

CRC RESOLUTION NO. 2018-006

A RESOLUTION OF THE BROWARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BROWARD COUNTY, FLORIDA, BY ENACTING A NEW SECTION 1.07 ENTITLED, "REQUIRED POSTING OF NOTICES, AGENDAS, AND BACKUP MATERIALS"; PROVIDING THAT FOR ALL MEETINGS SUBJECT TO THE REQUIREMENTS OF SECTION 286.011, FLA.STAT., THAT ALL NOTICES, AGENDAS, AND BACKUP MATERIALS SHALL BE POSTED ON THE COUNTY OR MUNICIPALITY'S WEBSITE NO LATER THAN FORTY EIGHT HOURS PRIOR TO THE SCHEDULED MEETING, OR AS SOON AS PRACTICABLE AFTER THE RECEIPT OR DEVELOPMENT OF THE AGENDA MATERIALS, AND SHALL BE MADE AVAILABLE TO THE PUBLIC AT THE MEETING; PROVIDING FOR NOTICE IN THE EVENT OF AN EMERGENCY MEETING; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 2018 GENERAL ELECTION; PROVIDING THE BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENT; PROVIDING FOR THE COUNTY ATTORNEY TO RENUMBER AND RELETTER ARTICLES AND SECTIONS IN ORDER TO CONFORM THE AMENDMENTS TO THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 6.02 of the Broward County Charter, after two (2) public hearings and by an affirmative vote of at least thirteen (13) of the nineteen (19) members, the Broward County Charter Review Commission may submit a proposal to the Board of County Commissioners to amend or revise the Broward County Charter; and

WHEREAS, the Charter of Broward County, Florida mandates that all Charter amendments and revisions proposed by the Charter Review Commission must be submitted to

the County Commission no later than the first Tuesday in June of the year in which the term of the Charter Review Commission shall expire; and

WHEREAS, the Charter of Broward County, Florida provides that all amendments and revisions proposed by the Charter Review Commission must be presented by the County Commission to the electorate at the next general election;

NOW, THEREFORE, BE IT RESOLVED BY THE BROWARD COUNTY CHARTER REVIEW COMMISSION:

SECTION 1: That pursuant to Section 6.02 of the Charter of Broward County, Florida, the County Commission is hereby directed to place on the ballot for presentation to the electorate, at a special referendum election to be held in conjunction with the November 2018 General Election, a special referendum issue, the subject of which is proposed to enact a new Section 1.07, entitled "Required Posting of Notices, Agendas, and Backup Materials," to provide that for all meetings subject to the requirements of Section 286.011, Fla.Stat., that the County and Municipalities, post the notice, agenda, and backup materials on the County or Municipality's website **no later than forty-eight (48) hours prior to the scheduled meeting, or as soon as practicable after the receipt or development of the agenda materials, and shall be made available to the public at the meeting**, the full text of which is attached hereto and incorporated by reference as if fully set forth herein as **Exhibit "A"**.

SECTION 2: That the ballot title and summary for the proposed amendments/revisions as referred to above shall appear as follows:

**POSTING OF NOTICES, AGENDA, AND BACKUP MATERIALS NO
LATER THAN 48 HOURS PRIOR TO MEETING**

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Shall the Charter be amended to ~~enact a new Section 1.07~~ providing that for all meetings subject to Section 286.011, Florida Statutes, the County and Municipalities, shall post notices, agendas, and backup materials on County's or Municipality's website at least 48 hours prior to the scheduled meeting, **or as soon as practicable after development or receipt of the agenda materials;** and in the event of emergency meetings, for the postings to occur ~~shall be~~ as soon as practicable ~~prior to the meeting~~?

YES FOR APPROVAL _____

NO FOR REJECTION _____

SECTION 3: That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue, attached **Exhibit "A"** shall become a part of the Charter of Broward County, Florida.

SECTION 4: That the County Attorney is hereby directed to insure that the appropriate numbers and/or letters are affixed to the Articles and Sections of the Charter in order to conform the Charter to the amendments if approved.

SECTION 5: That if any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

SECTION 6: That this resolution shall become effective immediately upon its adoption.

Adopted this ____ day of _____, 20__.

Thomas McDonald, Chairperson

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APPROVED AS TO LEGAL FORM:

Samuel S. Goren, General Counsel

**RECORD OF VOTE
(CRC 2018-006)**

BUSCH	___	McDONALD	___
DAVIS	___	MOSELEY	___
DIPIETRO	___	MOSKOWITZ	___
FABRICIO	___	NAVARRO	___
FORMAN	___	NORRIS-WEEKS	___
GREENBERG	___	PETTIS	___
GUERRA	___	REYES	___
GUNZBURGER	___	SMITH	___
KANE	___	WELLS	___
MAYLOR	___		

Resolution **CRC 2018-006** passed _____ on _____, 20__.

BROWARD COUNTY CHARTER REVIEW COMMISSION

Attest: _____
Carlos Verney, Executive Director

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Exhibit "A"

Article I – Creation of County and Powers of Government

Section 1.07 – Required Posting of Notices, Agendas, and Backup Materials

A. Posting of Notices, Agenda, and Backup Materials.

For all meetings subject to the requirements of Section 286.011, Florida Statutes, as may be amended from time to time, and in addition to any applicable state law requirements, the County and all Municipalities shall post on their respective websites any required notices, agendas, and available backup materials at least 48 hours prior to the applicable scheduled meeting. Any revisions to the agenda, backup materials, or other information received or developed by the governmental entity within 48 hours prior to the scheduled meeting shall be posted on the applicable website as soon as practicable after the governmental entity's receipt or development of the agenda materials, and shall be made available for public inspection at the meeting. For any Municipality that does not maintain its own website, the County shall provide, upon request by the Municipality, a location on the County's website to enable the Municipality to meet the requirements of this Section. The County may recover the cost of posting the aforementioned materials on the County's website. All meeting notices subject to this Section shall include the date, time, and location of the meeting, the proposed agenda, and all backup materials received or developed in connection with each agenda item.

B. Exception for Emergency Meetings.

In those instances where there is a County or Municipal meeting subject to Section 286.011, Florida Statutes, scheduled due to an emergency, and it is not possible to post the meeting notice at least 48 hours prior to the meeting, the County or Municipality, as applicable, as prescribed above, shall be required to post the meeting notice on its website, or on the County's website if the Municipality does not maintain its own website, at the earliest practicable time. In the written notice calling for the emergency meeting, the chief administrative officer of the County or Municipality shall include a detailed statement explaining the emergency nature of the meeting.

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C. Conflict.

Section 1.07 preempts and controls over any inconsistent County or Municipal charter provision, ordinance, or resolution that provides for the posting of notices, agendas, and backup materials for meetings, subject to the requirements of Section 286.011, Florida Statutes for any period of time less that provided for in this Section.

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