

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: September 23, 2008 [] Consent [X] Regular
[] Public Hearing

Department:

Submitted By: Legislative Affairs

Submitted For: Administration

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on October 21, 2008 at 9:30 a.m.:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA, ABOLISHING THE OFFICE OF THE SUPERVISOR OF ELECTIONS AND ASSIGNING THE FUNCTIONS AND DUTIES OF SAID OFFICE TO THE COUNTY ADMINISTRATOR; PROVIDING FOR CHARTER AMENDMENT LANGUAGE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY: ART. VIII SEC.1(d) of the Florida Constitution provides for County officers (a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court) to “*be elected by the electors of each county.....except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office.*”

The draft ordinance would provide for a charter amendment that would abolish the office of an elected Supervisor of Elections in Palm Beach County and transfer the duties of that office to an appointed official, hired by and accountable to the County Administrator. Countywide (LB)

Background and Policy Issues: (See Page 3)

Attachments:

1. Proposed Ordinance
2. Miami Dade County Human Resources Position Description

Recommended by:

Approved By: Department Director Date
County Administrator 9/17/07

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	20____	20____	20____	20____	20____
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____
Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

The fiscal impact associated with this agenda item is indeterminable at this time.

atwillwhite 9-19-08
OFMB PM 9-19-08

N/A
Contract Dev. and Control

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 9/03

ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Background and Policy Issues: (From Page 1)

At the September 19th meeting of the Board, it was requested to bring back information regarding a potential charter amendment that would change the position of Supervisor of Elections from an elected office to one appointed by the County Administrator. Currently in the State of Florida, only Miami-Dade County had a non-elected supervisor of elections.

Since the Year 2000, Palm Beach County has been under tremendous scrutiny regarding election procedures. Several broad goals of the County over the past eight years have been to assist the Elections office by providing additional resources to the elections process and to assist in restoring greater voter confidence and credibility in election procedures.

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA, ABOLISHING THE OFFICE OF THE SUPERVISOR OF ELECTIONS AND ASSIGNING THE FUNCTIONS AND DUTIES OF SAID OFFICE TO THE COUNTY ADMINISTRATOR; PROVIDING FOR CHARTER AMENDMENT LANGUAGE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter; and

WHEREAS, the voters of Palm Beach County adopted the Charter of Palm Beach County on November 6, 1984, effective January 1, 1985; and

WHEREAS, the Charter of Palm Beach County provides that the Board of County Commissioners may propose a charter amendment by ordinance subject to voter approval; and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to propose a charter amendment that would abolish the office of the Supervisor of Elections and assign all functions and duties of that office to the County Administrator; and

WHEREAS, passage of this Ordinance will allow the residents of Palm Beach County to vote on the proposed charter amendment at the general election November 2, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. AMENDMENT OF CHARTER

Subject to the approval of the electorate as required by the Constitution and Laws of Florida, Article IV, Section 4.1 of the Palm Beach County Charter shall be amended as follows:

Section 4.1. Elected Constitutional Officers

The elected constitutional offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as presently constituted. Commencing on the first Tuesday after the first Monday in January following the general election in 2012, the Office of the Supervisor of Elections shall be abolished and all functions and duties prescribed by the Constitution and Laws of

Florida for the office of the Supervisor of Elections shall be assigned to and vested in the County Administrator.

Section 4.1.a.

Notwithstanding Section 4.1, elections for the offices of Property Appraiser, and Sheriff ~~and Supervisor of Elections~~ shall be nonpartisan.

SECTION 2. REFERENDUM AND BALLOT LANGUAGE

On November 2, 2010, a general election is to be held, and in accordance with the requirements of the Constitution and Laws of Florida, the following question shall be placed on the ballot by the Supervisor of Elections:

ABOLISHING SUPERVISOR OF ELECTIONS OFFICE AND
ASSIGNING DUTIES AND FUNCTIONS OF OFFICE TO
COUNTY ADMINISTRATOR

Shall the Charter of Palm Beach County be amended to abolish the Supervisor of Elections Office in January 2013, and assign all duties and functions of that office to the County Administrator?

YES _____

NO _____

SECTION 3. FORM OF NOTICE

The form of notice of the election by which this Charter shall be submitted to a referendum shall contain the complete text of Sections 1 and 2 of this Ordinance.

SECTION 4. ADOPTION BY VOTE OF THE BOARD OF COUNTY COMMISSIONERS

Pursuant to Section 6.3 of the Palm Beach County Charter, this Ordinance providing for amendment to the Palm Beach County Charter was adopted by an affirmative vote of at least four (4) members of the Board of County Commissioners of Palm Beach County.

SECTION 5. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 6. INCLUSION IN THE CHARTER

In the event this proposed amendment is approved by referendum, Section 1 of this Ordinance shall become and be made a part of the Home Rule Charter of Palm Beach County,

Florida. The Articles or Sections of this Charter Amendment Ordinance may be renumbered or relettered to accomplish such, and the word "amendment" may be changed to "section," "article," or any other appropriate word.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become law on January 1, 2011, if approved by a majority of those electors voting on the matter.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 2008.

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of _____, 2008.



Human Resources Department

Supervisor of Elections (002430)

Job status	3	Recruit. type	Resume	Minimum	\$126,216.	Probation	00
Job category	A	Testing		Maximum	\$222,856.66	Range	99
Pos. status	Exempt	Specialist	ORI	Frequency	Annually	Grade	13
Job type	Professional/Managerial			Protection	Personnel protected	Union	L

Pay steps

T	3	6	9	12	\$8,571.41	15	18
1	\$4,854.48	4	7	10	13	16	19
2	5	\$5,339.93	8	11	14	17	20

Minimum Qualifications

Bachelor's degree. A minimum of seven to ten years of administrative experience to include election strategic planning, execution and evaluation, voter registration, logistics and technology assessment and planning are required.

Job Specifications

NATURE OF WORK This is highly responsible executive level work in planning and directing activities of the Miami-Dade County Elections Department. An employee in this class is responsible for planning, directing and supervising departmental operations and functions required for local, state and federal elections. Responsibilities include establishing departmental objectives and monitoring progress toward their achievement; directing diversified divisional functions; maintaining contacts with public officials and the media; interpreting state and federal election laws; managing departmental financial and budgetary operations; and organizing work to ensure maximum productivity at minimum cost. The incumbent exercises extensive independent judgement and professional managerial knowledge in formulating departmental policies and directing departmental operations. Supervision is exercised through various levels of subordinate executives and supervisors over a staff of employees which may vary greatly in size depending upon election activities. General direction is received from the County Manager who holds the incumbent responsible for attainment of desired goals and objectives and for the professional management of the department.

ILLUSTRATIVE TASKS Establishes departmental programs, functions and direction; sets goals and objectives and monitors their achievement; evaluates departmental programs and assesses their effectiveness in meeting the needs of the citizens of Dade County, elected officials and candidates. Directs the operation of diversified divisional activities through subordinate executives and supervisors; reviews and evaluates operation of all divisions and sections; reviews and approves written procedures for all functions. Reviews existing organizational patterns, work relationships, space utilization, data reporting systems and staff responsibilities, and structures the organization of the department to effectively achieve organizational goals. Meets with the public, candidates, public officials and the news media. Prepares reports, ordinances, resolutions and correspondence. Interprets election statutes; recommends and lobbies for changes in federal and state election laws. Prepares information for lawsuits regarding elections; testifies at court hearings. Prepares and delivers speeches to governmental and private organizations; makes media appearances. Reviews and approves divisional budgets, disbursements, capital expenditures and departmental charges; prepares departmental budget; analyzes expenditures to ensure maximum productivity at minimal cost. Makes decisions regarding hiring, discipline and promotion of subordinates; reviews performance reports prepared by subordinates and rates employee performance; exercises authority for departmental personnel actions consistent with collective bargaining agreements, County personnel rules and all other applicable rules and regulations. Performs related work as required.

KNOWLEDGES, ABILITIES AND SKILLS Extensive knowledge of local, state and federal election laws, rules, regulations and procedures. Extensive knowledge of the principles of business and public administration. Extensive knowledge of departmental policies, procedures and operations in the preparation and conduct of elections. Thorough knowledge of the demographics of Dade County. Thorough knowledge of supervisory principles and practices. Thorough knowledge of public relations principles and techniques. Ability to use advanced professional knowledge of the principles of management and public administration to formulate departmental policy and control departmental activities. Ability to plan, organize and supervise, through various levels of executives and supervisors, the



Human Resources Department

work of subordinates in a manner conducive to full performance and high morale. Ability to delegate the authority to subordinates necessary to complete responsibilities in varied departmental activities. Ability to effectively evaluate the impact of alternative possible courses of action on departmental operations, future developments and circumstances of a new or unprecedented nature. Ability to exercise judgment and discretion in devising, installing and interpreting departmental and County policies, rules and regulations. Ability to establish and maintain effective working relationships with senior County management, officials of other public and private organizations, officials of County departments, news media, candidates and the public. Ability to communicate clearly and concisely, verbally and in writing, to groups and individuals. Ability to determine if departmental standards are being met and to redirect priorities as necessary. NEW 07/92 REVISED 01/98

Nature of work

This is highly responsible executive level work in planning and directing activities of the Miami-Dade County Elections Department.