



Delivering Excellence Every Day

Charter Review Task Force Meeting

Monday, July 23, 2007

10:00 am

SPCC Conference Rooms 18-3 & 18-4

AGENDA

1. Call to Order
2. Roll Call
3. Approval of July 9, 2007 meeting minutes (attachment)
4. Discussion of Election/Appointment of Property Appraiser, Tax Collector, Sheriff and Supervisor of Elections
 - Presentation by Honorable Dr. Brenda D. Snipes, Broward Supervisor of Elections (via phone conference)
 - Presentation by Honorable Lori Parrish, Broward Property Appraiser (via phone conference)
 - Presentation by Miami-Dade County Manager George M. Burgess
 - Question/Answer Session
5. Reports on Pending Assignments and Requests by the Task Force
 - Report by County Attorney's Office
 - Legal Opinion Requested by Raul Martinez (attachment)
 - Legal Opinion Requested by Ignacio J. Vazquez
 - Report by County Manager's Office
 - List of Potential Future Invitees (attachment)
 - Inventory of Recommendations and Issues (attachment)
 - Best Practices Research (attachment)
 - Open Discussion by Task Force Members
6. Report on Administrative Matters
 - Follow-up on Lack of Response for Requests for Speakers & Recommendations
 - Request for Time Extension from League of Cities & County Manager
 - Website & Vehicle for Public Comment (show and tell)
 - Delivery of Agenda Packages
 - Future Meeting Schedule – Preferred Days of the Week & Public Input
 - Sites for Public Hearings
 - Protocol for Requests of Information and Task Force Activities
7. New Business
8. Adjournment

**Charter Review Task Force
July 23, 2007**

Agenda Package

Please be reminded that discussions among or between members regarding matters which might be considered by the Task Force must be held in accordance with the requirements of the Sunshine Law. Therefore, please reserve any discussion with Task Force members regarding information in your agenda packet and other Task Force topics, until the Task Force meets.

3

CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
July 9, 2007

The Charter Review Task Force convened in a meeting on July 9, 2007, at 10:00 a.m. on the 18th Floor, Conference Rooms 3 and 4 of the Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida. The following members were present: Chairman Victor M. Diaz, Jr. and members Ms. Lynn Dannheiser, Mr. Miguel De Grandy, Mayor David Dermer, Mr. Carlos Diaz-Padron, Mr. Maurice A. Ferre, Mayor Shirley Gibson, Mr. Robert A. Ginsburg, Mr. Larry Handfield, Ms. Elizabeth Hernandez, Mr. Robert Holland, Mr. Francois Illas, Mr. Richard Kuper, Mr. Raul L. Martinez, Mr. H. T. Smith, Ms. Yvonne Soler-McKinley, Commissioner Javier D. Souto, Ignacio Vasquez; (Ms. Lynn Dannheiser was late, Commissioner Carlos A. Gimenez was excused, and Mr. John Hogan was absent).

1. CALL TO ORDER

Chairman Diaz called the meeting to order at 10:14 a.m. and welcomed everyone in attendance. He noted that 2007 marked the 50th anniversary of the adoption of Miami-Dade County's original Home Rule Charter, and it was fitting for this distinguished group of public servants and civic-minded individuals to be assembled today (6/9) to review the Charter.

ROLL CALL:

The following staff members were present: Assistant County Manager Susanne M. Torriente; Assistant County Attorneys Cynthia Johnson-Stacks and Joni Armstrong-Coffey; and Deputy Clerks Kay Sullivan and Mary Smith-York.

Chairman Diaz noted, for the record, that Ms. Lynn Dannheiser would arrive late and that Commissioner Carlos Gimenez should be listed as excused from today's meeting.

2. INTRODUCTIONS OF TASK FORCE MEMBERS AND STAFF

Chairman Diaz noted most of the Task Force members had contributed greatly to community services and that both the Miami Herald and the USA Today reported that Miami ranked number 49 of 50 largest cities, in terms of volunteerism. He expressed his sincere appreciation to members for their service on this Task Force as well as their outstanding service to this community in the past.

Chairman Diaz expressed sincere appreciation to County Commission Chairman Bruno Barreiro for appointing him as Chair of this Task Force. He noted he was hopeful that the outcome of this endeavor was reflective of the confidence placed in him; that it was his personal aspiration for this Task Force to fulfill the County Commission's mandate through an open, inclusive, and participatory process. He also noted he aspired to facilitate robust, collegial discussion would not be difficult considering makeup of this Task Force and the unique knowledge and expertise existing among this group.

Chairman Diaz explained that the Task Force would encourage, promote, and engage community participation in its deliberations and include public input in its recommendations. He urged each Task Force member to think critically, creatively, and broadly about the potential of Home Rule; whether it fulfilled the enormous promise of Home Rule; and whether it provided the residents of Miami-Dade County with the most effective, ethical, and responsive government possible. He said he would constantly

remind Task Force members that their ultimate responsibility was to the two million plus residents of this Community—people who depended on the County to deliver services every day. Chairman Diaz welcomed Mayor Carlos Alvarez and invited him to provide welcoming remarks.

Mayor Carlos Alvarez greeted each of the Task Force members and expressed his sincere appreciation for their involvement in this important task. He noted the Dade County Charter was written in 1957, and he had become very familiar with this document over the past couple of years. Mayor Alvarez said he had received many suggestions and recommendations from people throughout this entire community on how to improve the Charter during his tenure as Mayor. He also noted the world had changed since the Home Rule Charter was adopted in 1957, and much of the language contained within this document needed to be revisited; including the commissioners' salaries and the feasibility of appointing commissioners by district or Countywide, etc. Consequently, Mayor Alvarez said he strongly encouraged this Task Force to review the Charter page-by-page and to recommend changes as deemed appropriate.

Mayor Alvarez acknowledged Task Force member Maurice Ferre and noted he was confident that the charge of this task force would be fulfilled with Mr. Ferre's expertise as former Mayor of the City of Miami as well as the expertise of many others assembled around the table today.

Chairman Diaz recognized Commissioner Natacha Seijas and invited her to provide welcoming remarks.

Commissioner Natacha Seijas welcomed Task Force members, and expressed her appreciation for their assistance in this endeavor. She reassured Chairman Diaz and Task Force members that the findings/recommendations of this body would be well-received and well-approved by the County Commission. She urged them to use their expertise and passion in this process, which she noted would be onerous, but the results would benefit the entire community.

Chairman Diaz recognized County Commission Chairman Bruno Barreiro and invited him to provide welcoming remarks. He reiterated his previous comments in which he expressed appreciation to Chairman Barreiro for the opportunity to Chair this Task Force.

County Commission Chairman Bruno Barreiro expressed his gratitude to Chairman Diaz for accepting the challenge of leading this Task Force, which he noted was an enormous task. He welcomed the members of the Task Force and expressed his appreciation for their participation in this incredible process. Chairman Barreiro stated he believed the County Commission would be very happy to accept those recommendations, and encouraged the panel to be very deliberate and to come forth with very good recommendations.

Chairman Diaz acknowledged the presence of Commissioner Javier Souto, whom he noted had served as the representative for his respective district for the past 36 years. He also acknowledged the former Chairman of the Public Health Trust, Larry Handfield, before inviting County Manager George Burgess to present welcoming remarks.

County Manager George Burgess noted one of the most important tasks facing County government was to revisit and update the local Charter in a healthy, deliberative process. He also noted this community was gifted with an extraordinary document, the Home Rule Charter; and that the State Constitution provided for local Home Rule for Miami-Dade County in a way that did not exist anywhere else. County Manager Burgess said this Task Force would carefully analyze the Home Rule Charter to ensure that this community benefitted from all the authority empowered in local government.

County Manager Burgess introduced members of his staff as follows: Assistant County Manager Susanne Torriente and her assistant, Ms. Maggie Fernandez and Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management and her assistant Ms. Vivian Duyos. He said he would attend as many of these meetings as possible, and that Ms. Torriente and his staff would be available to provide factual information, honest input, and to support this body as necessary.

Chairman Diaz recognized Acting County Attorney Robert Cuevas and invited him to provide welcoming remarks.

Acting County Attorney Robert Cuevas noted this community was facing many problems that did not stop at municipal boundaries. Traditionally, the Countywide form of government was probably best able to react to those problems, and the County operated under the Home Rule Charter, pursuant to unique constitutional amendments, specific to this community, Mr. Cuevas explained. He advised that Assistant County Attorneys Joni Armstrong-Coffey and Cynthia Johnson-Stacks would provide more details regarding that issue.

The County Commission created this body and its membership included the combined expertise of former and existing mayors, city and county commissioners. It also included the expertise of former Miami-Dade County Attorneys Robert Ginsburg and Mr. Murray Greenberg, This knowledgeable, experienced group of individuals would provide practical, realistic insight into interpreting the Charter, its applicability, and the consequences of any changes. Mr. Cuevas noted the findings/recommendations of this Task Force must be submitted to the County Commission by October 31st of this year, which was on Halloween. He explained the significance of the October 31st date, noting the deadline to place proposed amendments to the Home Rule Charter on the ballot was January 29, 2008, which was a fairly short time frame considering the County Commission must consider and approve the recommendations and place them for approval by the electorate..

Chairman Diaz noted, for the record, that although Mr. Cuevas referred to former County Attorney Murray Greenberg as a current member of the Task Force, his appointment would not become effective until August 1, 2007.

Chairman invited each individual Task Force members to introduce him/herself and to provide an abbreviated biography.

3. COMMISSION MANDATE TO CHARTER REVIEW TASK FORCE

Chairman Diaz referenced the two resolutions included in today's meeting package and noted the enabling resolution was adopted on April 24, 2007, and was effective May 8, 2007. The Commission mandated that the Task Force should:

- Study the study the Final Report of the last Charter Review Task Force dated July 10, 2001;
- Identify knowledgeable persons who should guide this process;
- Ensure public participation and hold public hearings with respect to subject matters considered;
- Reflect the racial, ethnic, and gender balance and diversity of Miami-Dade County;
- Submit written recommendations to the Commission by October 31, 2007; and
- Study whether the County's Property Appraiser, Tax Collector, Sheriff, and Supervisor of Elections shall become elected positions.

4. **PURPOSE AND HISTORY OF CHARTER**

Chairman Diaz noted he requested and received a copy of a memorandum prepared by former County Attorney Murray Greenberg regarding the Home Rule Charter as well as some case law about the interpretation of the amendment to the State Constitution that created the Home Rule Charter for this County. He asked that a copy of Mr. Greenberg's memorandum be provided to each Task Force member. Chairman Diaz noted he was unsure whether the residents of this community recognized the enormity of the powers granted to the residents of this community by the Home Rule amendment to the State Constitution, and he questioned whether this community had begun to exercise the full authority granted in that unusual exception to the State Constitution. He urged each Task Force member to carefully consider and become educated on the enormous potential of the Charter and what this Task Force could do if time permitted, in terms of fulfilling the Charter and their ability to determine for themselves what local government would look like.

Chairman Diaz invited Assistant County Attorney Joni Armstrong-Coffey to comment on the historical perspective of the Home Rule Amendment adopted in 1956 by statewide electorate.

Assistant County Attorney Armstrong-Coffey noted that as Chairman Diaz mentioned earlier, the Home Rule Amendment was Charter was adopted by the Statewide electorate in 1956, which granted powers to the electors of Miami-Dade County to:

- 1) empower electors to adopt, revise, and amend a Home Rule Charter of government;
- 2) prescribe provisions and limits of the Charter's constitutional authority; and
- 3) provide Home Rule for the people of Dade County in local affairs.

Ms. Armstrong-Coffey further noted in 1957, the electorate of Dade County adopted its first Home Rule Charter, and the purpose of the Charter was to add "legs" to those constitutional powers provided by the Home Rule Amendment. She pointed out that the Supreme Court of Florida understood the difficulty of drafting or amending a document of this magnitude 50 years ago, and said at the time that the Charter was approved for placement on the Ballot, "to prepare a Home Rule Charter, to combine county and municipal functions, and to prepare for their government as contemplated by the proposed amendment, will be a tedious and difficult undertaking. It will require wisdom and statesmanship of a high order, but it is by no means impossible." By its own terms, the Home Rule Charter requires review every five years, a process, which had been undertaken many times since the original charter was adopted, Ms. Armstrong-Coffey noted. She noted it was the County Attorney's privilege to provide legal advice to this

Task Force. Ms. Armstrong-Coffey noted Assistant County Attorney Cynthia Johnson-Stacks would provide additional input on the history of the Charter.

Ms. Cynthia Johnson-Stacks noted she was charged with the task of outlining the history of Charter Review Task Forces over the years and after digging through several musty volumes of files, she discovered that the first reference to a Charter Review Board was in 1967; that the first Task Force report was in 1974. She said in that report, the recommendation mentioned earlier by Ms. Armstrong-Coffey that a periodic review of the Charter be conducted every five years was suggested and recommended. In 1976, the Home Rule Charter was amended to adopt the process previously described. As a result, several Charter Review reports were submitted in 1982, 1986, 1989, and 1990, Mr. Johnson-Stacks noted. She said Clerk of the Board had compiled copies that were available for review by interested members.

Continuing, Ms. Johnson-Stacks said the Miami-Dade Mayor's Ad Hoc Committee on the Powers and Duties of the Mayor was created to review Charter issues following the creation and election of the executive mayor. She noted Chairman Diaz specifically asked that she discuss the 2001 Charter Review Task Force report, which was included in the information packages distributed to members. Most notably, the Charter Review Task Force recommended that the County Commission be empowered to select its own Chairperson, to create committee and empower those committees to create their own rules, which was a shift in the powers of the County Commission because those functions were previously performed by the executive mayor.

This Task Force did not recommend the creation of a Strong Mayor form of government, although it was studied, Ms. Johnson-Stacks noted. She pointed out that following the conclusion of the report, which was issued after several years of study, extensive debate and public hearings, the Task Forces' recommendations were submitted to the County Commission. Ms. Johnson-Stacks noted the County Commission began its own process to review the Charter and created an ad hoc committee on Charter Review where all proposals were discussed and debated, followed by further debate by the County Commission. Consequently, the County Commission called a Special Elections on the 13 proposed Charter amendments, five of which were vetoed by former Mayor Alex Penelas and subsequently overridden by the County Commission, resulting in 13 proposed Charter Questions on the ballot in 2001.

Eleven (11) of the 13 proposals were approved by a majority vote of the electorate and were reflected in the 2001 Amendment to the Home Rule Charter, Ms. Johnson-Stacks noted. She said Chairman Diaz also asked that she look beyond the materials provided to this body, and to remind members that some of the information may not be reflected in the report, but was important to the function of the body. Ms. Johnson-Stacks explained that the 2001 Charter Review Task Force was very thorough and undertook a sequential review, article-by-article, paragraph-by-paragraph, and page-by-page of the Home Rule Charter. She noted County Manager Burgess and former County Manager Merritt Steirheim participated in this process, and that she along with former County Attorney Murray Greenberg reviewed various provisions of the Charter and a detailed study was undertaken before recommendations were developed.

Ms. Johnson-Stacks explained that the Charter Review Task Force adopted a policy early in the process to ensure that discussions were flexible and that members retained the ability to reconsider issues and change decisions as they were informed. The Task

Force also adopted a policy that the Chair and only the Chair would speak on behalf of the Task Force; and to authorize a minority report based on a process that would allow members to review the drafted report, ask questions, and add input.

Many votes were taken by straw ballot, and a database of ideas was created which evolved over the course of the two-year period, Ms. Johnson-Stacks noted. Because this Task Force was extended for a lengthy period of time, the Chair of the Task Force reported to the County Commission as to the Committee's progress. This body requested an extension of time for additional study and input on at least three occasions.

In conclusion, Ms. Johnson-Stacks noted the issues addressed and examined by Charter Review Committees had been critical to the restructuring and amendment of the Home Rule Charter over the years, and she was confident that the recommendations of this body would be as thoughtful and as critical to moving local government forward.

Ms. Johnson-Stacks responded to questions from Task Force members regarding the percentage of the Task Force recommendations actually adopted by the County Commission in 2001. She explained that two recommendations: The recommendation that the number of County Commissioners be increased up to 14 was rejected by the voters; and that the recommendation to increase the percentage of the electors required to sign an initiative petition from 4 to 5 was rejected by the County Commission. The County Commission decided to implement some recommendations as well, which was to abolish the Fire Board.

Chairman Diaz noted he had asked the Clerk's Office to compile a comprehensive history on prior Task Forces summarizing the recommendations and the outcome of the recommendations to provide this body with a record of the number of recommendations adopted, the number presented to the voters, and the number ultimately passed by the voters. He noted this information would be provided later.

Following questions from members regarding any limitations on the scope of this Task Force's recommendations, Chairman Diaz explained there were no limitations on the power and scope of this body's recommendations.

Mayor Martinez pointed out that past problems resulted from the fact that the process was piece-mealed, which resulted in inconsistencies in the Charter and confusion for the voters.

Chairman Diaz noted, for the record, that the recommendations of this body may be limited in terms of ballot questions, which Ms. Johnson-Stacks would address.

Ms. Johnson-Stacks provided further clarification, noting the County was required to comply with State law, which limited the number of words contained within a ballot question. If the study conducted by this body concluded that numerous changes needed to be made to the Charter as a whole, it may be difficult to address into one question. However, this would be a challenge for the County Attorneys and they would provide advice throughout the process as needed.

Chairman Diaz reiterated that there were no limitations of the scope of this Task Force's recommendations; how that was translated into ballot questions could be considered later, but implicates certain legal restrictions in the State Constitution, which the County

Attorneys Office would have to opine. He suggested it would be premature to ask the attorneys to opine at this time, but this body could be as broad in its deliberation as they wish.

Mayor Martinez pointed out that the ballot question was not the issue, but the inconsistencies or conflicts. He maintained that people were confused and had problems understanding their government. He noted a document that was very clear, transparent and understandable to everyone would be very beneficial.

Mayor Ferre noted he concurred with Mayor Martinez. He suggested the constraints of this body were multiple; that as an advisory board this body was limited by the State Constitution. Mayor Ferre agreed that this would be a very difficult task.

Mayor Dermer noted he concurred with Mayor Martinez that this body should prepare one document to be prepared as one ballot question, which would obviously simplify the process and express a sentiment of universal reform. He noted this was a threshold legal issue and the legal counsel should provide an opinion at the next meeting as to whether or not the recommendations of this Task Force had to be broken up into separate ballot questions or whether the entire Charter can be placed on the ballot for approval.

Chairman Diaz asked the County Attorneys to report back to the Task Force at its next meeting whether if the recommendations were presented to—and adopted by the County Commission, whether any ballot initiative prohibitions against the County Commission presenting it to the voters in that manner. He also asked the County Attorneys to determine the feasibility of adding the recommendations of this entire body and the functionality in that effort (i.e., the existing document, how the County Commission's recommendations would be an appropriate action, and how that would be accomplished).

Chairman Diaz reiterated that a copy of former County Attorney Greenberg's memorandum would be provided to each committee member.

Mr. Smith pointed out that the 2001 Charter Review process was two years whereas this body had until October 31 of this year. He emphasized the importance for members to have a discussion on whether they wanted to be practical or idealistic.

Chairman Diaz noted he felt it was possible for the Task Force to be both practical and idealistic in developing its recommendations. He noted this body could consider and discuss the feasibility of requesting an extension of time to study additional questions, dependent upon the agenda items, the priority of those agenda items, and the will of this body; that this would be one of the first issues discussed.

Chairman Diaz noted the next item to be discussed today would be the Sunshine Law and Conflict of Interest, which governs this body. He also noted this body had already encountered an issue involving a memorandum, which Mayor Ferre authored and asked to be distributed to all members before this meeting. Copies of this memorandum were in the information packages distributed to members and he invited each member to review it because it would be the first item discussed under discussion items, Chairman Diaz pointed out.

5. REVIEW OF SUNSHINE LAW, PUBLIC RECORDS AND CONFLICT OF INTEREST

Assistant County Attorney Armstrong-Coffey provided a brief overview of the Sunshine Law as it related to this Charter Review Task Force, highlighting the following issues:

- 1) discussions regarding the Task Force business be conducted only at duly advertised meetings;
- 2) minutes be taken of those proceedings;
- 3) no discussion should take place among members of the board outside the duly advertised public meetings and that the Task Force members' subordinates not engage in those discussions so communication was inadvertently made between members;
- 4) refrain from sending alternates to meetings to eliminate communication between alternates in a staff capacity;
- 5) no express state statutory authorization for local bodies to have members appear by telephone;
- 6) no authorization for any member to abstain from a vote while in the room;
- 7) communicate with staff, who will disseminate and assimilate the records in a manner consistent with public records law; and
- 8) committee not subject to financial disclosure requirements so long as it did not become a board.

Ms. Armstrong-Coffey advised that staff would remain available to members to answer any questions regarding certain other provisions that applied to this Task Force, including lobbying requirements.

6. OVERVIEW OF HOME RULE AMENDMENT AND MIAMI-DADE COUNTY CHARTER

Presented earlier during today's meeting.

7. BACKGROUND WORK ACCOMPLISHED TO DATE

Chairman Diaz provided an oral overview of his initiatives in organizing the work of this Task Force, noting he had held several meetings with staff to seek guidance, input and recommendations—from the County Attorney's Office, the County Manager's office. He noted staff had some strong recommendations on the procedures on whether this should be an informal process, and recommended Task Force members listen to those recommendations. Additionally, Chairman Diaz noted he had asked staff to begin the task of identifying a series of resource materials that he wanted to review and that he anticipated would be sought by many other members including:

The history of prior Task Force Reports along with the findings/recommendations and the results of the ballot questions being prepared by the Clerk's Office, Chairman Diaz noted. He also noted he had issued a letter on behalf of this Task Force seeking recommendations for potential agenda items from the Mayor, the Chairman and members of the County Commission, the County Manager, County Attorney, and the County Clerk; and that he had asked these individuals to be as broad and as specific as the wished.

Additionally, Chairman Diaz noted he asked the County Attorney's Office to study some of the legal precedents and best practices for both operating procedures and to begin the process of identifying best practices Charters for this Task Force to study. He

pointed out that staff had initiated this process and had already gathered a list of cities and comparable Charters this body may wish to examine. He noted he read the 2001 Charter Task Force report as well as the lively opposition presented by Attorney Gene Sterns. He said he also referenced the County Attorney's memorandum on the breath of the Home Rule Charter, and asked that copies be provided. He explained that compiled a series of cases that interpret the Charter and asked the County Manager's Office to begin identifying sites within this community outside of Downtown Miami, to hold public hearings. He said he also asked staff to research to determine whether the Task Force's proceedings could or should be televised. Finally, Chairman Diaz said he asked the County Manager's Office to begin creating a Webpage for this Task Force on the County's Website. He explained that his intent was for the first meeting to be primarily educational or organizational.

8. COMMENTS/DISCUSSION BY TASK FORCE MEMBERS

Chairman Diaz invited members to verbalize what their visions were for this Task Force and to submit their ideas on how it should be structured. He initiated discussion on the location of the next meeting and noted the agenda items for that meeting would be determined from the receipt of suggestions from entities identified today and previously. Chairman Diaz invited members to present recommendations for items to be placed on future agendas and to consider whether the elected versus appointed offices should be addressed at the next meeting.

Mr. Ferre moved a motion of confidence in the appointment of Mr. Victor M. Diaz, Jr., as the Chairman of this 2007 Charter Review Task Force by the Chairman of the Board of County Commissioners. This motion was seconded by Mr. Smith, and upon being put to a vote, passed by a unanimous vote of those members present.

Regarding parliamentary rules, Ms. Johnson-Stacks noted in 2001, no specific reference was made to the adoption of parliamentary rules. The committee worked on a consensus basis and when formal deliberations were held, the Mason's rules were applied to the extent necessary.

Ms. Armstrong-Coffey advised that most County Boards followed the rules that were in the Miami-Dade County Code for the Board of County Commissioners that was not detail specific. Since this Task Force was not a quasi-judicial or legislative body, it would not often need to engage in complicated provision; however, the County Attorney's Office would avail itself to administer the adoption of whatever set of rules the Task Force desired.

It was moved by Mr. Ferre that the 2007 Charter Review Task Force adopt Mason's as its governing parliamentary rules. This motion was seconded by Mayor Dermer for discussion.

Discussion ensued among members regarding the need for additional time to consider the issue, the need for a highly structured process, the need to empower the Chair, and the need to decide the structure at the next meeting rather than today.

Following Chairman Diaz' recommendation that this Task Force be governed by the standard rules that govern the County Commission, Mr. Ferre amended his motion to provide that the 2007 Charter Review Task Force be guided by the rules set forth in the

County Code. This amended motion was seconded by Mayor Dermer, and upon being put to a vote, passed by a unanimous vote of those members present.

It was moved by Mr. Ferre that the Chair be required to appoint a parliamentarian if needed. This motion was seconded by Mayor Gibson.

Ms. Armstrong-Coffey suggested the County Attorney's Office be named as the parliamentarian for this Task Force.

Mr. Ferre amended the motion to provide that the Chair appoint the County Attorney's Office as the parliamentarian for this Task Force.

Mr. Ferre accepted Mr. DeGrandy's recommendation that rulings on questions of order be made by the Chair, subject to majority vote to overrule the Chair as a substitute motion. This motion, upon being put to a vote, passed by a unanimous vote of those members present.

It was moved by Mr. Smith that Chairman Diaz serve as the spokesperson for this Task Force. This motion was seconded by Ms. Soler-McKinley, and upon being put to a vote, passed by a unanimous vote of those members present.

Chairman Diaz asked each Task Force member to provide Assistant County Manager Susanne Torriente with a written document outlining their personal recommendations/suggestions for agenda items and identifying knowledgeable persons desired to address the Task Force. This information would be compiled and provided to each member in the meeting notebook. The information would then be correlated, assembled, and related to specific provisions of the Charter and presented as an agenda item at the next meeting.

Regarding the County Commission's mandate that members of the community be invited to participate in this process, Chairman Diaz emphasized the importance of prioritizing this requirement. He reiterated those parties he invited to make recommendations as to agenda items and invited members to provide their recommendations at this time.

It was moved by Ms. Hernandez that the League of Cities be requested to provide recommendations. This motion was seconded by Mr. Ferre, and upon being put to a vote, passed by a unanimous vote.

It was moved by Mr. Ferre that a representative visit Jacksonville, Florida or Cincinnati, Ohio and spend time studying their best practices. This motion was seconded by Mayor Dermer for discussion.

Discussion ensued regarding the best and most timely approach to use in studying best practices and gaining knowledge from cities of excellence. Pertaining to suggestions that Task Force members visit other cities or bring representatives from those cities to Miami, it was pointed out that the Task Force had no established budget and that it would require Commission approval. Chairman Diaz asked that the motion be amended to reflect the study of the best practices, specifically Jacksonville or other comparable cities.

Upon Mr. DeGrandy's opposition to the Task Force considering this issue today, Mr. Ferre asked that his motion be tabled until the next meeting.

Mr. DeGrandy asked that a discussion item be placed on the agenda for the next meeting regarding the number and purpose of public meetings the Task Force would conduct.

Chairman Diaz confirmed that this would be on the agenda and discussion would include whether to invite public input at the front end or towards the back end.

Pertaining to an inquiry by Mr. Smith regarding establishing a date to stop accepting new proposals, Chairman Diaz noted the County Commission had requested the Task Force have recommendations within 180 days.

Chairman Diaz asked whether an item should be on the next meeting's agenda regarding the election of the offices of the Property Appraiser, Tax Collector, Sheriff, and Supervisor of Elections; or whether it should be deferred to the third meeting.

It was moved by Mayor Gibson that part of the agenda for the meeting on July 23, 2007 be devoted to beginning a substantive discussion of the proposals regarding the election of the offices of the Property Appraiser, Tax Collector, Sheriff, and Supervisor of Elections. This motion was seconded by Mr. Ferre, and upon being put to a vote, passed by a unanimous vote.

Discussion ensued regarding who should appear before the Task Force to speak on the pros and cons of the issue. It was determined that the four persons currently in those position should not be invited to speak due to conflicts of interest and restraints. It was suggested that they be invited to prepare written comments on the advantages of the position being non-elective in a professional capacity. It was also suggested that Mr. Ken Jennings be invited to submit comments regarding the advantages of those being elected positions. Suggestions to have persons brought in from other cities were discouraged due to the lack of a budget. Other suggestions included inviting input from the National League of Cities and the Conference of Mayors.

It was moved by Mayor Gibson that the current Property Appraiser, Tax Collector, Sheriff, and Supervisor of Elections be invited to submit written recommendations on the advantages of an appointed position; and that representatives of comparable positions in Broward County be invited to present in person or submit written recommendation on the advantages of elected versus appointed positions. This motion was seconded by Mr. Vazquez for discussion.

Mr. Holland's request that a scholar from a leading university with significant background be invited to take part of that discussion was deferred for separate discussion.

There being no further discussion on the motion, the Task Force proceeded to vote, which carried with a unanimous vote.

Discussion ensued regarding the recommendation to invite scholars from universities. It was pointed out that due to time constraints, a great number of speakers should not be invited and written recommendations should be requested.

Chairman Diaz recognized Senator Frederica Wilson who was present at today's meeting.

9. **PROPOSED MEETING SCHEDULE**

Chairman Diaz noted the next meeting was scheduled for July 23, 2007 in Conference Rooms 3 and 4 on the 18th Floor of the Stephen P. Clark Center.

10. **ADJOURNMENT**

There being no further business to come before the Task Force, the meeting was adjourned at 12:12 p.m.

Victor M. Diaz, Chairman
Charter Review Task Force

5



MIAMI-DADE
County Attorney

Memorandum

To: Honorable Chairman and Members
Miami-Dade County Charter Review Task Force

From: Cynthia Johnson-Stacks
Assistant County Attorney

A handwritten signature in cursive script, appearing to read "Cynthia Johnson-Stacks".

Date: July 17, 2007

Re: Revision of Home Rule Charter

You have asked whether the existing Home Rule Charter can be totally rewritten to combine multiple charter amendments which would be presented to the electorate in one ballot question.

Generally, a charter can be amended by a total revision or by specific amendments. Charter revisions or amendments can relate to more than one subject or issue. See Charter Review Com'n of Orange County v. Scott, 647 So.2d 835 (Fla. 1994)(Constitution does not impose a single subject rule on charter amendments); City of Miami v. Miami Association of Firefighters, 744 So.2d 555 (Fla. 3d DCA 1999)(statutory single subject requirement was inapplicable to amendments to charters of municipalities located in Miami-Dade County). However, the ballot questions proposing such amendments or other public measures must contain an explanatory ballot summary, not exceeding 75 words in length. Fla. Stat. Sec. 101.161(1). While a ballot summary need not explain every detail or ramification of a proposed amendment, it must clearly explain the chief purpose of the referendum measure. Harris v. Moore, 752 So.2d 1241 (Fla. 4th DCA 2000); cf., Metropolitan Dade County v. Lehtinen, 528 So.2d 394 (Fla. 3d DCA 1988)(reference in ballot summary to an amendment to the "initiative, referendum and recall process" insufficient to describe proposed substantive charter changes to the grounds and availability of the recall process). Thus, the limitation on the number of words which can be contained in a ballot question, when coupled with the requirement that the wording of the ballot question fairly summarize the measure voted upon, under particular circumstances limit the breadth of a proposed rewrite of the Charter.

A total rewrite of the charter can be recommended to the Board of County Commissioners by the Task Force. After the Task Force decides what its recommendations will be, this question can be addressed in a non-abstract manner.

Charter Review Task Force

Recommended Speakers

Recommended People for Input

Recommended People for Input		Notes
Victor M.	Diaz, Jr.	Dan Paul, Robert Meyers (Ethics), Chris Mazzella (OIG), Alex Penelas, Tony Alfieri (UM Law-Ethics), Kathy Fernandez-Rundle (SAO), Designated Representative from the GMCC, Designated Representative from the Miami Business Forum, Robert J. O'Neill, (ICMA Executive Director), Larry Naake (NACo Executive Director)
Maurice	Ferre	
Robert W.	Holland, Esq.	
Larry R.	Handfield, Esq.	
H.T.	Smith	
John M.	Hogan, Esq.	
Carlos A.	Diaz-Padron, Esq.	
Carlos A.	Gimenez	
Lynn M.	Dannheiser	
Javier D.	Souto	
Ignacio J.	Vazquez	City of Miami Commissioner Tomas Regalado, former Broward County Sheriff Nick Navarro, Duval/Jacksonville's Mayor, Council President, Sheriff, Tax Assessor, Property Appraiser and Supervisor of Elections
Robert A.	Ginsburg	Dan Paul, M.R. Stierheim and Alex Penelas
Miguel A.	De Grandy	None
Francois	Illas	Mayors representing a range of Miami-Dade County cities (i.e. Large Cities and Small Cities). Specifically I would ask that the following Mayors be considered: Miami, Miami Gardens, Hialeah, Miami Beach, Doral, Palmetto Bay, and Miami Lakes. Two senior non-elected administrators from one large and one small municipality. I would recommend either Miami or North Miami for the large city and either Coral Gables, Homestead or West Miami for the smaller city. Christopher Warren, Associate Professor (D.A., Lehigh University); Urban Politics, American Government, American Political Economy, Florida International University. Dario Moreno, Associate Professor (Ph.D., University of Southern California); International Relations, U.S. Foreign Policy, Miami Politics, Cuban Politics & Director of the Metropolitan Center at Florida International University.
Raul	Martinez	
Shirley	Gibson	
David	Dermer	

Charter Review Task Force

Recommended Speakers

Richard	Kuper		
Elizabeth	Hernandez	Dan Paul, Gene Stearns, Parker Thomson, Osvaldo Soto, the mayors of the cities, the city clerks of the cities, the city managers of the cities.	
Yvonne	Soler-McKinley	Manager, Mayor, Steve Spratt (Pinellas County Administrator and Former MDC ACM, Budget Director)	
Staff			

CHARTER REVIEW TASK FORCE

Inventory of Issues

POLICY ITEMS		Charter Article	Requestor
Study of BCC Compensation		Article 1, Section 1.06	Chairman Victor Diaz
Study of BCC Term Limits		Article 3	Chairman Victor Diaz
Study of BCC Composition - At Large Members		Article 1, Section 1.04	Chairman Victor Diaz
Study of Lobbying Restrictions for Former County Employee and Elected Officials			Chairman Victor Diaz
Study of Procurement Reform			Chairman Victor Diaz
Study of Airport and Seaport Authorities		Article 1, Section 1.01 (A)2	Chairman Victor Diaz
Study of Campaign Finance Reform and Ethics Regulations			Chairman Victor Diaz
Study of Office of Inspector General Reform			Chairman Victor Diaz
Study of Public Housing Authorities			Chairman Victor Diaz
Equitable balance between the Board and the Executive/Administrative branch. To avoid uncertainty and conflict we could provide clear definitions and lines of demarcation between the Legislative and the Executive/Administrative.		Article 1, 2, 4 & 5	Robert Ginsburg
County Commission salaries should be increased. I would like to explore at least two possibilities: (a) the Gene Stearns method from his 2001 report, and (b) have the Charter create an independent board of respected citizens, who have no ties to county government, to study County Commission salaries periodically and to set the salaries. For example, the Chief Judge of the Eleventh Judicial Circuit, the Miami-Dade State Attorney, the President of Miami-Dade College (or the University of Miami, or Barry, or FIU, or St. Thomas) and two or three others of similar stature.		Article 1, Section 1.06	Robert Ginsburg
The Mayor's salary should also be included in the Charter in some fashion, perhaps a multiple of a Commissioner's salary, or maybe set by the same citizen board.		Article 2	Robert Ginsburg
There may be internal conflict within the Charter, and conflict between the Charter and state election law, with respect to the procedures specified in Article 8: "Initiative, Referendum and Recall." If so, these should be clarified. The Supervisor of Elections can inform us on these and other election issues.		Article 8	Robert Ginsburg
Governance issues - Council (BCC) vs. County Legislature (Assembly)		Article 1	Maurice Ferre
At large seats		Article 1, Section 1.04	Maurice Ferre
Charter Reform by Petition		Article 9	Maurice Ferre
Checks and balances			Maurice Ferre
Limitations and salaries		Article 1	Maurice Ferre
Accountability and transparency			Maurice Ferre
Functions of Mayor/Manager		Article 2 & 4	Maurice Ferre
UMSA and MDC City Services		Article 6	Maurice Ferre
Foundations and Trusts			Maurice Ferre

CHARTER REVIEW TASK FORCE

Inventory of Issues

Ethics and money issues – Lobbyist reform			Maurice Ferre
Special Interests Reform (and 1st amendment issues)			Maurice Ferre
Zoning and UBD reform	Article 1, Section 1.01 (A)12		Maurice Ferre
Purchasing reform			Maurice Ferre
Elections reform	Article 3		Maurice Ferre
In favor focusing our efforts on the Commission's mandates to the Committee. Whether Miami-Dade County, albeit under our Home Rule Charter, should reinstitute the Florida Constitutionally mandated offices of the Sheriff, Tax Assessor, Property Appraiser and Supervisor of Elections.	Article 5		Ignacio Jesus Vazquez
Though the Mayor has indicated a realignment and consolidation of his office and the manager's is forthcoming, I believe the Committee should examine whether, under the strong mayor form of governance, the county manager, as currently reflected in the Charter should be retained.	Article 4		Ignacio Jesus Vazquez
Separation of Powers or Responsibilities between Miami-Dade County and the municipalities in an effort to better define the roll of the Regional and municipal governments and create greater accountability through a clear division of responsibility similar to what is found in the US Constitution when it address the Federal and state governments powers/responsibilities.	Article 6		Francois Illas
Annexation/Incorporation in an effort to eliminate the existence of the Unincorporated Metropolitan Service Area.	Article 6		Francois Illas
Review and develop rules to further enhance the balance of power or checks and balances that need to exist between the Executive and Legislative bodies of County Government.	Article 1, 2, 4 & 5		Francois Illas
Composition of the Legislative body of the County Government in an effort to achieve a more balanced Legislative body that can be entrusted to represent the interest of both municipal and the county wide interest when it comes to managing or decision that impact the citizenry at either the Regional or the local governments.	Article 1, Section 1.04		Francois Illas
Term Limits on members of the Legislative body and all other Countywide offices, such as Clerk of the County Courts, State Attorney and Public Defender	Article 3		Francois Illas
Move compensation language from the Charter section to the ordinance and code areas of the County.	Article 1, Section 1.06		Francois Illas
Taxation Structure and Special Revenue fees charged by either the Regional or municipal governments in order to further protect our citizens' against duplicating taxes and fees.			Francois Illas
Increase the size of the BCC by two members to allow for the election of a Haitian American to the BCC (in a district centered around the city of North Miami and a "Non-Cuban Hispanic" (in a new district that could be drawn in a manner that would allow for the election possibly from the west Dade area).	Article 1, Section 1.03		Community Relations Board (preliminary for Haitian American Grassroots Coalition- HAGC)

CHARTER REVIEW TASK FORCE

Inventory of Issues

<p>Add six "regional" BCC seats comprised of several of the current single member districts or possibly adding some "at-large" seats that would be elected county-wide (with terms of 6 years). This would allow for more of a focus on issues of county-wide concern and less parochialism by the BCC.</p>	<p>Article 1, Section 1.04 and Article 3</p>	<p>Community Relations Board (preliminary for Haitian American Grassroots Coalition- HAGC)</p>
<p>Limit BCC terms to 12 total years of service</p>	<p>Article 3</p>	<p>Community Relations Board (preliminary for Haitian American Grassroots Coalition- HAGC)</p>
<p>Increase BCC salaries</p>	<p>Article 1, Section 1.06</p>	<p>Community Relations Board (preliminary for Haitian American Grassroots Coalition- HAGC)</p>
<p>PENDING</p>		<p>Staff Issues will be provided at the next Task Force Meeting</p>

Memorandum



Date: July 18, 2007

To: Victor M. Diaz, Jr., Chairman
Charter Review Task Force

From: Susanne M. Torriente
Assistant County Manager

Subject: Charter Review Task Force Benchmarking Research

At its initial meeting on July 9, 2007, the Charter Review Task Force requested staff to review available research regarding best practices in municipal and county governance in support of this effort.

In the course of conducting this initial research, it became apparent that there is no commonly accepted "best practice" model for municipal governance; rather, city and county governance models reflect the unique history, values and characteristics of each particular community. Associations or nonprofit organizations may advocate for a certain form of government, but this advocacy is informed by the organization's own purpose and membership. For example, the International City-County Management Association (ICMA), as an association of professional city and county managers, advocates the council-manager form of government. That said, for certain subject areas, there may exist generally accepted best practices, and/or concepts considered to be particularly innovative or progressive. These areas might include, for example, ethics, the role of lobbyists, and alternative electoral methods (e.g. proportional voting, instant run-offs, etc.).

As a point of departure, staff has conducted initial benchmarking research regarding form of government, board composition and whether constitutional officers are elected or appointed for a sample of large Florida counties and selected counties nationwide; results are provided in Attachment 1. Additionally, we identified a number of organizations that research local government issues and, in some cases, advocate for particular governance models or issues. We have placed links to the respective organizations on the newly created Charter Review Task Force web site (<http://www.miamidade.gov/charterreview>) for our information and convenience. Specifically, the research section includes links to the National League of Cities and the National Civic League, which both include information on charter revisions and model charters. Attachment 2 includes two articles regarding the most recent revisions to the National Civic Leagues' Model City Charter, 8th edition. Other links in the research section include:

- American Government and Public Policy Internet Resources - Institute of Governmental Studies Library, University of California at Berkeley
- American Society for Public Administration (ASPA)
- Florida Association of Counties
- Florida League of Cities
- Governing Magazine
- Government Innovators Network at Harvard University
- International City/County Management Association (ICMA)
- International Institute of Municipal Clerks
- National Association of Counties (NACo) - State and Local Government on the Net
- State and local government Internet directory provided by HelloMetro
- State Links - Provided by Council of State Governments. State Web pages available on the Internet
- U.S. Conference of Mayors

Charter Review Task Force Benchmarking Research
Page 2

- USA.gov Local Governments - Local government links from the U.S. government's official Web portal

We have attached a summary of *Governing* magazine's Grading the Counties study conducted in 2002 (Attachment 3), in which the nation's largest counties were assigned letter grades for their performance in areas such as strategic management, finance, human resources and information technology. The *Governing* study is the best known attempt to "objectively" evaluate local governments, although findings are now somewhat dated, and offer no conclusions regarding the impact of county governance models on managerial performance.

Finally, at the previous Task Force meeting, there was some discussion regarding top academic public policy institutions. Attachment 4 includes a list of top public affairs programs according to the U.S. News and World Report. Based on further direction from the Task Force, staff will conduct additional research into these or any other specific topics.

Attachments

C: George M. Burgess, County Manager

Miami-Dade County
Office of Strategic Business Management

**Selected Florida and National Counties:
Form of Government, Board Composition, and Constitutional Officers**

County Name	2005 Population	Form Of Government	Composition of Board	Constitutional Officers Elected or Appointed?			
				Tax Collector	Property Appraiser	Supervisor of Elections	Sheriff**
Miami-Dade	2,376,014	Commission/ Executive (Mayor)	13 single member districts, 1 elected Mayor	Appointed	Appointed	Appointed	Appointed (Police Department Director)
Broward	1,777,638	Commission/ Administrator	9 single member districts	Appointed	Elected	Elected	Elected
Palm Beach	1,268,548	Commission / Administrator	7 single members districts.	Elected	Elected	(Supervisor of Elections)	Elected
Hillsborough	1,132,152	Commission/ Administrator	4 single member districts, 3 at large	Elected	Elected	Elected	Elected
Orange	1,023,023	Commission / Executive (Mayor)	6 single member districts, 3 at large	Elected	Elected	Elected	Elected
Pinellas	928,032	Commission/ Administrator	4 single member districts, 3 at large.	Elected	Elected	Elected	Elected
Duval / City of Jacksonville	826,436	Council / Executive (Mayor)	14 single member districts, 5 at large, 1 elected Mayor	Elected	Elected	Elected (Supervisor of Elections)	Elected

County Name	2005 Population	Form Of Government	Composition of Board	Constitutional Officers Elected or Appointed**				
				Tax Collector	Property Appraiser	Supervisor of Elections	Sherriff**	
Los Angeles, CA	9,935,475	Council / Executive	5 single member districts	Elected	Elected	Elected (Registrar-Recorder/County Clerk)	Elected	
Cook County, IL	5,303,683	Council / Executive (President)	17 single member districts and 1 President elected at large	Elected	Elected	Elected (Office of County Clerk)	Elected	
Maricopa, AZ	3,635,528	Commission / Administrator	5 single member districts (partisan)	Combined Functions - Elected		Elected	Elected	
Orange County, CA	2,988,072	Council	5 single member districts	Elected	Elected	Appointed (Registrar of Voters)	Elected	
San Diego County, CA	2,933,462	Commission / Administrator	5 single member districts	Elected	Elected	Appointed (Registrar of Voters)	Elected	
Dallas County, TX	2,305,454	Council	4 single member districts, 1 at large	Elected	Elected	Appointed	Elected	
Wayne, MI	1,998,217	Commission/ Executive	15 single member districts	Appointed	Appointed	Appointed	Elected	
King, WA	1,793,583	Council/ Executive	9 single member districts (partisan)	Appointed	Elected (partisan)	Appointed	Elected (partisan)	
Clark, NV	1,710,551	Commission / Administrator	7 single member districts	Elected	Elected	Appointed (Registrar of Voters)	Elected	
Fairfax, VA	1,006,529	Commission	9 single member districts, 1 at large	Appointed		Appointed	Elected	
Fulton County, GA	915,623	Commission/ Administrator	5 single member districts, 2 at large	Elected (Tax Commissioner)	Appointed	Appointed	Elected	
Mecklenburg, NC	796,372	Commission/ Administrator	6 single member districts, 3 at large	Appointed	Appointed	Appointed (Board of Elections)	Elected	
Baltimore, MD	786,113	Council / Executive	7 single member districts	Appointed	Appointed	Appointed	Elected	

Selected National Comparables

Notes:

*Elected officials not specifically noted as "partisan" may or may not be elected on a partisan basis
 **Sheriff duties and responsibilities vary by jurisdiction and may include, for example: processing of warrants, summonses and writs; municipal police services; specialized police services; operation of correctional facilities; bailiff and other court services, etc.



Over a
Century of
Community
Building

National Civic League

[ABOUT US](#)
[PROGRAMS](#)
[WEB SITE](#)

New Politics Program Links: [Home](#) · [Information](#) · [Projects](#) · [Publications](#) · [Media](#)

Possible Approaches to the Model Charter Revision

by Jim Svara

Purposes of developing model charters

Model city charters provide guidance to citizens and officials about the best approaches to local government structure and process. The nature of the proposals-as distinct from their substantive content-has varied over the seven editions of the model charter. As the process for revising the model charter gets underway, it is useful to reflect on how previous editions have related to the prevailing thinking about local government and practices in use. The models have reflected differing combinations of emphasis on the following purposes.

1. Innovation: developing new approaches to local government structure and process.
2. Advocacy: promoting acceptance of reform ideas, either new or stated in previous versions of the model.
3. Conservation: when reforms are widely accepted, a third role is to "explain" to local officials and citizens the meaning and importance of the reforms that have been accepted in their local governments and to defend the continued use of these reforms.
4. Adaptation: altering recommendations to reflect new conditions and practices. The focus is on adjustment rather than innovation.

The first two editions were remarkable for the extent of innovative ideas they contained. The recommendation of a strong elected executive in the first edition was such a drastic departure from prevailing practice that it gained little acceptance. The second edition presented a different but equally innovative model-"a new municipal program." Although the council-manager form contained in the second edition represented an even greater departure from the constitutional model to which Americans were accustomed and was used by only a few cities at the time it was endorsed, the council-manager form of government won acceptance by a growing number of cities over time.

In the third through the fifth editions, there was little innovation. The primary purpose shifted from advocacy of adopting practices that most cities did not use in the third edition to explanation and defense of practices that most cities did use by the time of the fifth edition.

"New" approaches appeared in the sixth edition and to a greater extent in the seventh, but the practices recommended were more adaptations than innovations. The model charter revision process attempted to respond to new conditions and challenges in American cities and to give legitimacy to practices that were becoming increasingly common, in particular the use of district elections and the direct election of the mayor. The 7th Edition was more innovative in the sense that it articulated a new rationale for

the mayor as a facilitative leader. The institutional practices recommended to enhance the position of the mayor as a political leader, however, were not new nor is the idea that the mayor can be a leader in his or her own right-not just the leader of the council. The commentary sought to defend the use of model institutions and provide a rationale for adapting them by considering alternative approaches. It was a model with alternatives.

As a new revision process begins over one hundred years after the first model charter, it should be recognized that the current edition is not a source of new ideas or a challenge to the prevailing assumptions of local officials and citizens as they consider how to improve the performance of their government by altering the structures and processes that it uses. The 7th edition provides guidance and is educational-part advocacy, part conservation, and part adaptation-by informing readers why the institutions of local government that have become widely accepted continue to have value and what the essential features of a well-designed government are. The context for the 7th and the proposed 8th editions, however, is very different than at the beginning of the reform movement. In 1897 and 1915, there were virtually no well-designed local governments in operation in the United States. Today governments that incorporate model charter principles are the norm. To provide information and insights not available from other sources, the new edition could go farther in examining how to handle complex issues within the current structure. This would be a more sophisticated approach to the adaptation purpose of the 7th edition. In addition, the model charter might again attempt to be truly innovative by broadening the scope of issues addressed. Expanded guidance about adaptation and innovative ideas would not take the place of advocacy and conservation but would build on them.

Types of Recommendations

In the suggested approach, there would be three types of recommendations provided.

Advice about Adopting Charters: The Basic Model Charter

The core structural issues and traditional recommended practices will be presented. This discussion provides the foundation for other types of recommendations.

Expanded Advice about Adapting Charters

In the current revision process, it is important to reexamine more fully than in the past whether any changes in the recommendations for core charter provisions should be made. Citizens and officials in many communities need help in examining whether special conditions or challenges may indicate the need for adaptation of their existing charter. The discussion of options should make it clear why the essential features of the model charter are important and point out the beneficial effects that they can have. Beyond the basic approaches, however, some local governments may choose to consider unique approaches. The model charter should help these communities diagnose their conditions and consider options with the best information available about the consequences associated with each option. There should also be more attention given to recommending features of the mayor-council form of government for cities that use or prefer to choose this form.¹ It is important to remember that over half of the mayor-council governments (even when small cities are excluded) do not provide for a city administrator. Most of these cities are unlikely to adopt the council-manager form, but more could add a central administrative position staffed by a professional administrator to their government.

Innovative Advice that Goes Beyond the Charter: New Approaches to Community Governance

Beyond these questions related to charter provisions, the process could also examine the elements of sound community governance in the 21st century. Basic charter provisions are key elements of sound governance, but they are not the totality.² Other practices need to be proposed as well to meet the needs and respond to the conditions of communities today. If pursued, this approach would be a substantial departure from that used since the second edition³ in several respects.

- First, the recommendations will deal with matters that go beyond charter provisions. A discussion of new approaches to community governance should address what can be accomplished through the charter in achieving sound governance, but examine other practices and processes as well. Presumably, these measures need to be flexible and adaptable. Therefore, they should not be included in the charter since this constitutional document is appropriately hard to change. It is important, however, that they not undermine charter principles. For example, a proposal to resolve all policy questions by internet referenda would probably be rejected because it would undermine representative democracy. A new approach to community governance, however, may appropriately provide for more and different kinds of direct democracy than are currently in common use.
- Second, new approaches to community governance will go beyond "settled knowledge" about what works. Just as the authors of the 2nd edition made recommendations based on an analysis of problems and the conceptual case for a new approach but little direct experience or evidence (except from other countries), the section on community governance would consider new approaches even though their efficacy is not fully established. A distinction might be made between "recommended approaches"-ordinances, activities, processes-that have a demonstrated capacity to address an important aspect of community governance, and "innovative approaches" that have promise but are more experimental.
- Third, new approaches to community governance will go beyond the boundaries of an individual local government and deal with issues that are not clearly resolved. Still, the model of governance should deal with the reality that many of the greatest governance challenges in urban America cannot be addressed within the boundaries of single jurisdictions.

In summary, I propose for discussion that the current process have three elements.

- A. Examine and presumably reaffirm the basic charter provisions that have been endorsed since the 2nd edition. This presumption is based on the expectation that a careful examination of the conditions in local governments, the evidence about local government performance, and the "logic" of optimal local government performance will lead to an endorsement of a model charter based on the principles of unitary government, representative democracy, and professional administration. The recommendations will reflect the increased appreciation of the importance of innovative political leadership and responsible professional leadership in effective governmental performance. In this aspect of the process, the focus will be on describing and explaining why the basic model provisions in the charter contribute to the best results for most local governments insofar as a governmental charter can shape performance. The presentation of the basic charter provisions might even be simpler than the current version, since the focus is on helping citizens and officials grapple for the first time with basic questions of putting their organizational structure on a sound foundation.
- B. Examine special conditions in some local governments that may lead to

considering charter provisions that depart from the model provisions. This is different in subtle ways from the "model with alternatives" found in the 7th edition. The argument is not that any local government will be well served by choosing from the menu of alternatives but rather that some cities may have distinctive or exceptional conditions for which non-traditional approaches are appropriate. The distinctive conditions may be quite common. For example, in part A of the process, the practice of electing council members at-large may be reaffirmed. There are clear advantages in having all the members of the council represent all the citizens of the community. It is quite common, however, in communities that are distinctive because of their size or diversity for other approaches to defining the constituency of the council member to be recommended. District elections alone or in combination with at-large elections may be preferable in these communities.

Other conditions may be more rare. The difficulties of achieving the proper blend of representative, political, and professional leadership may be so great in certain local governments that special charter provisions regarding the position of the mayor should be considered. The analysis conducted in this part of the process would seek to determine how one recognizes the special conditions that call for an unusual remedy and what the elements of the remedy are. Furthermore, the analysis should also carefully consider what the potential negative consequences of the remedy would be. For example, the analysis should note that the substantial enhancement of the mayor's position could weaken the representative leadership of the council and the professional leadership of the city manager. As suggested above, this is not a menu with standard options, but rather a special section of the menu that examines atypical choices to meet unusual circumstances (with an explanation of potential side effects.) In considering these special approaches, the participants in the revision process obviously go beyond the standard reform practices that are established in part A. [See sample below.]

As an extension of A and B, the revision process should also consider more fully recommendations for the normal and special provisions in elected executive forms of government in cities and counties.

- C. Examine and make recommendations concerning structures and processes outside the charter than can advance the quality of community governance both within individual jurisdictions and across jurisdictions. Examples of areas that might be considered are the following:
- o citizen participation
 - o neighborhood governance
 - o regional governance
 - o utilizing new information technologies to promote involving and responding to citizens
 - o contracting out and privatization
 - o incorporating nongovernmental agencies and organizations in the work of local government
 - o ethics

In this part of the process, attention should be given to the interaction between charter provisions and other practices with guidance given about how to promote compatibility between the two. It is also important that the analysis help officials and citizens distinguish between "fads" that will not improve performance and new approaches that offer good prospects for positive impact. There is an obvious risk that the revision process could be overwhelmed by the wide range of topics that could be considered.

Hopefully, the participants in the revision process will have the ability to identify the aspects of model community governance that are most important at the present time and focus their attention on these.

The parts reflect the needs of different audiences or "users" of the charter. Part A is well suited for the "first-time" users. The most common example is probably a community that has never done anything to transform its government from a weak mayor-council government by committee with limited staff. Because of growth or other challenges, it needs to organize itself better. The basic charter provisions are a useful guide. Part B is for "advanced" users. These would include communities that already have basic reform provisions but feel the need to examine their practices and consider whether adaptation is in order or those communities considering a change in form. The commentary in this part should not lead users to make changes for the sake of change but to carefully analyze their situation and the advantages and disadvantages of change. Communities with problems in the governmental process and cities that mandate a periodic review of their charters are examples of these advanced users. Another group is cities that are examining whether they should shift from a general law to a home rule charter. For example, in California, the home rule charter can provide some additional authority for the city but also opens up the possibility of other structural changes. These advanced users are not well served by the existing model charter. Indeed, many have already adopted it but now consider questions that go beyond the basic model.

Part C could be of interest to any community that wants to go beyond their charter structure to incorporate other innovations that address challenging new governance problems.

The time has come for a re-examination and revision of the National Civic League's *Model City Charter* to address both basic and advanced questions about local government structure. The time may have come as well for incorporating the model charter into a comprehensive set of recommendations for *New Approaches to Community Governance*.

Illustrative example: Distinctions among basic recommendations, alternatives, and special provisions and between discussion of charter provisions and new approaches to governance

Note: some may not agree with the logic underlying this example and many more details could be provided. It is offered simply to show how it is possible to make recommendations that vary in their scope of application.

It is obvious that a key issue in the revision process will be the role of the mayor.

A basic recommendation is that the mayor be a facilitative leader who does not have executive powers that separate the mayor from the council.

Alternatives are those contained in the 7th edition. Mayors may be chosen from within the council. There are clear advantages to this approach. The council can choose the leader it wants and either retain that person or choose to give several members the opportunity to exercise the special responsibilities of the mayor's office over time. About a third of the council-manager cities still use this approach, including a majority of cities in California. Any city, however, may want to adopt the alternative of electing the mayor directly. This approach potentially enhances the political leadership of the mayor and gives the incumbent a mandate for a program of actions sanctioned through the electoral process. Approximately two thirds of council-manager cities already use direct

election of the mayor.

Special provisions may be considered under unusual circumstances. In a small number of cities, the council is fragmented to such an extent that the potential benefits of representative democracy are not being fully realized. The manager's accountability may also be weakened by the absence of clear direction and consistent oversight from the council. When this condition persists and becomes endemic, it may be beneficial to consider giving the mayor special powers that go beyond direct election and other provisions, e.g., giving an annual state of the city address, that strengthen the mayor's voice as a political leader. When the only remedy is to give the mayor additional leverage over the council and the ability to focus the city manager's attention on key priorities, the mayor may be given empowering provisions in the charter, such as a formal distinct role in the budget process and the authority to nominate the city manager to the council.

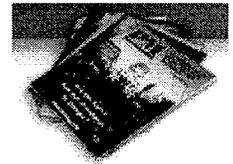
The potential negative consequences of these changes should be recognized. Cities face a difficult dilemma in empowering the mayor. On the one hand, the mayor can be a force for promoting cohesion. Empowering the mayors can give them more tools to work with and encourage a wider range of candidates to seek the office. On the other hand, making mayors different and more powerful can both encourage them to go their own way and ignore other members of the council and and also weaken the council and produce resentment among other council members. One could argue that enhanced authority for the mayor within the council-manager form should not be necessary, but it may be an "insurance policy" in unusual circumstances that provides an internal remedy for dealing with a very fragmented council. Even empowered mayors, however, should develop their skills as facilitative leaders and not rely on their special powers. The powers should be used only in an emergency and as a last resort.

Thus, charter recommendations could be divided into three types: basic provisions, alternative provisions, and special provisions. For some provisions, there may be no alternatives and/or no special provisions. Basic and alternative provisions would be included in Part A-the basic model charter. Special provisions would be included in Part B.

Part C on new approaches to community governance would offer recommendations about practices adopted by communities to enhance leadership and promote dialogue and consensus building. These might include mayoral task forces or community-based visioning processes. Part C will contribute to the recognition that changes in performance can be promoted by new approaches that go beyond changing the charter.

-
1. The recommended features of the mayor-council government contained in the 7th edition deviate from practices in most cities that use this form with regard to the chief administrative officer. The 7th edition recommends that the mayor appoint and remove the CAO without council involvement and that the mayor determine the responsibilities of the CAO. Most cities provide at least for council approval of appointment of the CAO, and many (the proportion is not known) define qualifications for the CAO or assign functions to the CAO in the charter.
 2. Governance refers to the process by which communities democratically establish goals that reflect common aspirations and needs, arrive at policies and programs to meet these goals, carry those policies and deliver services responsibly and effectively, and make the best possible use of the limited resources of local government.
 3. When the first two charters were drafted, there presumably were no clearly established limits on the kinds of issues considered nor general agreement about what proposals should be made.

<< Back to the Model City Charter Revision Project Home



[ICMA Home](#)

April 2003 · Volume 85 · Number 3



Current Issue
About PM
Contact PM
Subscribe
Advertise
Editorial Guidelines
Editorial Calendar
Professional Services Directory
PM Index
Issues Archive

Cover Story

Renewing the Model City Charter:

The Making of the Eighth Edition

Christopher T. Gates and Robert Loper

The National Civic League (NCL) will publish the eighth edition of the Model City Charter in the spring of 2003. The newly revised charter addresses critical issues confronting local governments today and stresses the role of citizen participation in public life. The decision to update the charter evinces NCL's continuing dedication to its historic mission of fostering good government at the local level.

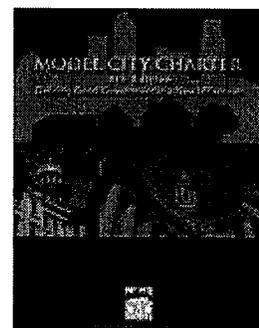
In 1899, the National Municipal League (as NCL was originally named) approved the first Model City Charter, which has been revised periodically to help cities and their citizens improve the structures and procedures of local government.

Revision of the model charter is not an automatic process. It is undertaken when a judgment is made, with the advice of experts in the field, that circumstances have so changed that the model must be updated to ensure that it continues to provide reliable guidance on the relationship between the structure of local government and its performance.

In fact, taken overall, the changes in the Model City Charter over the years present a history of reflection on how cities should be structured to best achieve the goals of efficiency, effectiveness, and equity. Although created under the auspices of NCL, the Model City Charter has from its inception been the result of the combined efforts of leading thinkers and practitioners in the area of municipal administration.

THE NEED FOR A CITY CHARTER

Before detailing the significant changes made in this newest edition of the model charter, let's consider charters and their impact on government performance. Some readers may find this topic esoteric. Fortunately, though, in Martin Scorsese's film "Gangs of New York," we have a wonderful cinematic illustration of the turbulence of urban governance in the mid-19th century and thus of the impetus for the reform movement that sought to ensure accountable and professional city government. To anyone who has seen this movie, we think it will come as no surprise that New York was the first home of the National Municipal League.



The events that Scorsese portrays occurred roughly in the middle third of

the 19th century. The later history of New York politics, up to the founding of the National Municipal League in 1894, saw the consolidation of rule by political machine evident in nascent form in the film.

During this time, city government was weak and corrupt, and provision for public order was erratic. Volunteer fire companies routinely fought each other while fires burned, and looters took advantage of this disarray. Patronage, graft, bribery, and outright thuggery and violence were the order of the day. Herbert Asbury, author of the book that inspired Scorsese (and gave him the title of his movie) reports that in 1855 gang leaders could draw on some 30,000 individuals. By rioting at polling places and stuffing ballot boxes, gangs doing the bidding of political bosses were instrumental in seizing and maintaining political power.

The fascinating and undeniably violent history of this period is too little known among us today. While any number of examples would illustrate our general point concerning the role of effective charters as means of improving city government, a vignette about the police force in New York City during this period merits mention here.

Corruption within the police force was so bad that in 1857 the state legislature abolished the municipal police force and appointed a metropolitan board to enforce the law in a district encompassing Manhattan, Brooklyn, Staten Island, and other places (this of course was before greater New York City, encompassing the five boroughs, was constituted). The mayor of New York, however, refused to disband the municipal force, and on June 16, rioting broke out between the Municipals and the Metropolitans, as the two police forces were known.

The feud continued throughout the summer, and according to Asbury, members of the rival forces interfered with one another's attempts to make arrests, letting the would-be prisoners go in the process. Aldermen and magistrates supportive of one side would remain in police stations controlled by the other so that they could release prisoners on their own recognizance.

This situation was clearly a far cry from today's professional and accountable administration of municipal affairs. These unruly conditions and the consequent corruption via political machines helped fuel the energies of the reform movement, which resulted in the forming of the National Municipal League and the development of the Model City Charter.

Although a city charter by itself cannot ensure good government, a well-designed charter can provide a structure that reduces opportunities for corruption and mismanagement while reinforcing efficient and responsible practices. The model charter has long served as a guide for charter commissions, recommending particular arrangements and discussing the merits and potential problems of a range of options for configuring municipal government.

The Model City Charter has always been the result of the combined efforts of leading thinkers and practitioners in the area of municipal administration.

The commentary that forms part of the model charter not only helps clarify the charter's provisions but also draws attention to events and developments that might not warrant extended treatment in the charter itself but that nonetheless have an important influence on the problem-solving capacities of local government.

In the commentary sections of the new edition of the model charter, particular attention is paid to the increasing salience of regionalism, new information technologies, improvements in performance measurement, citizen participation in public life, and the fostering of interaction among neighborhoods.

CHANGES IN THE MODEL CITY CHARTER

In an article entitled "Possible Approaches to the Model Charter Revision," which was written before the most recent revision was made, Jim Svava developed a useful typology for thinking about how and why charter reform might be undertaken. He identified four emphases that could guide model revision: innovation, advocacy,

conservation, and adaptation. (The entire article is available on the NCL Web site at http://www.ncl.org/npp/charter/articles/possible_approaches.html)

Professor Svava, who was a senior adviser to the charter revision committee for the eighth edition, heads the department of political science and public administration at North Carolina State University. In his article, he pinpointed the approach taken by each of the past editions of the model charter to these four emphases. (For a fuller treatment of changes in the Model City Charter over time, see H. George Frederickson et al., "How American City Governments Have Changed: The Evolution of the Model City Charter," *National Civic Review*, Vol. 90, No. 1, pp. 3-18).

Svava went on to suggest that the new edition of the model charter should take into account the different needs of three types of potential users. The first type would be localities adopting a charter for the first time and needing basic information on government structures and performance. The second type would be a locality that might be looking to revise its existing charter to better address special circumstances it faced. Such local governments require a more sophisticated assessment of alternatives and tradeoffs among possible choices, Svava wrote.

And the third type of user would be a municipality interested in more encompassing processes of community governance than can be specified within the provisions of a city charter. This interest was, and is, of particular concern to NCL, and the eighth edition of the model charter is intended to contribute to this wider discourse on citizen participation and community governance.

City Council

Unsurprisingly, the preference for the council-manager form of government has been retained in the new edition of the model charter, although the discussion of the mayor-council form has been greatly expanded. The model does not advance a preferred method for electing the council but does stress anew the value of at-large elections. In keeping with the seventh edition, the eighth edition recognizes that the use of single-member districts remains popular for selecting councilmembers as a means of ensuring compliance with the Voting Rights Act, and the benefits of the mixed form (combining at-large and single-member elections) are highlighted.

Given the technological developments that have made proportional representation and instant runoff voting less complicated than before, and the more widespread interest in these voting procedures, the new edition contains an extensive consideration of these alternatives in the commentary on the elections section. (Last year, San Francisco became the nation's first major city to adopt the instant runoff method for selecting the mayor and other top office-holders.)

City Manager

A new emphasis is given to recognizing the professionalism of the city manager. The preexisting phrase "[t]he city manager shall be appointed solely on the basis of executive and administrative qualifications" has been changed to ". . . appointed solely on the basis of education and experience in the accepted competencies and practices of local public management." To clarify the intent of this change, the International City/County Management Association's minimum qualification for a city manager has been inserted into the commentary:

A master's degree with a concentration in public administration, public affairs, or public policy and two years' experience in an appointed managerial or administrative position in a local government or a bachelor's degree and five years of such experience.

A new emphasis on promoting long-term goals, regional and intergovernmental cooperation, and greater citizen participation is exemplified by the addition of the following tasks to the duties of the city manager:

- Assist the council to develop long-term goals for the city and strategies to implement these goals.
- Encourage and provide staff support for regional and intergovernmental cooperation.
- Promote partnerships among council, staff, and citizens in developing public policy and building a sense of

community.

Mayor

In one of the most significant changes found in the new edition, a different approach has been taken to the role of the mayor in the mayor-council form of government. Commentary on this form remains in an appendix, but instead of simply addressing the strong mayor-council form alone, the eighth edition presents a choice between two options and provides a set of analytical questions to help guide deliberations in cities that prefer to use the mayor-council form.

The two options 1) are the traditional strong mayor form, with a clear separation of powers between the mayor and the council; and 2) the standard mayor form, with both a separation of powers and a sharing of authority between the mayor and the council. One of the key differences between these two options, of course, involves the role and status of the chief administrative officer (CAO).

In the strong mayor form, the mayor fulfills the functions performed by the city manager in the council-manager form. If there is a CAO, he or she is appointed and removed by the mayor alone. By contrast, in the standard mayor form, the CAO is nominated by the mayor and approved by the council and can be removed by the mayor. The two mayor-council options are distinguished in shorthand reference as "mayor-CAO-council" and "mayor-council-CAO," respectively.

The analytical questions used to frame deliberation are "how should authority be divided between the mayor and the council" and "should a chief administrative officer be appointed." Of these two alternatives, the model charter expresses a clear preference for the mayor-council-CAO option. Regardless of the choice made between the strong and the standard mayor approach, the appointment of a CAO is recommended.

Initiatives, Citizen Referendums, and Recalls

The eighth edition incorporates initiative, referendum, and recall procedures into the provisions of the model charter. This decision was made for a number of reasons. For one, the inclusion of these elements simply acknowledges the fact that they are contained in the vast majority of charters in operation today. But these procedures were an important aspect of the reform movement of the early 20th century, and while the model charter shows a clear preference for relying on the established practices of representative government for day-to-day decision making, committee members decided that it was important to preserve these options as part of the overall armory of governing mechanisms.

This summary has covered only some of the changes made to the model charter. For a fuller discussion, scroll through the NCL Web site at www.ncl.org to the point where the complete text of the charter and the commentary are posted.

PARTICIPANTS IN THE MODEL CHARTER REVISION

The revision project was truly an inclusive venture. The committee in charge of writing the eighth edition comprised a diverse set of individuals and representatives from all major organizations with an interest in the revision of the charter. The organizations represented were the American Bar Association, American Society for Public Administration, Association of State Municipal Leagues, International City/County Management Association, International Municipal Lawyers Association, International Personnel Management Association, League of Women Voters, National Academy of Public Administration, National Association of Counties, National Association of Schools of Public Affairs and Administration, and National League of Cities.

Involvement of leading academic experts in the field of public administration has always been part of the history and tradition of the charter revision process. This tradition was maintained in this latest round through insightful contributions from Professors H. George Frederickson, John Nalbandian, David Schulz, David Sink, and Jim Svava.

NCL benefited enormously from the generous commitment of time and talent by these individuals and organizations and wishes to thank them all for their great contributions. We also want to make special mention of the extraordinary leadership provided by the two chairs of the committee, Betty Jane Narver and ICMA Executive Director Bob O'Neill. They reinforced for all of us a deep appreciation of the difference made by inspirational leadership. It is with sadness and respect that the eighth edition of the Model City Charter is dedicated to the memory of Betty Jane, who passed away on December 9, 2001.

Unsurprisingly, the preference for the council-manager form of government has been retained in the new edition of the model charter, although the discussion of the mayor-council form has been greatly expanded.

And finally, the process greatly benefited from the involvement of four senior advisers: Terrell Blodgett, William N. Cassella, Jr., Robert Kipp, and Jim Svara. Terrell Blodgett is the Mike Hogg Professor Emeritus in Urban Management at the LBJ School of Public Affairs at the University of Texas and a former chairman of NCL, while William N. Cassella, Jr., is the former long-time executive director of NCL, and Robert Kipp is group vice president at Hallmark Cards and a former city manager of Kansas City, Missouri.

The expertise of these individuals and the range of experiences and perspectives that they brought to bear on revising the model charter make us confident that this edition of the Model City Charter not only updates best practices to keep the document current but also orients it to the future.

We wanted to modernize the charter and ensure its relevance to the new millennium, and we feel that we succeeded in doing so.

NCL, as the nation's oldest political reform organization promoting the cause of good government at the local level, will continue to update the model charter as changing circumstances warrant. This focus on understanding and supporting effective local government is a significant part of NCL's overall commitment to the goal of reinvigorating citizen democracy.

Whether through NCL's 53-year-old civic recognition program, the All-America City award, or the work it does on civic engagement and political reform, NCL is dedicated to the principle that all sectors of our society, the public, private, and nonprofit, must work together to address our common needs and build a thriving democracy. NCL recognizes that in the modern American community, local government not only provides services to the public but also contributes the leadership that allows new models of community governance to flourish.

Christopher T. Gates is president of the National Civic League, Denver, Colorado (chrisg@ncl.org), and Robert Loper is editor, *National Civic Review*, National Civic League, Washington, D.C. (robert@ncldc.org).

[Privacy Policy](#)

© 2004 International City/County Management Association. Please [notify us](#) if you experience any problems.



From *Governing's*
February 2002 issue

**County
Report
Cards:**

- [Grading the Counties introduction](#)
- [Data behind the grades](#)

[Alameda, Calif.](#)

THE GOVERNMENT PERFORMANCE PROJECT

[Allegheny, Pa.](#)

How We Grade Them

[Anne Arundel, Md.](#)

[Baltimore, Md.](#)

[Broward, Fla.](#)

[Clark, Nev.](#)

[Contra Costa, Calif.](#)

[Cook, Ill.](#)

[Cuyahoga, Ohio](#)

[Dallas, Texas](#)

[Erie, New York](#)

[Fairfax, Va.](#)

[Franklin, Ohio](#)

[Fulton, Ga.](#)

[Hamilton, Ohio](#)

[Harris, Texas](#)

[Hennepin, Minn.](#)

[Hillsborough, Fla.](#)

This is the fourth installment of the Government Performance Project — a joint venture between *Governing* and the Maxwell School of Citizenship and Public Affairs at Syracuse University, and funded by the Pew Charitable Trusts. It scrutinizes 40 of the nation's largest counties, and builds upon two similar efforts dedicated to states, and one to cities. In many ways, the evaluations that follow are the most complex of all.

When the Government Performance Project began evaluating state government, some readers objected that comparing states is like comparing apples and oranges. Our response was: "Yes, but what's wrong with comparing two different kinds of fruit? There are far more similarities than differences." No such riposte is available when it comes to counties. There are times when comparing them is like comparing apples and koala bears. More than any other institution of government in America, counties are asked to do different things, and given different powers. Milwaukee County, for instance, has a huge range of responsibilities and a lot of freedom in how it deals with them. Dallas County, by contrast, is a creature of Texas state government, with a narrow list of functions and not much independence.



But this problem aside, we are convinced that there is enormous value in evaluating counties in the five areas the GPP has covered for the past four years — financial management, capital management, human resources, managing for results and

King, Wash.

information technology. Even if the counties differ greatly, virtually all of them must handle all five of these tasks, and their skill at doing so is a matter of crucial consequence. Counties nationwide spend nearly \$200 billion a year.

Los Angeles, Calif.**Maricopa, Ariz.**

This year's GPP covers 40 of the largest counties — not literally the 40 most populous ones. In fact, deciding which counties to evaluate was the first problem in this effort. Using a strict list of the top 40 by population, we would have had to include counties such as Middlesex, Massachusetts, which contains nearly 2 million people but is essentially just a geographic subdivision, not a government. Some other standard had to be used.

Mecklenburg, N.C.**Miami-Dade, Fla.****Milwaukee, Wis.**

Another possibility was to look at the 40 largest counties measured strictly by revenue. The problem there is that California would have overwhelmed the list. Ultimately, a reasonable compromise emerged: Split the country up into four regions and take the largest counties from each region, measured by revenue. The final division included 12 from the West; 10 from the East; 10 from the South and eight from the Midwest.

Monroe, N.Y.**Montgomery, Md.****Nassau, N.Y.****Oakland, Mich.**

Although the presentation format varies somewhat from prior years, one element has stayed the same: Grades are assigned to each of the five categories covered. And despite every effort to focus readers on the positives and negatives that contribute to the grades, it's a simple fact of life that readers tend to focus in on the grades themselves. The drawback to this is that the grades are, at best, a rather blunt instrument to describe a complicated body of information. What's more, they sometimes force elected officials into a defensive posture. The positive is that the grades draw attention to areas of government service that are too frequently overlooked. Based on our experience with cities and states, that focus has helped governmental entities to benchmark on one another and to make improvements.

Orange, Calif.**Palm Beach, Fla.****Prince George's, Md.****Riverside, Calif.****Sacramento, Calif.****San Bernardino, Calif.**

Designing a new survey instrument was the first step in the process of putting the whole package together. It was similar to the one developed for states and cities, but modified somewhat to fit the contours of county government. The survey is hinged, as much as possible, to a series of criteria in each of the categories that has been established over years of discussion with experts of all stripes. The task of developing the survey instrument fell largely to academics at Maxwell and partners they have brought in from the University of Connecticut, the University of Nebraska in Omaha, and Lynchburg University in Virginia. A separate survey was sent out to all counties for each area covered.

San Diego, Calif.**Santa Clara, Calif.****Shelby, Tenn.****Suffolk, N.Y.****Wayne, Mich.**

As the surveys poured in — and subsequently, trickled in — graduate researchers at the Maxwell School, under the guidance of faculty members from the various institutions, digested them

Westchester,

N.Y.

with a traditional academic approach. They coded the responses in a numeric fashion that allowed them to be analyzed and reviewed dispassionately. The researchers also reviewed stacks of supplementary documents that helped clarify the surveys and provided a safeguard against respondents overstating or understating the quality of their management.

The journalists took a very different approach. They, too, carefully read the surveys, as well as the document-based information distilled by Maxwell. But their evaluations were based on hundreds of interviews with officials in the counties. Some of these sources were the same men and women who had filled out the surveys. Some were their bosses. Efforts were made throughout to utilize interviews in one area of evaluation to help obtain more information about another. For example, the final word on the effectiveness of human resources technology doesn't usually come from the IT people in a county, but from the personnel department. *Governing* reporters also utilized a variety of sources outside the governments, including research groups, local journalists, academics and financial rating agencies.

In the vast majority of cases, the counties cooperated fully with this effort, thanks, in part, to the support of the National Association of Counties. All of the 40 responded to our questions in some way, although a handful did so only through interviews and documents; they were unwilling or unable to fill out survey instruments.

As one might expect, there are benefits and flaws to both the academic and journalistic approaches. A journalist is somewhat more likely to be misled by a persuasive informant than is an academic who looks only at documents. On the other hand, without context obtained by live interviews, the facts and figures can mislead, and fail to supply the context that is critical for informed commentary.

After the research was done, the academics and the journalists met to discuss the grades. They agreed most of the time. Where there was disagreement, efforts were made to reach an acceptable consensus, and in some instances, further investigation was done. At the end of the day, in a small number of cases, the academic and journalistic approaches could not be made to mesh. Where that happened, the grades published in the pages that follow are the responsibility of *Governing* editors and staffers, as informed by the academic analysis.

Also critical to understanding and using the information in the report:

- The Government Performance Project does not grade any individual or group of individuals. Many parties contribute to the management efforts that are being evaluated. Sometimes, state policy is as much responsible for a county's performance in a given area as are the actions of the county's leaders.

- The list of elected officials that appears on the top of each county's page is meant to include all countywide elected officials whose responsibilities are broadly administrative. It includes, for example, auditors and sheriffs, but not judges.
- The positives and negatives that accompany each grade are not exhaustive — but are representative of highlights. Including all criteria would be impossible, given space limitations.
- While the overviews that accompany each of the write-ups are connected to the grades, these also contain information that goes beyond the formal grading criteria.
- As we have always acknowledged, this whole process is a mixture of art and science. It's inevitable that some readers will challenge the published evaluations. There are essentially three major reasons why this will happen:
 1. The GPP analysis was incorrect, or based on incorrect information in the survey or other sources.
 2. The reader has a bias for or against a government that fuels his or her sentiments.
 3. There is a basic disagreement about the criteria that underlie the process.

In an effort to facilitate readers' understanding of these criteria, following are the essential ones used:

Financial Management

1. Does the government have a multi-year perspective on budgeting including meaningful revenue and expenditure estimates; long-term revenue and expenditure estimates; measures to gauge future fiscal impact of financial decisions?
2. Does the government have mechanisms that preserve stability and fiscal health including: structural balance between revenues and expenditure; use of contingency planning devices, such as rainy day funds; appropriate management of long-term liabilities; appropriate use and management of debt and rational investment and cash-management policies?
3. Does the government provide sufficient financial information to policy makers managers and citizens including: accurate and thorough financial reports; useful financial data; a means for

communicating budgetary and financial data to citizens; timely financial reporting; the capacity to gauge the cost of delivering programs or services; a budget that is delivered on time?

4. Does the government have appropriate control over financial operations including: sufficient control over expenditures; appropriate managerial flexibility; solid management of procurement including contracts?

Capital Management

1. Does the government conduct a thorough analysis of future needs including: a formal capital plan that coordinates and prioritizes capital activities; a multi-year linkage between operating and capital budgeting; a multi-year linkage between strategic planning and capital budgeting; sufficient data to support analysis?

2. Does the government adequately monitor and evaluate projects through their implementation at both the entity-wide and agency levels?

3. Does the government conduct appropriate maintenance of capital assets with sufficient data to plan maintenance adequately and sufficient funding?

Human Resources

1. Does the government conduct strategic analysis of present and future human resource needs (workforce planning)?

2. Can the government obtain the employees it needs by hiring in a timely manner and giving managers appropriate discretion in hiring and recruiting?

3. Is the government able to maintain an appropriately skilled workforce by training, retaining skilled employees, and disciplining or terminating employees without undue constraints?

4. Can the government motivate employees to performance effectively by: rewarding superior performance through cash or non-cash incentives; evaluating the performance of its employees effectively; providing sufficient opportunity for employee feedback; maintaining productive labor-management relations?

5. Does the government have a civil service structure that supports its ability to achieve workforce goals including: a

classification system that is coherent and of appropriate size; personnel policies that permit flexibility in civil service and pay structure; and good communications of human resources policies and goals to employees?

Managing for Results

- 1.** Does the government engage in results-oriented strategic planning in which: strategic objectives are identified and provide a clear purpose; government leadership effectively communicates objectives to employees; government plans are responsive to input from citizens and other stakeholders including employees; agency plans are coordinated with central government plans?
- 2.** Does the government develop indicators and evaluative data that can measure progress toward results and accomplishments and does it take steps to ensure that these data are valid and accurate?
- 3.** Do leaders and managers use results data for policy making, budgeting, management and evaluation of progress?
- 4.** Are there organizations within the government whose responsibility it is to evaluate programs or agencies, and are their conclusions utilized?
- 5.** Does government communicate the results of its activities to stakeholders?

Information Technology

- 1.** Do government-wide and agency-level information technology systems provide information that adequately supports managers' needs and strategic goals?
- 2.** Do government information technology systems form a coherent architecture and are strategies in place to support present and future coherence in architecture?
- 3.** Does the government conduct meaningful multi-year technology planning including: an information technology planning process that is sufficiently centralized; providing managers appropriate input into the planning process; creating government-wide and agency IT plans?
- 4.** Is IT training adequate for end-users and technology specialists?

5. Can the government evaluate and validate the extent to which information technology system benefits justify investment?
6. Can the government procure the IT systems needed in a timely manner with appropriate financial controls?
7. Do IT systems support the government's ability to communicate with and provide services to its citizens?

Copyright © 2002, [Congressional Quarterly, Inc.](#) Reproduction in any form without the written permission of the publisher is prohibited. **Governing**, *City & State* and [Governing.com](#) are registered trademarks of Congressional Quarterly, Inc.

[Home](#)

[Search](#)

[About Us](#)

[Subscriptions](#)

[E-mail Us](#)

[Advertising](#)

[Classified Ads](#)



From *Governing's*
February 2002 issue

Grading the Counties introduction

THE GOVERNMENT PERFORMANCE PROJECT

County Grades at a Glance

COUNTY	Average Grade	Financial Management	Capital Management	Human Resources	Managing for Results	Information Technology
Alameda, Calif.	C+	C+	B-	D+	C	B
Allegheny, Pa.	D	C-	D+	D-	D	D
Anne Arundel, Md.	C	C+	C-	C	D+	B
Baltimore, Md.	B+	A-	A-	B-	B	A-
Broward, Fla.	B-	B+	C+	B+	B	C+
Clark, Nev.	C+	B+	C+	C-	B	C
Contra Costa, Calif.	B-	B-	B-	B-	C-	B-
Cook, Ill.	C+	B-	C+	D	B-	B-
Cuyahoga, Ohio	C	B	C-	C-	B-	D+
Dallas, Texas	B	B+	B-	B+	B	B-
Erie, N.Y.	C+	B-	C+	C-	C	B
Fairfax, Va.	A-	A-	A-	A-	A-	A
Franklin, Ohio	B	B	B+	B-	B	C+
Fulton, Ga.	C	B-	C	C	C	C-
Hamilton, Ohio	B	B	B+	B	B+	C+
Harris, Texas	C+	B-	B-	C+	C+	C+
Hennepin, Minn.	B	B+	B+	B-	B	B+
Hillsborough, Fla.	C	B	C	D	C+	C-
King, Wash.	C	B-	B	D+	C	C-
Los Angeles, Calif.	C	B-	D+	B-	C+	C-
Maricopa, Ariz.	A-	A-	B+	B+	A-	A
Mecklenburg, N.C.	B	B-	C+	B	B+	B
Miami-Dade, Fla.	C+	B-	C	B-	B-	D+
Milwaukee, Wis.	B-	C+	C+	C+	B	B-
Monroe, N.Y.	C	C	B	C-	C	D

Montgomery, Md.	B	B+	C	B+	B+	B-
Nassau, N.Y.	D-	F	D-	D	F	D+
Oakland, Mich.	B	B	B-	B	C	A-
Orange, Calif.	B	B	B	B-	C+	A-
Palm Beach, Fla.	C+	B	B	C	B-	C-
Prince George's, Md.	B-	B+	C	B-	C+	B+
Riverside, Calif.	C+	B-	C-	B	C	C
Sacramento, Calif.	C+	B-	C-	C	B-	C+
San Bernardino, Calif.	C-	C	C-	C-	D	D+
San Diego, Calif.	B+	A-	A-	B-	A-	B+
Santa Clara, Calif.	C+	B	B-	C+	C-	D+
Shelby, Tenn.	B	B	B	B	B-	B-
Suffolk, N.Y.	C-	B-	B-	C-	F	C
Wayne, Mich.	B-	B-	B-	B-	C+	B-
Westchester, N.Y.	C+	B	A-	D+	D+	B-

Copyright © 2002, [Congressional Quarterly, Inc.](#) Reproduction in any form without the written permission of the publisher is prohibited. *Governing*, *City & State* and [Governing.com](#) are registered trademarks of Congressional Quarterly, Inc.

[Home](#)

[Search](#)

[About Us](#)

[Subscriptions](#)

[E-mail Us](#)

[Advertising](#)

[Classified Ads](#)

advertisement

Home Run HERO

ROLL OVER TO PLAY

Find major getaways at minor prices - GO!

ORBITZ A STEP AHEAD



Wednesday, July 18, 2007

Subscribe | Cor

- Nation & World | Health | Money & Business | Education | Opinion | Photos & Video | Rankings |
- About the Rankings | Help | Log In

advertiseme



BEST GRAD SCHOOLS INDEX TOOLS ARTICLES LEARN MORE > BUY >

Complete Guide to Public Affairs Programs

advertiseme

Rankings Ranked In 2004

- Top Public Affairs Programs
- Specialties:
 - ▶ City Management & Urban Policy
 - ▶ Environmental Policy & Management
 - ▶ Health Policy & Management
 - ▶ Information & Technology Management
 - ▶ Nonprofit Management
 - ▶ Public Finance & Budgeting
 - ▶ Public Management Administration
 - ▶ Public-Policy Analysis
 - ▶ Social Policy
- Public Affairs Methodology

Explore your options with the Premium Online Edition:

Search our extensive rankings in public affairs. Plus, find the latest information on admissions, enrollment, starting salaries, fellowships, financial aid, and more

▶ Learn more

Mini-Directory

- A-Z Directory Index
- Search Public Affairs Programs:

Tools

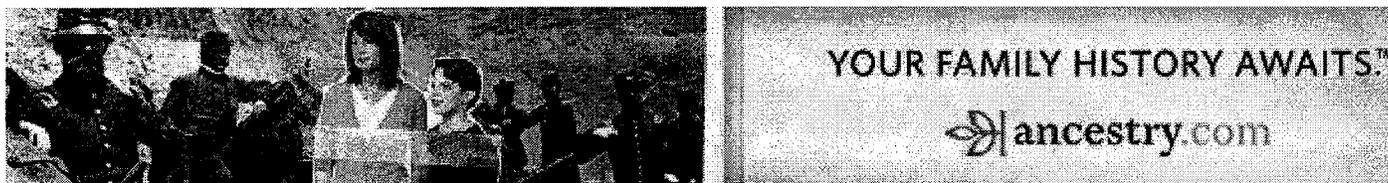
- Video: New Grad School Trends in 2008
- Mini-search: Public Affairs Programs
- Graduate school forum
- Student Loan Finder

Articles

- Getting the Feds to Foot the Bill

The Premium Online Edition offers you an insider's guide to graduate schools. Gain immediate access to exclusive U.S. News rankings in 11 disciplines, find programs that reflect your interests, compare schools, and access our all-new directory of 1200+ programs.

advertisement

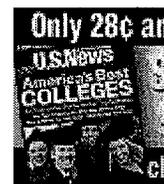


Wednesday, July 18, 2007

Subscribe | Cor

- [Nation & World](#) | [Health](#) | [Money & Business](#) | [Education](#) | [Opinion](#) | [Photos & Video](#) | [Rankings](#) | [About the Rankings](#) | [Help](#) | [Log In](#)

advertisement



[BEST GRAD SCHOOLS INDEX](#)
[TOOLS](#)
[ARTICLES](#)
[LEARN MORE >](#)
[BUY! >](#)

Public Affairs Methodology

Our ranking, completed in 2004, is based on a survey of deans, directors, and department chairs representing 253 master's programs.

Note: Lists of schools and individuals surveyed were provided by the National Association of Schools of Public Affairs and Administration and the Association for Public Policy Analysis and Management. Respondents were asked to rate the academic quality of programs on a scale of 1 (marginal) to 5 (distinguished). The response rate was 57 percent. Surveys were conducted by Synovate.

The institutions below received the greatest number of nominations from survey respondents for their excellence in a given specialty. Keep in mind that nominees were drawn only from the schools surveyed. So, for example, a university like Yale—which offers a degree in environmental management through its School of Forestry and Environmental Management but not a degree in public affairs—would not show up here.

advertisement

advertisement

ONLY
28¢
an issue

click
here



Wednesday, July 18, 2007

Search U.S. News

Subscribe | Cor

Nation & World | Health | Money & Business | Education | Opinion | Photos & Video | Rankings |

About the Rankings | Help | Log In

advertisement



BEST GRAD SCHOOLS INDEX TOOLS ARTICLES LEARN MORE > BUY! >

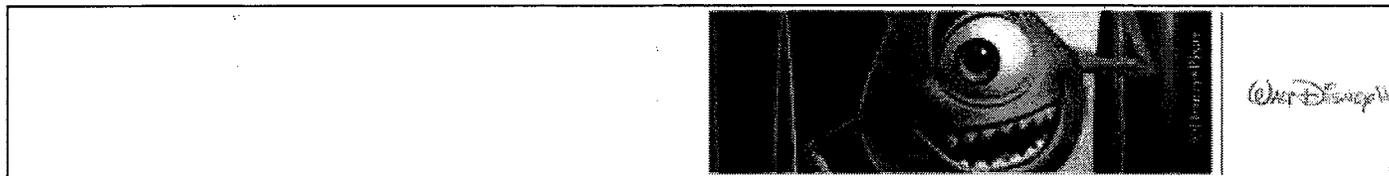
Public Affairs (Master's) Ranked in 2004*

advertisement

Rank/School	Average assessment score (5.0 = highest)
1. Syracuse University (NY)	4.6
2. Harvard University (MA)	4.5
3. Indiana University--Bloomington	4.2
University of Georgia	4.2

Get our expanded directory featuring graduates' career prospects, starting-salary statistics, admissions details, information on cost and financial aid, graphs and charts on key school attributes, plus much, much more.

advertisement



Wednesday, July 18, 2007

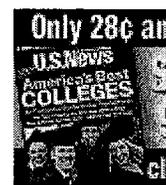
Search U.S. News

Subscribe | Cor

Nation & World | Health | Money & Business | Education | Opinion | Photos & Video | Rankings |

About the Rankings | Help | Log In

advertisement



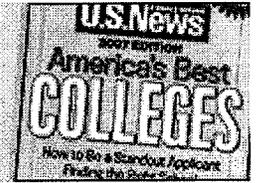
BEST GRAD SCHOOLS INDEX TOOLS ARTICLES LEARN MORE BUY

Public Affairs Specialties: City Management & Urban Policy Ranked in 2004*

advertisement

1. [University of Kansas](#)
2. [Cleveland State University](#)
3. [University of Southern California](#)
4. [New York University](#)
5. [Northern Illinois University](#)
6. [University of Illinois-Chicago](#)
[University of North Carolina-Chapel Hill](#)
8. [Syracuse University \(NY\)](#)
9. [University of Delaware](#)
10. [University of North Texas](#)
11. [University of California-Los Angeles](#)
12. [Georgia State University](#)
[University of California-Berkeley](#)
14. [Carnegie Mellon University \(PA\)](#)
[University of Georgia](#)
16. [Harvard University \(MA\)](#)
[New School for Social Research \(NY\)](#)
[Rutgers State University-Newark \(NJ\)](#)
[Rutgers State University-New Brunswick \(NJ\)](#)
20. [Johns Hopkins University \(MD\)](#)
[North Carolina State University](#)
[Portland State University \(OR\)](#)
[Wayne State University \(MI\)](#)
24. [Columbia University \(NY\)](#)
[Florida State University](#)
26. [Arizona State University](#)
[CUNY-Baruch College](#)
[University of Texas-Arlington](#)
29. [George Washington University \(DC\)](#)
[Princeton University \(NJ\)](#)
[University of Maryland-College Park](#)
[University of Nebraska-Omaha](#)

advertisement



Wednesday, July 18, 2007

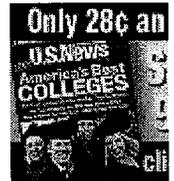
Search U.S. News

Subscribe | Cor

Nation & World | Health | Money & Business | Education | Opinion | Photos & Video | Rankings |

About the Rankings | Help | Log In

advertiseme



BEST GRAD SCHOOLS INDEX TOOLS ARTICLES LEARN MORE BUY

Public Affairs Specialties: Public Management Administration Ranked in 2004*

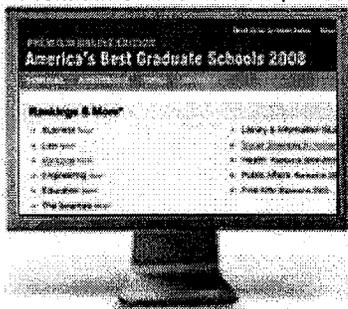
advertiseme

1. [Syracuse University \(NY\)](#)
2. [University of Georgia](#)
3. [Indiana University-Bloomington](#)
4. [Harvard University \(MA\)](#)
5. [University of Southern California](#)
6. [SUNY-Albany](#)
7. [University of Kansas](#)
8. [American University \(DC\)](#)
9. [New York University](#)
10. [University of Texas-Austin](#)
11. [George Washington University \(DC\)](#)
[Rutgers State University-Newark \(NJ\)](#)
13. [Virginia Tech](#)
14. [University of North Carolina-Chapel Hill](#)
15. [Florida State University](#)
16. [Arizona State University](#)
[Carnegie Mellon University \(PA\)](#)
[Georgia State University](#)
[University of California-Berkeley](#)
20. [University of Wisconsin-Madison](#)
21. [Duke University \(NC\)](#)
[Texas A&M University-College Station](#)
23. [Georgetown University \(DC\)](#)
[University of Michigan-Ann Arbor](#)
25. [University of Pittsburgh](#)
26. [University of Missouri-Columbia](#)
27. [University of Maryland-College Park](#)
[University of Minnesota-Twin Cities](#)
[University of Nebraska-Omaha](#)
30. [Indiana University-Purdue University-Indianapolis](#)
[University of Arizona](#)
32. [Northern Illinois University](#)

34. [University of Washington](#)
[Brigham Young University-Provo \(UT\)](#)
[Cleveland State University](#)
[George Mason University \(VA\)](#)
[University of Utah](#)

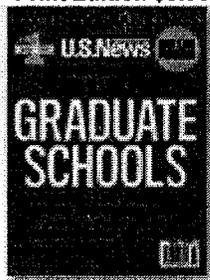
Get our expanded directory featuring graduates' career prospects, starting-salary statistics, admissions details, information on cost and financial aid, graphs and charts on key school attributes, plus much, much more.

Premium Online Edition \$14.95



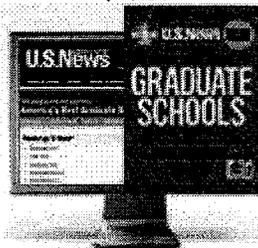
[INFO >](#) [BUY NOW >](#)

Print Edition \$9.95



[INFO >](#) [BUY NOW >](#)

Combo Package \$19.95



[INFO >](#) [BUY NOW >](#)

[TAKE THE TOUR >](#)

Already have the Premium Online Edition? [Log in here](#)

Do more with W
 Office for Wind
 Mobile®: Word,
 PowerPoint®, O



*This ranking was computed in January of the year cited, based on data from a survey sent out in the fall of the previous year.

advertiseme

Get 4 FREE Issues

First Name	Last Name
Address	City
State Select	Zip
<input type="text"/>	Email

advertisement

When it comes to your health,
you deserve only the BEST



Wednesday, July 18, 2007

Search U.S. News

Subscribe | Cor

Nation & World | Health | Money & Business | Education | Opinion | Photos & Video | Rankings |

About the Rankings | Help | Log In

advertiseme



BEST GRAD SCHOOLS INDEX

TOOLS

ARTICLES

LEARN MORE > BUY >

Public Affairs Specialties: Public-Policy Analysis Ranked in 2004*

advertiseme

1. [University of California-Berkeley](#)
2. [Harvard University \(MA\)](#)
3. [University of Michigan-Ann Arbor](#)
4. [Carnegie Mellon University \(PA\)](#)
5. [Duke University \(NC\)](#)
6. [Syracuse University \(NY\)](#)
7. [University of Chicago](#)
8. [Princeton University \(NJ\)](#)
9. [University of Texas-Austin](#)
10. [Georgetown University \(DC\)](#)
11. [University of Wisconsin-Madison](#)
12. [University of California-Los Angeles](#)
13. [University of Maryland-College Park](#)
14. [University of North Carolina-Chapel Hill](#)
15. [Indiana University-Bloomington](#)
16. [George Washington University \(DC\)](#)
17. [New York University](#)
18. [University of Georgia](#)
19. [University of Southern California](#)
20. [University of Minnesota-Twin Cities](#)
21. [Georgia State University](#)
22. [Johns Hopkins University \(MD\)](#)
23. [American University \(DC\)](#)
24. [University of Washington](#)
25. [Arizona State University](#)
26. [SUNY-Albany](#)
27. [University of Pittsburgh](#)
28. [Columbia University \(NY\)](#)
29. [Cornell University \(NY\)](#)
30. [George Mason University \(VA\)](#)
31. [Georgia Institute of Technology](#)
32. [Ohio State University](#)
33. [University of Pennsylvania](#)