



**2021-2022**

**CHARTER REVIEW COMMISSION AGENDA REPORT**

**MEETING DATE:**

**AGENDA ITEM NUMBER:**

**SUBJECT:**

**PETITIONER CONTACT:**

**REQUESTED ACTION:**

**SUMMARY EXPLANATION & BACKGROUND:**

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**Petitioner: Dontavious "Tay Duh Mayuh"**  
**Smith Date: April 26, 2022**

**SUBJECT: ARTICLE 2 -LEGISLATIVE BRANCH**

**REQUESTED ACTION:**

**AMEND ARTICLE 2 -LEGISLATIVE BRANCH, TO INCLUDE AN ELECTED AT-LARGE MAYOR OF BREVARD COUNTY; INCREASE THE SALARY OF COMMISSIONERS; REMOVES THE GOVERNOR FROM FILING A VACANCY; INCLUDES TEMPORARY SUCCESSOR PLAN; AND REMOVES THE SELECTION OF A CHAIR AND VICE CHAIR AT ORGANIZATIONAL MEETING; INTER ALIA.**

**SUMMARY EXPLANATION & BACKGROUND:**

**THIS AMENDMENT TO INCREASE THE SALARY AND COMPENSATION FOR COUNTY COMMISSIONERS, AND TO INCLUDE THE ELECTION OF A MAYOR OF BREVARD COUNTY, FL, INTER ALIA, WILL BE INAUGURATED AS OF NOVEMBER 10, 2026, AS THE FIRST GENERAL ELECTION FOR MAYOR OF BREVARD COUNTY, FL. THIS AMENDMENT WILL ALLOW REGISTERED VOTERS TO HAVE AN INPUT ON THE CHAIRPERSON THEY WOULD LIKE TO REPRESENT BREVARD COUNTY, RATHER HAVING COMMISSIONERS CHOOSE WHO THEY WANT CHAIRING *THE* SEAT OF COMMISSIONERS. THAT COMMISSIONER WOULD SERVE A TERM OF FOUR YEARS FROM A NON-PARTISAN ELECTION, AND NOT UNTIL THE FOLLOWING ORGANIZATIONAL MEETING. THIS PROPOSAL ILLUSTRATES THE DUTIES AND POWERS AS REQUIRED BY THE CHARTER FOR MAYOR. THIS AMENDMENT WILL PREPARE FOR FUTURE GOVERNMENT THAT WILL HAVE TO MANAGE OVER 200K RESIDENTS AND GUESTS, WITH AN INFLUX OF ECONOMIC DEVELOPMENT AND VISITORS COMING TO BREVARD IN THE VERY NEAR FUTURE. THIS WILL ALSO ALLOW THE BREVARD COUNTY GOVERNMENT TO HAVE AN ADDITIONAL LEVEL OF OVERSIGHT, TRANSPARENCY AND INTEGRITY WITHIN THE OFFICE OF BOARD OF COMMISSIONERS.**

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**PROPOSAL:**

**ARTICLE 2 – LEGISLATIVE BRANCH: BOARD OF BREVARD COUNTY  
COMMISSIONERS**

**2.1 Composition**

~~The Board of County Commissioners shall be composed of five members. There shall be five (5) County Commission electoral districts. Each district shall elect one (1) Commissioner.~~

The legislative branch of Brevard County shall be the board of county commissioners, composed of the county mayor and the county commissioners. The Board of County Commissioners shall be composed of five members (5), with each member elected from single member electoral districts and a county mayor elected county-wide. Each district shall elect one (1) Commissioner.

**2.6 Salary and Compensation**

Salary and other compensation of the County Commissioners shall be ~~the same as that in effect on~~ December 31, 1999. ~~On or before October 1, 2001, and on or before October 1 of every even-numbered year thereafter~~ \$78, 365.23. The Board of County Commissioners may adopt an ordinance fixing the salaries of Commissioners for the next two years. There shall be no automatic increases in salary or other compensation. An ordinance increasing salary or other compensation shall not become effective until the first day of January in the year following adoption of the ordinance.

The specified salary shall not exceed the average percentage increase in the salaries of county employees for the fiscal year just concluded, or the percentage change of the consumer price index from the previous year, whichever is less. All other compensation must be based on actual expenses incurred in Board directed performance of duties of Commissioners as provided by general law of the State of Florida.

~~An ordinance providing for an increase in salary or compensation shall be subject to nullification under the provisions for initiative provided in Article 5 of this Charter. Except for such nullification, the salary or other compensation of a Commissioner shall not otherwise be decreased during that Commissioner's term of office.~~



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If any Commissioner's total net worth, or annual income (individually or jointly) is not equal to or more than the salary of a Brevard County Commissioner pursuant to F.S. 186.901 during the County's "qualifying period", upon becoming elected that Commissioner shall receive compensation pursuant to F.S. 186.901 upon becoming elected.

## **Sec. 2.7 Vacancies and Suspensions**

A vacancy in the office of County Commissioner arising from the death, resignation or removal of such official shall, if one year or less remains in the term of office, be filled by appointment by a majority vote of the Governor Board of County Commissioners; provided, a vacancy created by recall shall be filled as provided in Section 5.2 of this Charter. Unless otherwise required by the State Constitution or general law, if more than one year remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by a special election. The Board of County Commissioners, after first consulting with the Supervisor of Elections, shall by resolution fix the time period for candidate qualifying, the date of the election, and the date of any runoff election. There shall be a minimum of thirty (30) days between the close of qualifying and the date of the election, and between the election and any runoff election. Such special elections shall otherwise be governed by the applicable provisions of general law.

### **Sec. 2.7.1 Temporary Succession Plan**

In the event of death, resignation or removal of such official, or other occurrence that results in more than one vacancy on the board and a concurrent likelihood of material delay in the filling of the vacancies by the Governor of Florida, then, to the extent not inconsistent with general or state constitutional law, temporary successors shall be chosen to serve, but in each case only until the governor appoints the permanent successor, or until the end of the term of said replaced elected official, whichever first occurs. The temporary successors shall be chosen as follows:

1. The temporary successors shall be chosen in the manner provided by ordinance enacted by the approving vote of no fewer than a majority plus one of the board prior to the event of death, resignation, removal of office or any other occurrence giving rise to the vacancies: or

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2. Absent such an ordinance, the temporary successors shall be chosen by the approving vote of no fewer than a majority plus one of the remaining board members.

If a quorum is impossible because of the vacancies, the requirement for a quorum shall be suspended for the purpose of choosing the temporary successors.

If at any time the legislature of Florida provides a method for prompt and temporary succession pursuant to Article II, Section 6 of the Florida Constitution, then any such method shall prevail over this section to the extent of any conflict.

### **Sec. 2.8.1 – Organizational Meetings**

An annual organizational meeting of the Board of County Commissioners shall be held on the third Tuesday after the first Monday in November. At its organizational meeting the Board shall elect a ~~Chair~~ and Vice-Mayor by majority vote of those Commissioners present, to serve until the next organizational meeting. The ~~Chair~~ Vice Mayor shall not be eligible for consecutive re-election, and the succeeding ~~Chair~~ Vice Mayor shall not be a Commissioner from the same district. Except in the absence of the county mayor, the vice mayor shall serve as the official representative and ceremonial dignitary for the board; shall preside during the board of county commissioners' meetings and may execute documents approved by the board.

(Line above Sec. 2.9.4)

- This subsection ~~does not grants~~ the County ~~any~~ power of review of the budget of the School District.

2.9.4. In addition to its internal audits and such State audits as may be required by law, cause an annual independent post-audit by a certified public accountant of any and all government operations of County Government.