

CRC RESOLUTION NO. 2018-007

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 11.11 ENTITLED, “BROWARD COUNTY AFFORDABLE HOUSING TRUST FUND”; PROVIDING FOR THE ESTABLISHMENT OF THE BROWARD COUNTY AFFORDABLE HOUSING TRUST FUND, PROVIDING FOR A DEFINITION OF “AFFORDABLE HOUSING”, PROVIDING FOR THE PURPOSE OF THE TRUST FUND, REVENUE SOURCES FOR THE TRUST FUND, THE CONTINUING NATURE OF THE TRUST FUND AND FOR ADMINISTRATION AND OVERSIGHT OF THE TRUST FUND; 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 11.11, in the Charter of Broward County, Florida, to be entitled “Broward County Affordable Housing Trust Fund,” to provide for the establishment of the Broward County Affordable Housing Trust Fund, for a definition of “Affordable Housing,” for the purpose of the Trust Fund, revenue sources for the Trust Fund, for the continuing nature of the Trust Fund, and for administration and oversight of the Trust Fund, 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:

BROWARD COUNTY AFFORDABLE HOUSING TRUST FUND

Shall the Broward County Charter be amended to enact a new Section 11.11 to establish the Broward County Affordable Housing Trust Fund, to provide a definition of “Affordable Housing,” to provide for the purpose of the Trust Fund,

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the revenue sources for the Trust Fund, the continuing nature of the Trust Fund,
and for administration and oversight of the Trust Fund?

YES _____

NO _____

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

APPROVED AS TO LEGAL FORM:

Samuel S. Goren, General Counsel

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**RECORD OF VOTE
(CRC 2018-007)**

BUSCH	_____	McDONALD	_____
DAVIS	_____	MOSELEY	_____
DI PIETRO	_____	LETO	_____
FABRICIO	_____	NAVARRO	_____
FORMAN	_____	NORRIS-WEEKS	_____
GREENBERG	_____	PETTIS	_____
GUERRA	_____	REYES	_____
GUNZBURGER	_____	SMITH	_____
KANE	_____	WELLS	_____
MAYLOR	_____		

Resolution **CRC 2018-007** passed _____ on _____, 20__.

BROWARD COUNTY CHARTER REVIEW COMMISSION

Attest: _____

Carlos Verney, Executive Director

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Exhibit "A"

Article XI – General Provisions

Section 11.11 – Broward County Affordable Housing Trust Fund

A. Broward County Affordable Housing Trust Fund established. The Broward County Affordable Housing Trust Fund ("Trust Fund") is hereby established. The purpose of the Trust Fund is to provide a continuing, non-lapsing fund for the Broward County Commission to use to address the need for affordable housing in Broward County, Florida.

B. Affordable housing; definition: scope. For purposes of this Section, "Affordable Housing" shall mean housing intended for very low to moderate income households as defined as follows:

Income Eligible Person/Family: – means one or more natural persons or a family that has a total annual anticipated income for the household below 140 percent of the median annual income adjusted for family size for households within the Broward County.

C. Purpose of Trust Fund. The Trust Fund will be used to create and sustain affordable housing throughout Broward County for renters and homeowners, and increase workforce housing opportunities.

D. Revenue sources. The Trust Fund established under this Section shall be funded by the County Commission, and may be comprised of the following sources:

- (1) Broward County General Revenue appropriated to the Trust Fund by the County Commission as part of the annual budget;
- (2) Savings from Expired Tax Increment Financing Payments to Community Redevelopment Agencies within the County,
- (3) Funds voluntarily contributed by municipalities who may elect to participate in the Trust Fund and programs funded by the Trust Fund;
- (4) Grants or donations made to the Trust Fund;
- (5) Mandatory or voluntary payments made pursuant to the development policies established by ordinance;
- (6) Other sources as established by ordinance.

E. Continuing Nature of Trust Fund. Notwithstanding any other provision of this Section, unspent portions of the Trust Fund established under this Section, 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.

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- (2) Do not revert to the general revenues of the County; and
- (3) Any appropriations do not lapse.

F. Administration and oversight.

(1) Administration of Trust Fund. The Trust Fund shall be administered by Broward County in a manner that allows the Trust Fund to leverage other sources of public funds and private investment; a recognized national best practice. The Trust Fund shall be included in the annual audit.

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