

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 865 Town of Southwest Ranches, Broward County

**SPONSOR(S):** Jenne and others

**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	15 Y, 0 N	Shuler	Hoagland
2) Economic Affairs Committee			

### SUMMARY ANALYSIS

This bill amends the charter for the Town of Southwest Ranches to reflect changes already made through referenda. This bill also adds clarifying and additional language to the charter relevant to the town's rural residential character, procedures for filling vacancies, clarify town council voting requirements.

This bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### Constitutional/Statutory Provisions Relating to Municipal Charters

Section 2(a) of Art. VIII of the State Constitution provides that “[m]unicipalities may be established or abolished and their charters amended pursuant to general or special law.” This provision authorizes the Legislature to amend a municipal charter through special act.

Chapter 166, F.S., contains provisions relevant to municipal powers. Section 166.031, F.S., outlines requirements relevant to municipal charter amendments, including the requirement<sup>1</sup> that each municipality provide procedures for filling vacancies.

##### Town of Southwest Ranches

The Town of Southwest Ranches is a municipal corporation located in Broward County. The Legislature authorized a referendum for the creation of the municipality and provided for its original charter through chapter 2000-475, L.O.F. The town’s motto is “Preserving our Rural Lifestyle, and it describes itself as being predominantly residential, with some agricultural areas and minimal commercial or industrial areas.<sup>2</sup> While officially binding action is handled by the town council, several advisory boards staffed by town volunteers offer policy suggestions to the council and oversee the planning of town functions such as parades.<sup>3</sup>

##### **Effects of the Bill**

The community places great emphasis on its rural character, as evidenced by its motto and self-description, and this bill adds reference to the town’s “rural” character to its charter to match this emphasis. Additionally, since its incorporation, the town has held referenda to amend its charter.<sup>4</sup> This bill will amend ch. 2000-475, L.O.F. to match the changes made through referendum.

The charter currently does not contain a procedure for filling vacancies, which could leave questions as to how to proceed if a vacancy occurs and would appear to not fulfill the requirement under section 166.031, F.S. Additionally, the town was concerned that arbitrary selection of replacements could occur if a formal process was not included.<sup>5</sup> This bill will insert a process that will fulfill the statutory requirement and allow opportunity for the town to assess the qualifications of candidates before selecting replacements.

Presently, the charter requires all voting to be conducted through roll call, a requirement that applied to not only council decisions, but also non-binding decisions made by advisory boards. Roll call votes have proven unwieldy for the advisory boards, so this bill clarifies that only the town council is required to use the roll call procedure (though the advisory boards may still use a roll call if they choose to do so).

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<sup>1</sup> S. 166.031(6), F.S.

<sup>2</sup> Town of Southwest Ranches, Town Home Page, <http://www.southwestranches.org/> (last visited Mar. 17, 2011); Town of Southwest Ranches, Current Advisory Boards, <http://www.southwestranches.org/Boards/boards.html> (last visited Mar. 16, 2011).

<sup>3</sup> Phone conversation with Keith M. Poliakoff, Town Attorney, Town of Southwest Ranches (Mar. 16, 2011); Town of Southwest Ranches, Current Advisory Boards, <http://www.southwestranches.org/Boards/boards.html> (last visited Mar. 16, 2011).

<sup>4</sup> On November 4, 2003, the Town of Southwest Ranches held a referendum to amend its charter which repealed several sections, including section 9.03. The charter still contained cross references to this repealed section, which this bill corrects. The 2003 referendum also changed portions of section 5.01 of the charter, and this bill conforms the language of ch. 2000-L.O.F. to match. *See* The Charter of the Town of Southwest Ranches, Florida, *available at* [http://www.southwestranches.org/Official%20Docs/files/official\\_docs040325-TownCharter-Amend.pdf](http://www.southwestranches.org/Official%20Docs/files/official_docs040325-TownCharter-Amend.pdf); *see also* Town of Southwest Ranches Ordinance No. 2003-11.

<sup>5</sup> Phone conversation with Keith M. Poliakoff, Town Attorney, Town of Southwest Ranches (Mar. 16, 2011)

The town would prefer to have these changes made through Special Act as they feel that spending tax dollars on ballot initiatives would not be “prudent in this economic climate.”<sup>6</sup> The Council supported this recommendation with a unanimous vote.<sup>7</sup>

**B. SECTION DIRECTORY:**

Section 1: Amends the following sections of the town charter:

- Section 1.01 Corporate Existence. – Amends to include reference to “rural” character.
- Section 2.04 Election and term of office. – Amends to reflect previous repeal of language through referendum and clarify existing language.
- Section 2.06 Filling of Vacancies. – Amends to add formal process for filling vacancies.
- Section 4.01 Council Meeting Procedure. – Amends to clarify that only Council votes shall be by roll call.
- Section 5.01 Quasi-Judicial Meeting Procedure. – Amends to clarify that Council votes on land use and quasi-judicial items shall be by roll call.

Section 2: Provides an effective date of upon becoming law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN?

January 20, 2011

WHERE?

The *Sun-Sentinel*, a daily newspaper of general circulation, published in Broward County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

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<sup>6</sup> Town of Southwest Ranches, Resolution No. 2011-005 (Oct. 20, 2010).

<sup>7</sup> *Id.*

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**