

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: APRIL 5, 2011

Consent       Regular  
 Public Hearing    Workshop

Department: Administration

I. EXECUTIVE BRIEF

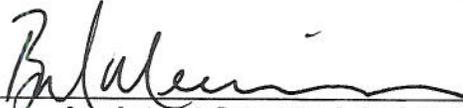
**Motion and Title:** Staff recommends motion to approve: Charter Review public participation plan to obtain suggestions for Charter change questions to be placed on the November 2012 ballot.

**Summary:** On January 25, 2011, the Board directed staff to plan a County Charter review process to include commissioner, staff and public participation. Administration/Public Affairs will implement a comprehensive public input plan to include explanation of current Charter and collect suggestions for future Charter changes. The initial phase of the review process of obtaining suggestions and priorities of the BCC has been accomplished. In the next step staff will receive public input thru multiple public meetings and other media and will present the results of the public input process to the Board for further consideration. Countywide (RB)

**Background and Policy Issues:** The County Charter has been in effect since the 1980's. While changes have been made to the Charter periodically, there has never been a general review. It would be expected that the review process would run through 2011 with charter proposal changes, if any, to be considered during a general election ballot in 2012.

**Attachments:**

1. Time line/work plan
2. Summary of 20 Charter Counties in Florida
3. Summary of BCC considerations
4. Understanding the PBC Charter

Recommended by:   
Assistant County Administrator      Date

Approved By:       3/20/11  
County Administration      Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2011	2012	20	20	20
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>-0-</b>	<b>-0-</b>	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

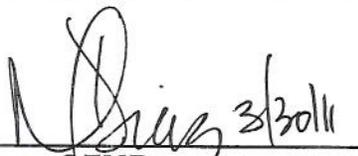
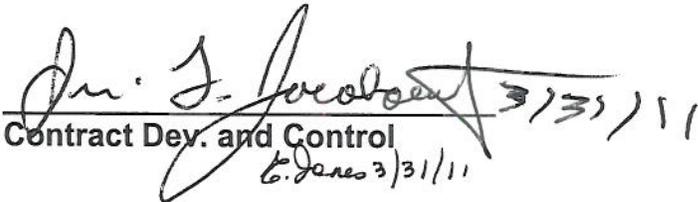
Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
 Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

**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:**

 _____ OFMB	 _____ Contract Dev. and Control G. Jones 3/31/11
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**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

# Charter Review Time Line/Work Plan

January	February	March	April	May	June
<p>Jan 25 - BCC approves review of charter for amendments/revisions</p>		<p>Commissioners offer charter changes to Administration.</p> <p>PA compiles commissioners' suggestion for BCC workshop discussion.</p>	<p><b>BCC workshop to discuss compiled charter revision suggestions</b></p> <p>Public Affairs builds Web pages on homepage to educate public about charter and explain charter review process.</p> <p>Public Affairs develops online and hard copy survey for public input and suggestions for proposed Charter change questions. Channel 20 creates charter review PSA.</p> <p><b>County Administration reviews survey</b></p>	<p><b>Press conference to discuss public input process.</b></p> <p>Launch online survey and hardcopy comment.</p> <p>Implement Marketing Plan for Charter Review Process to inform residents about their opportunity to make suggestions and get involved in amendment process.</p> <p><b>Bob Weisman &amp; Comm. Marcus meet with local media editorial boards to explain charter review process.</b></p> <p>Public Meetings to be held.</p>	<p>Online survey continues for public suggestions for proposed Charter changes.</p> <p>Hardcopy comment cards available in county facilities for residents unable to access online survey.</p> <p>Public Meetings to be held.</p>
July	August	September	October	November	December
<p>Online survey and distribution of comment cards for public suggestions ends.</p>	<p>Public Affairs summarizes meeting, comment cards and online suggestions.</p>	<p>Public Affairs summarizes meeting, comment cards and online suggestions.</p>	<p><b>BCC reviews survey results plus open-ended public comments.</b></p>	<p><b>Public participation techniques of online and comment cards repeated for public to prioritize proposed Charter Reviews.</b></p>	<p><b>Public participation techniques of online and comment cards repeated for public to prioritize proposed Charter Reviews.</b></p>

2012

## Charter Review Time Line/Work Plan

January	February	March	April	May	June
<p>Public Affairs summarizes the priority results from online and comment cards submitted by the public.</p>	<p>County Attorney reviews results from legal standpoint</p>	<p><b>BCC workshop to prioritize proposed charter revisions for November ballot</b></p>	<p><b>1<sup>st</sup> Reading of Charter Revision Ordinance at BCC Meeting</b></p>	<p><b>*2<sup>nd</sup> Reading of Charter Revision Ordinance at BCC Meeting</b></p> <p><b>BCC adopts ordinance placing on November 2012 ballot.</b></p> <p>Charter ballot language posted to website PA continues to inform public of upcoming charter changes that will be on ballot.</p>	
July	August	September	October	November	December
	<p><b>August 17, 2012 Supv. of Elections referendum submission deadline at noon</b></p> <p>Public Affairs continues to inform public of upcoming charter changes that will be on ballot Charter ballot language posted to Web pages</p>	<p>Public Affairs continues to inform public of upcoming charter changes that will be on ballot</p>	<p>Public Affairs continues to inform public of upcoming charter changes that will be on ballot</p>	<p><b>November General Election</b></p>	

## 20 Charter Counties in Florida

47 counties are considered non-charter

County	2007 Population	Year Adopted	# Cities	Districting Scheme	Admin Structure	Appointed Charter Review Committee (CRC)	When Appointed	Size of CRC	5 Elected Constitutional Officers
Alachua	247,561	1987	9	5 at-large	administrator	Y	Every 10 yrs	11-15	Yes
Brevard	552,109	1994	15	5 single	administrator	Y	Every 6 yrs	15	Yes
Broward	1,765,707	1975	31	9 single	administrator	Y	Every 10 yrs	19	Yes
Charlotte	164,584	1986	1	5 at-large	administrator	Y	Every 6 yrs	15/3 alternate	Yes
Clay	184,644	1991	4	5 single	manager	Y	Every 4 yrs	15	Yes
Columbia	65,373	2002	2	5 single	administrator	Y	Every 10 yrs		Yes
Duval	897,597	1968	5	mixed 14/5	executive	N			Yes
Hillsborough	1,192,861	1983	3	mixed 4/3	administrator	Y	Every 5 yrs	14	Yes
Lee	615,741	1996	5	5 at-large	administrator	Y	Every 4 yrs	15	Yes
Leon	272,896	2002	1	mixed (5/2)	administrator	Y	Every 8 yrs		Yes
Miami-Dade	2,462,292	1957	34	13 single	executive	Y	Every 5 yrs		*
Orange	1,105,603	1986	13	6 single	executive	Y	Every 4 yrs	11-15	**
Osceola	266,123	1992	2	5 at-large	administrator	Y	Every 4 yrs	twice board + 1	Yes
Palm Beach	1,295,033	1985	38	7 single	administrator	N			Yes
Pinellas	944,199	1980	24	mixed (4/3)	administrator	Y	Every 6 yrs	13	Yes
Polk	581,058	1998	17	5 at-large	administrator	Y	Every 8 yrs	15	Yes
Sarasota	387,461	1971	4	5 at-large	administrator	elected	Every 4 yrs	10	Yes
Seminole	425,698	1989	7	5 at-large	administrator	Y	Every 6 yrs	15	Yes
Volusia	508,014	1971	16	mixed (5/2)	executive	Y	Every 10 yrs		***
Wakulla	29,417	2008	2	5 at-large	administrator	Y	Every 8 yrs	15	Yes

\* Miami-Dade - **ELECTED:** Clerk of Courts & Property Appraiser **APPOINTED:** Sheriff, Tax Collector & Supervisor of Elections

\*\* Orange - Sixth elected constitutional officer is the Comptroller

\*\*\* Volusia - Elected constitutional officers except for Tax Collector which is department of Tax, Tag & Title and the director is appointed.

Attachment # 2

## Summary of BCC considerations for Charter Review Revisions

Pursuant to BCC direction, staff obtained suggestions of Board members to begin the public participation process for proposed Charter revisions. Below are the suggestions:

- Appointed Supervisor of Elections
- Appointed Tax Collector

## *Understanding the Palm Beach County Charter*

This is a brief, section-by-section explanation of the Palm Beach County Home Rule Charter to aid citizens in providing input that may be incorporated into a revision of the charter. First, a little background.

In 1838, before Florida had become a state, a constitution was adopted by a territorial council. One of its provisions established that five appointed county commissioners would serve to oversee the business of each established county. Florida became a state in 1845, and in 1885, the Florida Constitution formally recognized counties as geographic divisions. There are currently 67 counties in Florida. Twenty of them, including Palm Beach County, are charter counties.

On Nov. 6, 1984, Palm Beach County voters approved a home rule charter form of government. The charter, in essence, is the document that spells out how county government will operate. Among other things, it establishes "true home rule," provides procedures for enacting local laws (ordinances) through a public hearing process, provides a process to amend or modify the charter itself, and gives voters the power to remove county commissioners from office, known as recall.

Before the charter was adopted, many changes to county government required the approval of the Florida Legislature. The charter enables Palm Beach County voters, through their elected officials, to have greater independence in determining how their local government will function and what services it provides. Since taking effect in January 1985, the charter has had several voter-approved additions (amendments), but not a thorough, grass-roots level review or revision that may better reflect the will of the people. Citizen participation in this review process is of utmost importance to the people who have been elected to represent them.

### *Article I      Creation, Powers and Ordinances of Home Rule Charter Government*

The home rule charter provides for self-government without causing conflict with existing state laws municipal ordinances, or independent special taxing districts.

### *Article II      Form and Powers of Legislative and Executive Branches*

Palm Beach County government operates under a county manager form of government (county administrator) appointed by a seven-member governing body (Board of County Commissioners) whose members are elected by individual voting districts. Board members set policy, and the county administrator is granted the power and authority necessary to carry them out. The charter includes a non-interference clause which places a buffer between commissioners and county staff. All requests and directives by the board must be channeled through the county administrator.

### *Article III      Specific Duties of Legislative Branch*

This section deals with the board's delegation of authority to the county administrator, prevention of conflicts of interest, protection of the public's health, safety and welfare, and the need for an annual independent audit of county accounts and records to ensure fiscal stability.

### *Article IV      Constitutional Officers and County Departments*

The charter specifies that the property appraiser, tax collector, clerk of the circuit court, state attorney, public defender, supervisor of elections and sheriff will be independently elected nonpartisan offices that operate separately from county government and the Board of County Commissioners.

The county attorney and internal auditor are to be hired by and report directly to the Board of County Commissioners. At the time the charter was drafted, the fire-rescue administrator also reported directly to the board. Since 1990, the fire-rescue administrator and all fire-rescue personnel have been under the authority of the county administrator.

Article IV lists the original set of county departments, divisions and offices set up to provide services and programs to the public. Note: Since charter adoption, several county departments and offices, such as Public Affairs, Environmental Resources Management and Economic Development, have been created, while others (e.g. General Services and the Office of Management and Program Evaluation) have been renamed, phased out, or merged into other departments.

*Article V Special Provisions*

This section explains how citizens can go about getting a new local law (ordinance) on the books by gathering petition signatures. Seven percent of the total number of voters who were qualified to vote in the previous general election is needed. The rules for initiating a recall to re move a county commissioner from office follow state law.

*Article VI Home Rule Charter Effective Date, Transition, Amendments and Review*

This section explains when and how the home rule charter took effect (Jan. 1, 1985) and how amendments to the charter can be initiated by citizens. The same petition process as outlined in Article V is followed.

*Article VII Voluntary Annexation*

In November 2004, voters approved a charter amendment setting forth the conditions, rules and regulations by which a municipality can voluntarily annex unincorporated rural neighborhoods and designated protection areas. Generally, proper public notice is required, as well as a majority vote of the residents of the affected rural community and at least five members of the Board of County Commissioners.

*Article VIII Ethics Regulation*

In November 2010, voters approved a series of amendments aimed at improving accountability, transparency and efficiency in county government. The resulting ordinances established an independent inspector general, an independent ethics commission, a code of ethics for public officers and employees, and a schedule for implementation. A majority of voters in each of the county's 38 municipalities also said they want their locally elected officials and municipal employees subject to the same reform measures.