

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

WORKSHOP SUMMARY

Meeting Date: March 29, 2022

Submitted By: Administration

I. EXECUTIVE BRIEF

Title: Term Limit/Countywide Mayor Referendum

Summary: In November 2021, the Board of County Commissioners directed staff to research and bring back for discussion an agenda item regarding a potential charter amendment that would allow a member of the Board of County Commissioners to seek reelection to a third consecutive term in office. In addition, it was requested to bring back for discussion a potential charter amendment that would create an elected, non-voting, countywide ceremonial Mayor to serve as an ex-officio member of the Palm Beach County Board of County Commissioners.

In 2002, the voters of Palm Beach County supported an amendment to the County's Charter that prevented a Commissioner from seeking reelection to a third consecutive term to the Board of County Commissioners. The Charter language reads, "No person may appear on the ballot for reelection to the office of commissioner to the Palm Beach County Board of Commissioners, if, by the end of the current term in office, the person will have served (or, but for resignation, would have served) as a commissioner for eight (8) consecutive years." This proposal would allow a member of the Board of County Commissioners to seek reelection to one additional, consecutive four-year term.

Currently, the governing body of Palm Beach County is a board of county commissioners comprised of seven (7) members serving staggered terms of four (4) years with each residing in and elected by the qualified electors of a single district. The Board of County Commissioners appoints a county administrator who has executive responsibilities and authority of the county. This proposed concept of an elected countywide Mayor would add an eighth member to the legislative body but could limit the voting authority of that new member. Countywide (HF)

Background and Justification (or Policy Issues): (Continued on Page 3)

Attachments:

1. Discussion Points Relative to the Addition of a Third Consecutive Term
2. Elected Countywide Mayor Discussion Points
3. Process and Important Dates

Recommended by: N/A
Department Director Date

Approved By: [Signature] 3/24/22
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years					
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT					
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No:
 Fund Agency Organization Object

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:

Line Item 3/22/22
JA 322 OFMB *3-22-22*
3-22-22 *3-24-22 TW*
 Contract Dev. & Control

B. Legal Sufficiency

[Signature]
Assistant County Attorney For H. Falcon
 3/24/22

C. Other Department Review

 Department Director

Background and Justification (Continued from Page 3): In 1968, the electors of Florida granted local voters the power to adopt charters to govern their counties. Charters are formal written documents that confer powers, duties, or privileges on the county. They resemble state or federal constitutions and they must be approved, along with any amendments, by the voters of a county.

According to several Florida constitutional scholars, the establishment of charter government was designed to remove the resolution of local problems from the state legislature's busy agenda and to grant the county electorate greater control over their regional affairs.

Florida is divided into Charter and Non-charter counties. Local term limits in Florida related to county commissioners are only applicable in charter counties.

To date, there are 20 charter counties in Florida. Of the 20 Charter Counties, 11 have term limits. One (Hillsborough), has a limit of two consecutive terms served in single seat but the district and at large mix of seats on the Board has allowed for the movement of members between a single district and the at large seats. The other eight charter counties do not have provisions in their charter for term limits. Of the eleven with term limits, eight (Brevard, Clay, Duval, Miami-Dade, Orange, Palm Beach, Sarasota, and Volusia) limit to two consecutive four-year terms, and three (Broward, Lee, and Polk) have three consecutive four-year terms. Hillsborough is currently contemplating a charter amendment that would limit it to three consecutive terms.

Of Florida's 47 non-charter counties, none have term limits as Florida's Constitution restricts the provision of term limits for non-charter counties (see AGO 2019-03). It is the opinion of the Attorney General in AGO 2019-03, that there is no constitutional or statutory authority that would permit a Board of County Commissioners to impose term limits for county commissioners in non-charter counties or that would permit the Legislature to do so by special law.

Attachment 1: Discussion Points Relative to the Addition of a Third Consecutive Term

History of Term Limits in Florida: Charter V. Non-Charter County Government

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Pros and Cons Relative to a Third Consecutive Term

PROS AND CONS RELATIVE TO A THIRD CONSECUTIVE TERM

ARGUMENTS FOR

- Letting county leaders serve three consecutive terms rather than a two-term limit will improve government because they can put to use the knowledge they gain about county government.
- It allows good leaders to remain in office for an extra term.
- Turnover after two terms hinders the continuity of government and makes it harder for the county to achieve long-term goals. Many big policy changes and capital projects can take years to come to fruition.
- If County Commission members are not doing a good job, voters can turn them out of office after their term ends. The decision is in the hands of voters.
- It would allow better opportunities to gain clout in state and national associations and allow a better opportunity to run for office on executive boards thus increasing the County's profile and clout in those organizations.
- Allows the opportunity to build longer-term relationships among colleagues.
- Provides for better intergovernmental recognition because of extended longevity of a board member especially when dealing with complex federal issues

- Zoning and Land Use regulations and codes are complex and county departments are large. Comprehension of these issues and functions can take many years to understand.

ARGUMENTS AGAINST

- Voters approved the limit of two consecutive four-year terms in a referendum in 2002.
- Fewer terms allow for new perspectives on issues from an increased variety of individuals serving on the Board.
- It may discourage people from voting because with more terms known names may continually appear on the ballot. With fewer terms, there is a higher likelihood of more individuals running for office.
- It could lead to the increased influence of special interests since there could be much greater consistency of representation of their interests and less consistency of elected official representation.
- A voter referendum on term limits could detract attention from a potential push on other referenda that may appear on the ballot.

Term limits for County Commissioners across the United States

Extensive research by NACo in 2011, updated by Palm Beach County Staff provides a snapshot around the country on how different counties in other states have handled the issue of term limits.

California

The following counties in California have term limits for their officials: • Los Angeles County • San Joaquin County • San Mateo County • El Dorado County • San Francisco County • Santa Clara County • Orange County • San Diego County • Ventura County

Los Angeles County, the county in the United States with the largest population, placed term limits on all of its elected county officials. Beginning in 2002, Los Angeles County's board of supervisors, sheriff, district attorney, and assessor were limited to serving three consecutive four-year terms. In Santa Clara County, the board of supervisors, sheriff, district attorney and assessor are also limited to three consecutive four-year terms. However, the Santa Clara County Charter specifies that four years after the expiration of three consecutive terms, an official may run again for an unlimited number of consecutive terms. In San Francisco County, the mayor and supervisors are limited to two consecutive four-year terms. Four years after the expiration of two consecutive terms, the supervisors may run again. The mayor may hold an unlimited number of consecutive terms. In San Mateo and El Dorado Counties, only the county supervisors have term limits. San Mateo County supervisors are limited to three consecutive four-year terms.

Maryland

Three Maryland counties have term limits. • Anne Arundel County • Howard County • Prince George's County

In Anne Arundel County's 1965 charter, there is a term limit provision for the county executive. The Anne Arundel County executive serves a four-year term with a limit of two terms. The term limit restriction for the Anne Arundel County council was established through a charter amendment in 1992. County council members are now restricted to two four-year terms. In 1992, Howard and Prince George's Counties established all of their term limits through a charter amendment. The Howard County executive is limited to two four-year terms and the county council is limited to three four-year terms. The Prince George's County executive and council are all limited to two

four-year terms.

New Mexico

All county officers in New Mexico have term limits. Term limits for county officers are prescribed in the Constitution of the State of New Mexico under Article X, Section 2(D). County officials serve four-year terms. Officials are limited to two full terms in a twelve-year period. In 2010, Senate Joint Resolution 5 was passed to amend article 10, section 2 of the constitution, which allows county officials to serve for three consecutive terms instead of two.

New York

Six counties in the state of New York have term limits for their officials. • Cattaraugus County • Monroe County • New York City • Steuben County • Suffolk County • Westchester County

As in some other states, term limits swept across New York counties in the early 1990s. In 1993, Suffolk County adopted a charter amendment that limited all county officials to twelve consecutive years of service. Different offices have different term lengths in Suffolk County. Similarly, in Monroe County, legislators have varying term lengths, but all are limited to ten consecutive years of service. The Monroe County executive serves four-year terms, with a limit of three terms. Cattaraugus and Steuben Counties have term limits for county legislators. Legislators in each county serve four-year terms, with a limit of three terms. New York City has the strictest term limits among the five counties. The mayor of New York City led a successful effort in 2008 that extended the term limits to three consecutive terms for mayor and council. On December 6, 2010, Westchester County Board of Legislators passed a bill that limits county legislators to six two-year terms and county executives to three four-year terms. These changes went into effect on January 1, 2012.

Broward County, FL

Broward County Charter

Section 2.02 TERM LIMITATION FOR COUNTY COMMISSIONER OFFICE Effective with the terms of the Commissioners that commenced in November 2000, an individual shall not be eligible for election as a Commissioner for more than three consecutive four-year terms. Service as a Commissioner prior to the terms that commenced in November 2000 shall not be considered in applying the term limitations of this Section. Service of a two-year term, or any other partial term subsequent to November 2000, shall not be considered in applying the term limitation provisions of this Section.

On March 14, 2000, Section 2.01, as proposed by the Broward County Commission, was amended. Commencing with the general election of 2000, it was determined that the County Commission shall be composed of nine members elected from single-member districts. Section 2.02, as proposed by the Broward County Commission, was inserted. This section provides that no person shall be eligible for election as a County Commissioner for more than three consecutive 4-year terms, commencing with terms beginning in November 2000.

School Districts in Florida

In 2022, HB 1467 passed the Florida Legislature and created term-limits for School Board Members.

Originally, the House approved 8-year term limits, but the Senate changed the bill to allow a 12-year term limit and that is what ultimately passed. This legislation is currently pending final consideration by the Governor.

ATTACHMENT 2: Elected Countywide Mayor Discussion Points

At the November 2021 meeting of the Board of County Commissioners, staff was directed to research and bring back information and proposals for discussion related to the addition of an elected, non-voting, countywide Mayor to serve on the Board of County Commissioners.

Palm Beach County Governance Structure

Palm Beach County Government consists of a Commission-Administrator form of Government. (See Section 1) This model is provided in the County's Charter. Under this model, a Board of County Commissioners creates policy and passes local ordinances but hires an administrator to execute the policy and oversee the various departments under the board's control. Under the idea discussed in this agenda item, this form of government is proposed to remain unchanged.

Before 1990, Commissioners ran countywide. Voters passed a referendum in 1988 and the Board of County Commissioners passed Ord. 89-27 expanding the board from five to seven members and instituted single-member districts where a commissioner lives in and represents one district and is voted into office by only those electors of that district. Two reasons provided for the change were an effort to curb concentrated power in a particular region of the county and to provide an opportunity for a minority access district.

The county currently has seven members of the Board that are elected in single member districts who serve as the legislative branch. Over the past several years there have been discussions about expanding the amount of seats on the board and creating a position of Mayor in Palm Beach County. Per the Board's direction, staff will provide a history of the Commissioner-Manager local government structures in Florida and a proposal for discussion relative to the idea of an elected, non-voting countywide mayor.

The idea of a Mayor in this proposal contemplates a new position that has countywide jurisdiction; however, does not provide the power or authority to vote on items before the Board of County Commissioners. Among the limited additional powers of the elected Mayor could be: presiding over all official meetings of the Board of County Commissioners, signing all documents on behalf of the Board of County Commissioners, and handling all duties and functions that would currently and typically be assigned to the Mayor of Palm Beach County by rule of the Board of County Commissioners. Section 2 provides further detail of the options of authority under this concept.

SECTION 1: MOST COMMON FORM OF LOCAL GOVERNMENT GOVERNANCE STRUCTURE IN FLORIDA

COMMISSION-ADMINISTRATOR OR MANAGER FORM

The most widely used form of local government in Florida today is the commission-administrator or manager form of government. Overwhelmingly, Florida counties have chosen this form of government.

The key item in this traditional commission form is the separation of powers between making policy and executing policy. The board of county commissioners creates policy and passes local ordinances but hires an administrator to execute the policy and oversee the various departments under the board's control.

SECTION 2: MAYORAL REPRESENTATION

In County Government, mayors are structured in two forms: strong mayor and weak mayor forms of government. Government's that have weak mayor forms are typically elected by the board of commissioners and that individual usually serves for a prescribed period of time, usually one or two years. In most county's that individual is usually called the Chair of the Commission.

In many municipalities, there are different forms of mayoral representation. In a weak mayor format, Mayors are primarily elected citywide but have limited powers prescribed to them.

In Palm Beach County, municipalities have a variety of mayoral governance structures in their respective cities. Six municipalities have strong mayor forms of government; the largest of which is the City of West Palm Beach. Cloud Lake, Glen Ridge, Jupiter Inlet Colony, Briny Breezes, and Hypoluxo have strong mayor governance, Haverhill is a weak mayor format, and all others are considered Council-Manager forms of government.

In the case of Palm Beach County, the Mayor is recognized as a ceremonial dignitary and serves for one-year periods in a role delineated by the rules of the Commission. In addition to voting on all matters before the Board, the mayor (1) presides over all meetings of the Board of County Commissioners; (2) calls meetings to order after ascertaining that a quorum is present; (3) preserves order and decide points of order; (4) expedites business in a way that is compatible with the rights of members of the Board; (5) signs all official documents of the Board on their behalf; and (6) declares meetings adjourned. Forms of Mayoral representation may be prescribed in the rules of the commission or they can be amended as part of the charter of a county subject to vote of the electorate.

Some additional authorities the BCC may contemplate for a new Mayor position include:

- Non-voting status of the Mayor unless a measure before the board ends in a tie vote. In that case, the Mayor may cast a deciding vote on those matters;
- Official Spokesperson on behalf of the Board of County Commissioners; and
- Certain emergency functions delegated to the Mayor during a state of emergency.

SECTION 3: PROPOSED LEGISLATIVE GOVERNANCE STRUCTURE OPTIONS **PROS AND CONS**

A Countywide Elected Mayor

ARGUMENTS FOR

- Would create more elected county representation
- Could allow for more accountability
- Could shift focus from more district centric to more countywide focused issues
- Creates an elected countywide figurehead for high profile situations such as emergencies
- By electing, rather than appointing a mayor, political leadership is established
- Creates a longer term countywide elected figurehead with longer term vision
- County has a political spokesperson who has a high degree of visibility
- Creates more representation for specific regions in the county since more than one elected official would be accountable to the voters
- Strengthens the Board's visibility and stakeholder communications in the community.

ARGUMENTS AGAINST

- Could add more bureaucracy
- Would add more expense
- Could take power away from the Commission and/or Administrator
- Elected mayor could have a higher standing and greater voice in regional affairs of the county than other elected members of the BCC
- By not rotating a Mayor from year to year, you may lose individual perspectives and priorities that individual members of the BCC may bring up or advance
- Citizens may be confused about who is in charge
- Costly to run a campaign countywide and could prohibit certain people from running for office.

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Attachment 3: Process and Important Dates

The following information is provided related to the timeline of submitting ballot language to the Supervisor of Elections Office to be eligible for a question to be on the ballot.

**Supervisor of Elections Schedule for
Submittal of Election Ballot Language**

The Supervisor of Elections requires ballot language to be submitted to their office 95 days prior to a scheduled election. For 2022, the following dates would apply for the ballot language submission schedule:

Election	Election Date	Date for Submittal of Ballot Language to the SOE
Primary Election	Tuesday, August 23, 2022	Friday, May 20, 2022
General Election	Tuesday, November 8, 2022	Friday, August 5, 2022