2021-2022

CHARTER REVIEW COMMISSION AGENDA REPORT

MEETING DATE:

AGENDA ITEM NUMBER:

SUBJECT:

PETITIONER CONTACT:

REQUESTED ACTION:

SUMMARY EXPLANATION & BACKGROUND:

Staff Contact: Melissa Brandt
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Petitioner: Dontavious "Tay Duh Mayuh" Smith
Date: April 26, 2022

SUBJECT: **ARTICLE 3 – EXECUTIVE BRANCH**

REQUESTED ACTION:
AMEND ARTICLE 3 – EXECUTIVE BRANCH, TO DEFINE AN ELECTED AT-LARGE MAYOR OF BREVARD COUNTY, AND COUNTY MANAGER.

SUMMARY EXPLANATION & BACKGROUND:
THIS AMENDMENT WILL MODIFY THE STRUCTURE OF BREVARD COUNTY GOVERNMENT'S EXECUTIVE BRANCH. IT WILL DEFINE THE ROLE FOR MAYOR OF BREVARD COUNTY AND COUNTY MANAGER.

PROPOSAL:

ARTICLE 3 – EXECUTIVE BRANCH

Sec. 301 – County Administration

There shall be an executive branch having jurisdiction over all operations of the county government not herein assigned to the legislative branch or otherwise provided by this Charter. The executive branch shall be composed of an elected county mayor, an appointed county manager, the officers and employees of the administrative offices and executive divisions established by this Charter or created by the board, and the administrative offices and employees of all adjustment, regulatory and advisory boards and commissions, except as otherwise provided in this Charter.

Sec. 302 – County Mayor

The county mayor shall be a registered voter of and resident of Brevard County at the time of election to office and throughout the term of office. The office shall be a full-time position combining both the duties of ceremonial head and operational head of those activities within the jurisdiction of the board of county commissioners.

A. *Compensation.* The county mayor's salary shall be set by ordinance. The salary in effect at the beginning of a county mayor's term in office shall not be lowered during that term.

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B. *Vacancy, incapacity, or absence due to military service.* Vacancies in the office of the county mayor shall be defined and filled in accordance with state law. If the county mayor changes residence from Brevard County, he or she shall be deemed to have vacated such office. If the county mayor becomes permanently incapacitated and unable to perform his or her duties, a successor shall be chosen in the manner prescribed by general law. If the county mayor becomes temporarily incapacitated, or if the county mayor is absent for a prolonged period due to military service, then to the extent not inconsistent with general law a temporary substitute shall be chosen to serve during the incapacity or absence, as follows:

1. The temporary substitute 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 members prior to the beginning of the incapacity or prolonged absence; or

2. Absent such an ordinance, the temporary substitute shall be the person designated by the county mayor, if competent when the designation is made; or

3. Absent such a designation, the temporary substitute shall be chosen by the approving vote of no fewer than a majority plus one of the commissioners.

The county mayor shall continue to receive his or her compensation during the absence or temporary incapacity. Unless defined otherwise by ordinance, temporary incapacity means a situation or condition that renders the county mayor unable to perform his or her duties for a period of more than 90 consecutive days, but does not constitute a vacancy in the office. In no event shall any temporary substitute serve beyond the term of the county mayor.

C. *Terms.* The county mayor shall be elected for a term of four years and shall be limited to three full consecutive terms. The term of the county mayor shall commence the same day the terms of the commissioners from even-numbered districts commence.

D. *Duties.* The county mayor shall have the following powers and duties:

1. Manage the operation of all elements of County Government under the jurisdiction of the board, consistent with the policies, ordinances and resolutions enacted by the board;

2. Serve as chair of the board of county commissioners;

3. Vote on all matters before the board;

4. Be responsible for the execution of all contracts and legal documents, but may delegate this authority;

5. Prepare and publish agendas for all meetings of the board and submit the annual budget estimate with a plan of action to meet the needs of the county for adoption by the board;

6. Appoint and dismiss heads of county departments, divisions and other agencies under the jurisdiction of the board except that all such appointments shall be made annually and shall be subject to confirmation by the board;

7. Assure the faithful execution of all ordinances, resolutions and orders of the board and all laws of the state which are subject to enforcement by the county mayor, or by officers who are subject under this Charter to the mayor's direction and supervision;

8. Present annually at a time designated by the board, a "Brevard County 321 Address" message, setting forth programs and recommendations to the board;

9. Supervise the daily activities of employees;

10. Serve as the official representative and ceremonial dignitary for the government of Brevard County, with prerogative to issue proclamations;

11. Sign ordinances, resolutions and documents for the board;

12. Call the board into regular and special session; and

13. Carry out other powers and duties as required by this Charter or may be prescribed by the board.

E. _Filling vacancies when permissible under Florida law._ If and to the extent that it should become lawful under the Constitution and laws of the State of Florida for this charter to prescribe a method for filling vacancies in the office of county mayor, this subsection shall immediately become effective.

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If a vacancy occurs in the office of county mayor and the remainder of the term of office is one year or less, then such vacancy shall be filled for the remainder of the term by appointment by a majority vote of the board of county commissioners.

If a vacancy occurs in the office of county mayor and the remainder of the term of office exceeds one year, then such 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. The date of the election shall be a date no later than one hundred twenty (120) days after the occurrence of the vacancy.

Sec. 3.3 – County Manager

There shall be a county manager who shall be appointed by the county mayor and confirmed by the board and shall serve at the pleasure of the mayor. The county manager shall be nominated and selected on the basis of professional training and executive and administrative experience as set forth by ordinance. The county manager shall be employed on a full-time basis to assist the county mayor in the daily management of the county.

A. *Compensation.* The county manager's salary will be established by resolution of the board after recommendation by the county mayor.

B. *Power and Duties.* Upon a tied vote from the county commissioners, the county manager shall be the deciding vote make quorum for that agenda item.

C. *Vacancy.* The county mayor may designate a qualified county administrative officer or county employee to exercise the powers and perform the duties of the county manager during the county manager's absence or disability. If there is a vacancy in both the offices of county mayor and the county manager, the board shall designate by resolution a qualified person to perform the duties of the county manager.