



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.3.

8/6/2024

Subject:

Proposed Amendment to the Brevard County Home Rule Charter to Align the School Board Member Residence Areas with the County Commission Districts

Fiscal Impact:

An estimated savings to taxpayers of \$30,500 each time redistricting occurs, a one-time estimated cost of \$15,000 for review by three-attorney panel, and the cost of a referendum election.

Dept/Office:

District 3 Commission Office

Requested Action:

It is requested that the Board of County Commissioners (1) adopt the attached resolution proposing an amendment to the Brevard County Home Rule Charter to align School Board member residence areas with County Commission districts; (2) authorize staff to submit the proposed Charter amendment and ballot language to the three-attorney panel which reviews proposed Charter amendments for compliance with the Florida Constitution, Florida Law, and the Brevard County Charter, and to determine whether the proposed amendment embraces only one subject; and (3) if at least two members of the panel approve of the proposed amendment, provide for placement of the proposed amendment at a referendum held concurrently with the November 5, 2024 general election.

Summary Explanation and Background:

Following the re-drawing of the Brevard County Board of County Commission district boundaries, the School Board of Brevard County voted on May 30, 2023 to align their School Board member residence areas with the five County Commission districts. This was a great step towards transparency and avoiding confusion to voters.

Section 2.2 of the Brevard County Home Rule Charter outlines the procedure in which the Board of County Commissioners shall redraw their district boundary lines, but this is completely separate and apart from the redistricting procedures of the Brevard County School Board. The proposed Charter amendment provides that when the five County Commission districts are redrawn, the five School Board member residence areas shall also be redrawn so that they share the same boundaries as the County Commission district of the same number.

Should the Board approve the attached resolution, the amendment would need to be reviewed by a three-attorney panel, which would require a one-time cost of an estimated \$15,000. The deadline for the three-attorney panel to review the amendment is August 19, 2024. Should the Board pass the resolution and at least two members of the three-attorney panel find the amendment to be consistent with the Florida Constitution, general law, and the Charter, the amendment will be placed on the 2024 ballot. If the deadline should pass

before the panel is able to successfully complete its review, the amendment will be placed on the 2026 ballot.

The amendment would also establish a new rulemaking authority, which will be a joint redistricting committee with an equal number of members representing the School Board and the Board of County Commissioners. The cost of the redistricting process is approximately \$30,500 to the County for legal ads and GIS software licenses each time redistricting occurs. The School Board bears its own cost for the same process. Aligning the two entities' districts would eliminate duplicate fees and cut the cost to taxpayers in half.

It should be noted that even if the amendment is adopted and the School Board member residence areas are aligned with the County Commission districts following each redistricting, the School Board will retain the authority to "make any change that it deems necessary in the boundaries of any school board member residence area at any meeting of the district school board, provided that such changes are not made in the 270 days before a general election and that no change that would affect the residence qualifications of any incumbent member disqualifies such incumbent member during the term for which he or she is elected." Section 1001.36(2), Florida Statutes. Therefore, the Charter amendment would not and cannot guarantee that the School Board member residence areas and County Commission districts will remain aligned.

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
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August 7, 2024

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

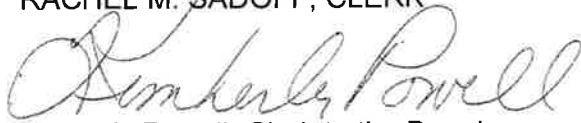
RE: Item J.3., Proposed Amendment to the Brevard County Home Rule Charter to Align the School Board Member Residence Areas with the County Commission Districts

The Board of County Commissioners, in regular session on August 6, 2024, denied the proposed amendment to the Brevard County Home Rule Charter to align the School Board member residence areas with the County Commission Districts.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/kl

cc: Each Commissioner

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA CALLING A SPECIAL REFERENDUM TO BE HELD CONCURRENT WITH THE NOVEMBER 5, 2024 GENERAL ELECTION, ON THE QUESTION OF WHETHER BREVARD COUNTY SHOULD AMEND THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE THAT REDISTRICTING OF THE FIVE COUNTY COMMISSION DISTRICTS SHALL AUTOMATICALLY REDISTRICT THE FIVE SCHOOL BOARD MEMBER RESIDENCE AREAS SO THAT EACH SCHOOL BOARD MEMBER RESIDENCE AREA SHARES THE SAME BOUNDARIES AS THE COUNTY COMMISSION DISTRICT OF THE SAME NUMBER, AND THAT MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND SCHOOL BOARD SHALL HAVE AN EQUAL NUMBER OF APPOINTMENTS TO THE COMMITTEE RESPONSIBLE FOR REDISTRICTING; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS; PROVIDING FOR REVIEW BY A THREE PERSON PANEL IN THE MANNER PROVIDED BY THE CHARTER; PROVIDING FOR NOTICE; PROVIDING CONDITIONS TO THE HOLDING OF THE REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. AUTHORITY FOR RESOLUTION. This resolution is adopted pursuant to the authority of the Board under Chapter 125, Florida Statutes, the Brevard County Home Rule Charter, Article VII, Section 7.3.1, and Article VIII, Section 1(c) of the Florida Constitution, and any other applicable provision of law.

SECTION 2. FINDINGS. It is hereby found and determined as follows:

- A. A charter has been adopted for Brevard County entitled "Brevard County Home Rule Charter."
- B. The Brevard County Commission, by a vote of at least four commissioners, has proposed an amendment to the Brevard County Charter.
- C. The general election to be held on November 5, 2024, is an appropriate and desirable date to conduct a concurrent special election on the proposed amendment.
- D. All things required to be done prior to the calling of a special election within the County on the question of amending the Brevard County Charter have been done or will be done prior to the election.

SECTION 3. SPECIAL REFERENDUM ELECTION.

- A. A special referendum election is hereby called and ordered to be held concurrently with the general election to be held on November 5, 2024, to determine whether to amend the Brevard County Home Rule Charter in the manner set forth below.
- B. No referendum shall be placed on the ballot unless, prior to August 19, 2024, the County shall have empaneled three persons in the manner provided in Section 7.4.1. of the Brevard County Home Rule Charter, and at least two members of such panel find that the proposed amendment embraces only one subject and is consistent with the Florida Constitution, general law and the Charter.

SECTION 4. NOTICE OF SPECIAL ELECTION. This resolution shall be published once a week for four (4) consecutive weeks in full as part of the Notice of Special Election, together with a notice in substantially the form attached hereto as "Exhibit A", in Florida Today, a newspaper of general circulation in the County, the first such publication being not more than forty-five (45) days prior to the date set for the election.

SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting places on the date of such special election during the hour prescribed by law. All qualified electors shall be entitled and permitted to vote at such special election on the proposition provided below. The places of voting and inspections and clerk for the special election shall be those designated by the Supervisor of Elections of Brevard County.

SECTION 6. OFFICIAL BALLOT. The ballots to be used in the special election shall contain a statement of the description of the proposed amendment to the County Charter, and shall be in substantially the following form:

BALLOT
Brevard County, Florida

CAPTION: **REDISTRICTING OF SCHOOL BOARD MEMBER RESIDENCE AREAS**

BALLOT SUMMARY: Shall the Brevard County Home Rule Charter be amended to provide that redistricting of the five County Commission districts shall automatically redistrict the five School Board member residence areas so that each School Board member residence area shares the same boundaries as the County Commission district of the same number, and that members of the Board of County Commissioners and School Board shall have an equal number of appointments to the committee responsible for redistricting?

_____ YES FOR APPROVAL

_____ NO FOR REJECTION

SECTION 7. CHARTER AMENDMENT. The full text of the amendment reads as follows:

A. Article 2. – Legislative Branch: Board of County Commissioners, Section 2.2. Redistricting, of the Brevard County Home Rule Charter is hereby amended to read as set forth below (underline indicates addition, ~~striketrough~~ indicates deletion).

SECTION 2.2. REDISTRICTING

In the first odd-numbered year after each decennial census, or more frequently where allowed by this section, the Board of County Commissioners shall cause the County to be divided into County Commission districts of contiguous territory as nearly equal in population as practicable, in the manner provided by general law. Redistricting shall be the responsibility of a Committee ~~appointed in the same manner as a Charter Review Commission under this Charter.~~ The Committee shall consist of ten (10) persons, with not less than one (1) member residing in each County Commission District. Each Commissioner and each School Board Member shall appoint one (1) member to the Committee. The recommendations of the Committee shall be made directly to the Board of County Commissioners which shall approve or disapprove them without amendment. In its recommendation the Committee shall, to the extent practicable, preserve the several municipalities and geographically cohesive racial or ethnic minority communities from fragmentation. Redistricting more frequently than decennially shall be permitted only where the population of a district has been changed by more than 25% since the last redistricting.

B. Article 8. – School Board of Brevard County, Section 8.1. Election of School Board Members, of the Brevard County Home Rule Charter is hereby amended to read as set forth below (underline indicates addition, ~~striketrough~~ indicates deletion).

SECTION 8.1. ELECTION OF SCHOOL BOARD MEMBERS; SCHOOL BOARD MEMBER RESIDENCE AREAS

Members of the School Board of Brevard County elected after January 1, 1999, shall be elected on a single-member representation basis as follows: The school district shall be divided into school board residence areas, one for each seat on the school board, the areas together covering the entire school district and being as nearly equal in population as is practicable, as provided by general law. The redistricting of the five (5) County Commission

districts as provided in Article 2.2 of this Charter shall automatically redistrict the school board member residence areas. Each School Board member residence area shall share the same boundaries as the County Commission district of the same number, and shall be drawn in the manner provided by general law. Each school board member shall reside in one residential area at the time of qualifying for office and shall continue to reside in the area for which the member was elected throughout the term of office as a qualification to hold the office. School board members will be nominated and elected only by the qualified electors who reside in the same residential area as the member. All members shall be elected for four-year terms, staggered. This provision shall not affect the members of the school board who are in office on January 1, 1999, who shall serve the remainder of their terms of office as if this provision had not been adopted.

C. The above amendments to the Brevard County shall become effective immediately upon approval of the electors of Brevard County.

SECTION 8. PAYMENT OF SPECIAL ELECTION EXPENSES. The County Manager is hereby authorized and directed to approve the payment of lawful expenses associated with conducting the special election and the Clerk of the Board of County Commissioners is hereby authorized and directed to disburse funds necessary to pay such expenses.

SECTION 9. VOTER REGISTRATION BOOKS. The Supervisor of Elections for Brevard County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such special election, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors.

SECTION 10. ELECTION ADMINISTRATION. The special election shall be held and conducted in the manner prescribed by law and as soon as practicable, shall be returned and canvassed in the manner prescribed by law. The result shall show the number of qualified electors who voted at such special election and the number of votes cast respectively for and against approval of the amendment. Upon certification in the manner prescribed by law, the results shall be recorded in the minutes of the Board of County Commissioners.

SECTION 11. ELECTION RESULTS. If at least sixty percent of the votes cast at such a special election shall be "Yes For Approval," the amendment shall pass.

SECTION 12. SEVERABILITY. In the event that any word, phrase, clause, sentence, or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

SECTION 13. REPEALING CLAUSE. All resolutions or other actions of the County which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 14. EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of County Commissioners.

DONE AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida this 6th day of August, 2024.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF
Bf**

Rachel M. Sadoff, Clerk
(SEAL)

By

As approved by the Board on August 6, 2024

EXHIBIT A

NOTICE OF REFERENDUM ELECTION ON AMENDMENTS TO BREVARD COUNTY HOME RULE CHARTER, ARTICLE 2, SECTION 2.2 AND ARTICLE 8, SECTION 8.1

Notice is hereby given that a referendum election shall be held to consider a certain amendment to the Brevard County Home Rule Charter, Article 2. – Legislative Branch: Board of County Commissioners, Section 2.2. – Redistricting, and Article 8. – School Board of Brevard County, Section 8.1. – Election of School Board Members. The referendum election shall be held on November 5, 2024, at which the question described in the following resolution number 24-____ adopted by the Board of County Commissioners of Brevard County, Florida on the 6th day of August, 2024 shall be submitted to the electors:

[RECITE RESOLUTION]