

RESOLUTION NO. 2024-294

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON
3 NOVEMBER 5, 2024, THE DATE OF THE GENERAL ELECTION, TO DETERMINE
4 WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO EXPAND THE
5 AUTHORITY OF THE OFFICE OF INSPECTOR GENERAL; AND PROVIDING FOR
6 SEVERABILITY AND AN EFFECTIVE DATE.

7 (Sponsored by Commissioner Michael Udine)

8
9 WHEREAS, the Broward County Charter (the "Charter") creates the Broward
10 County Office of Inspector General ("Inspector General") and defines the authority of the
11 Inspector General as limited to: (1) officials and employees of Broward County ("County")
12 or municipalities within Broward County; and (2) entities and persons that provide goods
13 or services to the County or to municipalities within Broward County;

14 WHEREAS, The School Board of Broward County, Florida (the "SBBC"), has
15 requested the County expand the Inspector General's authority to include the SBBC;

16 WHEREAS, the Inspector General is amenable to the expansion of the Inspector
17 General's authority to include other government entities in Broward County that enter into
18 an appropriate interlocal agreement with the County and the Inspector General; and

19 WHEREAS, expanding the Inspector General's authority will promote the public's
20 confidence in government, NOW, THEREFORE,

21 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
22 BROWARD COUNTY, FLORIDA:

23 Section 1. Subject to an affirmative vote of the general electorate, Section 10.01
24 of the Charter of Broward County, Florida, entitled "Broward County Office of Inspector
25 General," is hereby amended to read as follows:

26 **Sec. 10.01. Broward County Office of Inspector General.**

27 . . .

28 B. Functions, Authority, and Powers.

29 (1) The authority of the Inspector General shall extend only over the following:

30 (a) All elected and appointed officials ("Officials") and employees
31 ("Employees") of the Charter Government of Broward County
32 ("County") and of all municipalities, including any city, town, or village
33 duly incorporated under the laws of the state within Broward County
34 ("Municipalities"); and

35 (b) All Officials and Employees of The School Board of Broward County,
36 Florida, and of any constitutional officer for Broward County as set
37 forth under Article VIII, Section 1(d) of the Florida Constitution (each
38 of the foregoing, a "Voluntary Entity"), provided the Voluntary Entity
39 executes an interlocal agreement with the County and the Inspector
40 General. The interlocal agreement must, in a form approved by the
41 County and the Inspector General, set forth the parameters,
42 budgetary considerations (including as required under
43 Sections 10.01.G(4) and (7) below), and other matters regarding the
44 exercise of the Inspector General's authority with respect to the
45 Voluntary Entity; and

- 67 D. Reports and Recommendations.
- 68 (1) The Inspector General shall issue reports, including recommendations, in
- 69 the following circumstances:
- 70 . . .
- 71 (b) At the conclusion of an investigation involving allegations of
- 72 misconduct, if the Inspector General determines that a report will
- 73 assist the County ~~or~~ any Municipality, or any Voluntary Entity in
- 74 preventing similar future misconduct. However, no report shall be
- 75 issued if the Inspector General, in conjunction with the State Attorney
- 76 or United States Attorney, determines that the issuance of such
- 77 report may jeopardize a pending criminal investigation.
- 78 (2) The Inspector General shall issue all reports as follows:
- 79 (a) Upon conclusion of an investigation described in paragraph (1)
- 80 above, the Inspector General shall issue a preliminary report
- 81 containing findings and recommendations to the County ~~or~~ Municipality, or Voluntary Entity and to the Officials, Employees, or
- 82 Providers implicated in the report. The recipients of the preliminary
- 83 report shall have thirty (30) days to respond to the preliminary
- 84 report's findings and recommendations. The time to respond to a
- 85 preliminary report may be extended by the Inspector General.
- 86
- 87 (b) Within thirty (30) days after the response deadline, the Inspector
- 88 General shall issue a final report containing findings and
- 89 recommendations to the County ~~or~~ Municipality, or Voluntary Entity

90 and to the Officials, Employees, and Providers implicated in the
91 report. All responses to the Inspector General's preliminary report
92 shall be considered in preparing the final report, and shall be
93 appended to the final report.

94 . . .

95 E. Minimum Qualifications, Selection, and Term of Office.

96 (1) Minimum qualifications. The Inspector General shall be a person who:

97 . . .

98 (d) Has not been employed by the County ~~or~~, any Municipality, or any
99 Voluntary Entity during the two (2) year period immediately prior to
100 selection.

101 . . .

102 F. Annual Report.

103 (1) The Inspector General shall annually publish a written report to the County
104 ~~and~~, the Municipalities, and the Voluntary Entities detailing the activities of
105 the Office of Inspector General. The annual report of the Inspector General
106 shall, promptly after it is completed, be posted on a website established by
107 the Inspector General, ~~and shall be~~ presented to the Selection-Oversight
108 Committee.

109 . . .

110 G. Financial Support and Budgeting.

111 . . .

- 112 (3) Each proposed budget shall include a reasonable estimate of operating and
113 capital expenditures of the Office of Inspector General, funds to enable
114 Hearing Officers to be retained, and funds to enable the Inspector General
115 to retain outside counsel to represent the Inspector General in connection
116 with complaints referred to a Hearing Officer. The proposed budget shall
117 indicate, to the extent applicable, expenditures to be funded by each
118 Voluntary Entity.
- 119 (4) The County ~~Commission~~ shall provide sufficient funds for the Inspector
120 General to carry out ~~his or her~~ the Inspector General's duties in an efficient
121 manner with respect to the County and Municipalities. Each Voluntary Entity
122 shall provide sufficient funds to the County for the Inspector General to carry
123 out the Inspector General's duties in an efficient manner with respect to that
124 Voluntary Entity.
- 125 . . .
- 126 (6) In the event funds raised from such contract fees in any County fiscal year
127 are insufficient to fund the Office of Inspector General, the County
128 ~~Commission~~ may supplement such funding from the County's general
129 revenue fund, except that the County shall have no obligation to supplement
130 the Office's funding where the insufficiency of funds is related to the Office's
131 duties regarding a Voluntary Entity.
- 132 (7) Each Voluntary Entity shall be responsible for funding all Office expenses
133 attributable to duties relating to that Voluntary Entity, and the County shall

134 not be responsible for funding any aspect of the Office's expenses
135 attributable to duties relating to any Voluntary Entity.

136 . . .

137 Section 2. A referendum election is called for the General Election on
138 November 5, 2024, and at such other times as permitted for voting under Chapter 101,
139 Florida Statutes, to determine whether the Broward County Charter should be amended
140 to expand the authority of the Inspector General.

141 Section 3. In accordance with Section 100.342, Florida Statutes, at least thirty
142 (30) days' notice of the referendum election shall be published by the Broward County
143 Administrator in a newspaper of general circulation in Broward County. The publication
144 shall be made at least twice, including once in the fifth week and once in the third week
145 prior to the week in which the referendum is to be held. The notice is hereby attached as
146 Exhibit A and made a part hereof. Notice may also be made in accordance with
147 Section 50.0311, Florida Statutes, either in addition to or in lieu of notice in accordance
148 with Section 100.342, Florida Statutes.

149 Section 4. Said referendum election shall be held between the hours of
150 7:00 a.m. and 7:00 p.m. on November 5, 2024, and at such other days and times as
151 provided under applicable law, including for early voting as provided by Section 101.657,
152 Florida Statutes, at the polling places established in Broward County. All registered and
153 qualified electors in Broward County shall be eligible to vote in the referendum election.
154 Vote-by-mail ballots and early voting access for the referendum shall be made available
155 as provided by law.

156 Section 5. The election boards consisting of the clerks and inspectors
157 appointed to serve for the November 5, 2024, General Election are hereby appointed to
158 serve in the referendum election in the manner provided by law.

159 Section 6. The Broward County Canvassing Board shall canvass the returns in
160 said election and shall certify the results of the referendum election as provided by law.

161 Section 7. The County Administrator shall furnish a certified copy of this
162 adopted Resolution to the Supervisor of Elections for Broward County promptly upon
163 adoption by the Board.

164 Section 8. The title and summary of the referendum question to appear on the
165 November 5, 2024, General Election, as embodied in this enabling Resolution, shall be
166 as follows:

167 **Expansion of the Broward County Inspector General’s Authority**

168 “Amends the Broward County Charter to allow the Broward County Inspector General to
169 provide inspector general services to The School Board of Broward County and the
170 constitutional officers of Broward County if the applicable entity (The School Board or the
171 constitutional officer) contracts with the Broward County Office of Inspector General and
172 with Broward County regarding such inspector general services.”

173 YES _____

174 NO _____

175 Section 9. Severability.

176 If any portion of this Resolution is determined by any court to be invalid, the invalid
177 portion will be stricken, and such striking will not affect the validity of the remainder of this
178 Resolution. If any court determines that this Resolution, in whole or in part, cannot be

Exhibit A

NOTICE OF REFERENDUM ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO EXPAND THE AUTHORITY OF THE OFFICE OF INSPECTOR GENERAL.

A countywide referendum election will be held on Tuesday, November 5, 2024, and at such other times as provided for by Chapter 101, Florida Statutes, for the purpose of determining whether to amend the Broward County Charter to expand the authority of the Office of Inspector General.

As set forth in enabling Resolution No. 2024-294, adopted on June 4, 2024, by the Board of County Commissioners of Broward County, Florida, the title and summary to appear on the referendum ballot shall be as follows:

Expansion of the Broward County Inspector General’s Authority

Amends the Broward County Charter to allow the Broward County Inspector General to provide inspector general services to The School Board of Broward County and the constitutional officers of Broward County if the applicable entity (The School Board or the constitutional officer) contracts with the Broward County Office of Inspector General and with Broward County regarding such inspector general services.

YES _____

NO _____

A complete copy of the proposed amendment is available at <https://www.broward.org/charter>.

The referendum shall be held on November 5, 2024, between the hours of 7:00 a.m. and 7:00 p.m., and at such other days and times as provided under applicable law, including for early voting as provided by Section 101.657, Florida Statutes, at the polling places established in Broward County. All registered and qualified electors of Broward County shall be eligible to vote in said referendum election. Vote-by-mail ballots for the referendum election shall be prepared and made available as provided by law.

The Broward County Canvassing Board shall canvass the returns and certify the results of the referendum election to the Board of County Commissioners of Broward County, Florida, the Broward County Administrator, and the Florida Department of State, to be recorded and filed in appropriate public records.

Instructions:

A. Publish two (2) times:

Once on: October 1, 2024
Once on: October 15, 2024

B. Send proof of publication and invoice electronically to:

Records, Taxes and Treasury Division
Document Control Section
DocumentControl@broward.org

C. Furnish one (1) proof of publication and invoice to:

Broward County Attorney's Office
Broward County Governmental Center
115 S. Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301