepared and made available as provided by law.

ARTICLE 7. ELECTION BOARDS. The election boards consisting of the clerks and inspectors appointed to serve for the November Election are hereby appointed to serve in the referendum election.

ARTICLE 8. CANVASSING BOARD.

(A) Upon conclusion of the election, the election canvassing board shall deliver the certificates of results, in the manner prescribed by law and appropriate rules and regulations, to the appropriate officials as designated in Section 101.5614, Florida Statutes.

(B) The Wakulla County Canvassing Board shall canvass the returns in said election and shall, as provided by law, certify the results of such referendum to the Board and to the Department of State of the State of Florida to be recorded in appropriate public records.

ARTICLE 9. CODIFICATION IN THE COUNTY CHARTER. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wakulla County Charter, if approved by a majority of the electors voting at the November 4, 2014 General Election.

ARTICLE 10. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

ARTICLE 11. EFFECTIVE DATE. A certified copy of this Ordinance shall be effective 10 days after its enactment by the Board and filing with the Department of State.

PASSED AND DULY ENACTED on this ____ day of _____, 2014.

WAKULLA COUNTY
BOARD OF COUNTY COMMISSIONERS

_____
Richard Harden, Chairman

ATTEST:

_____
Brent X. Thurmond
Clerk of Court

APPROVED AS TO FORM:

_____
Heather J. Encinosa
County Attorney