



## Memorandum

**To:** Charter Review Commission

**From:** Daniel D. Eckert, County Attorney *Daniel D. Eckert*

**Date:** June 11, 2006

**Re:** **Structure of government committee proposed amendments:**  
1) County council membership and voting;  
2) County council compensation

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Attached are drafts of the structure committee's charter proposals.

**AMENDMENT NO.**

The title and ballot question shall be as follows:

**COUNTY COUNCIL MEMBERSHIP AND VOTING**

Shall the Volusia County Home Rule Charter be amended to eliminate an at-large county council member, establish a six member council and provide that the county chair's vote shall prevail on a tie?

YES - FOR APPROVAL

NO - AGAINST APPROVAL

The proposed amendment, in full, shall read as follows:

The Volusia County Home Rule Charter, Chapter 70-966, Laws of Florida (Sp. Acts), as previously amended, shall be further amended in pertinent part as follows:

(Except as provided herein or as otherwise provided by separate amendment, provisions of the Charter not shown are not amended.)

(Words in ~~struckthrough~~ type are deletions; words in underscored type are additions.)

**Sec. 301. Composition.**

The council shall be composed of ~~six~~ five members and the county chair. There shall be five council districts. Each district shall elect one council member. ~~One council member shall be elected at large.~~ The county chair shall be elected at large.

**~~Section 303.2. At Large Council Members.~~**

~~The council member elected at large shall be elected for a term of four years in the years the numbers of which are not multiples of four.~~

**Section 303.3 2 County Chair.**

The county chair shall be elected for a term of four years in which the numbers are multiples of four.

**Sec. 303.5. Limitation of tenure.**

No person may appear on the ballot for re-election as a district council member, ~~at large council member~~ or county chair if by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

**Sec. 307.1 The county chair.**

The office of the county chair shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida provided that such powers shall be exercised in a manner consistent with this charter. The county chair, in addition to the powers and duties provided by this charter, shall have the specific powers and duties to:

1. Serve as the official and ceremonial representative of the government.
2. Issue proclamations on behalf of the government, which shall be reported to the county council upon issuance.
3. Preside as chair of and in all other respects participate in the meetings of the county council and have an equal vote on all questions coming before it.
4. Execute ordinances, resolutions and other authorized documents of the government.
5. Serve ex-officio as the county government's representative, and appoint others to serve in the county chair's stead, on other bodies external to county government.
6. Serve as the county council representative, and appoint county council members to serve in the county chair's stead, on other bodies internal to county government.
7. Cast tie breaking votes as provided in section 308.

The county council shall elect at its first meeting in January a council member to serve at its pleasure for a one-year term as vice chair of the county council to preside in the temporary absence, disqualification or disability of the county chair at county council meetings and perform other duties assigned by the county chair. The power to cast a tie breaking vote shall not extend to the vice chair.

#### **Section 307. Powers.**

The council shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida provided that such powers shall be exercised in a manner consistent with this charter. The council, in addition to the powers and duties provided in this charter, shall have the specific powers and duties to:

- (1) Appoint and remove by a two-thirds (2/3) vote of the full council ~~and remove by a majority vote of the full council~~, the county manager.
- (2) Adopt such ordinances as may be necessary to carry out both county and municipal powers and purposes.
- (3) Review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all county governmental operations including, but not limited to county management, all administrative departments of the government, the judicial system, adjustment boards and special authorities and tax districts which request a portion of the millage levied for county purposes under the Constitution of Florida or such other millage as may be levied by the county for municipal service districts excepting the school system.
- (4) Adopt, amend and repeal an administrative code by a two-thirds (2/3) vote of the full council.
- (5) In addition to the state audit provided by law, shall cause an annual independent post-audit by a certified public accountant of any and all

government operations of the charter government.

- (6) Adopt and amend a merit system which shall include a salary schedule for all personnel in accordance with the provisions of this charter.
- (7) Adopt by a two-thirds (2/3) vote of the full council such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the council.
- (8) The council shall designate which officers and employees shall be bonded and shall fix the amount and approve the form of the bond.
- (9) ~~Appoint and remove by a two-thirds (2/3) vote of the full council and remove by a majority vote of the full council;~~ the county attorney.

#### **Section 308. Legislative procedures.**

The council may take official action only by the adoption of ordinances, resolutions or motions. Except as otherwise provided by this charter, all ordinances, resolutions or motions shall be adopted by majority vote in accordance with the provisions of the Constitution and laws of Florida. A majority of the full council shall constitute a quorum and shall be required to adopt, amend or repeal any ordinance. A majority of those present shall be required to adopt, amend or repeal a resolution or motion under the terms of this provision. All members in attendance, including the chairman or presiding officer, shall vote on all council actions. In the event of a tie vote of the council, the side on which the county chair voted shall be deemed to prevail and to constitute a majority.

#### **Section 310. Transitional provision.**

The county council shall include the member at large elected November 7, 2006 until that member either shall have completed a four year term or sooner shall have vacated office. As long as the council shall consist of seven members, the chair shall not have the power and duty to cast a tie

breaking vote; and the council shall have the power and duty to remove the county manager and the county attorney by majority vote of the full council. This section shall stand repealed on January 1, 2011.

**AMENDMENT NO.**

The title and ballot question shall be as follows:

**COUNTY COUNCIL COMPENSATION**

Shall the Volusia County Home Rule Charter be amended to increase county council member compensation?

YES - FOR APPROVAL

NO - AGAINST APPROVAL

The proposed amendment, in full, shall read as follows:

The Volusia County Home Rule Charter, Chapter 70-966, Laws of Florida (Sp. Acts), as previously amended, shall be further amended in pertinent part as follows:

(Except as provided herein or as otherwise provided by separate amendment, provisions of the Charter not shown are not amended.)

(Words in ~~struckthrough~~ type are deletions; words in underscored type are additions.)

**ARTICLE III. LEGISLATIVE BRANCH - COUNTY COUNCIL.**

**Sec. 304. Compensation.**

The salary of a council member shall be ~~50~~ 60 percent of that prescribed by law for the office of county commissioner. The salary for the county chair shall be ~~60~~ 100 percent of that prescribed by law for the office of county commissioner. The salaries shall constitute full compensation for all services and in-county expenses, except that out-of-county expenses, as permitted by law, shall be authorized.