

Memorandum

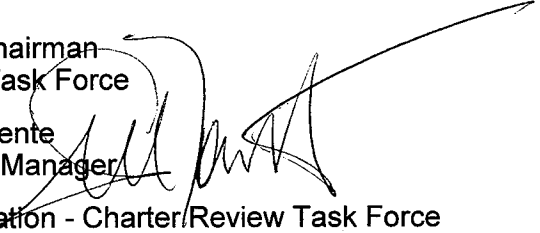


Date: December 7, 2007

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

From: Susanne M. Torriente
Assistant County Manager

Subject: Additional Information - Charter/Review Task Force

A large, handwritten signature in black ink, likely belonging to Susanne M. Torriente, is written over the "To" and "From" fields and extends into the "Subject" field.

As requested at the November 28, 2007 Charter Review Task Force, the following memorandum includes additional information related to the Task Force's issues for study.

- Attachment 1 - The revised grid to include the cities of Los Angeles, Chicago, New York, Philadelphia, Atlanta & Houston
- Attachment 2 - Powers and Structure of Broward County's Charter Review Commission (Charter of Broward County Charter - Article VI – Sections 6.01 and 6.02)

The information compiled by the County Attorney's Office will be included in the addendum agenda package at the December 12, 2007 Task Force meeting. This information is related to the structure and powers of the Florida Budget and Taxation Reform Commission and the Florida Constitution Revision Commission, as well as information on state law related to or that may govern citizen petitions.

I would like to thank Amy Horton-Tavera, Paul Mauriello, Cara Tuzeo, John Murphey and Tracie Auguste for pulling this data together.

c: Charter Review Task Force Members and Staff

**Selected Florida and National Counties/Cities with Elected Chief Executive Officer (CEO):
Powers of Executive, Chief Administrative Officer, Council and Commission Auditor**

Jurisdiction Name	2005 Population	Form of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
Florida Jurisdictions			Manage all departments and carry out Commission policies; Establish departments; Veto legislation including budget or budget component; Issue administrative orders; set County Manager compensation; (Mayor, 4 year term, limited to two consecutive terms) Appointment / Dismissal of Department Directors: Appoints County Manager and department directors; may dismiss the County Manager and department directors at will.	County Manager assists Mayor in administration of County government; Prepares County Budget for review by Mayor and Commission	Legislative and governing body of the County; Appropriate funds and adopt operating and capital budgets; Override Mayor's veto by 2/3 vote; Select chairperson and vice-chairperson; Establish committees; Chairperson appoints committee members (13 single member districts; 4 year term) Appointment / Dismissal of Department Directors: Commission may disapprove Mayor's appointment of the county manager and department directors by 2/3 majority of those commissioners then in office	Commission Auditor is appointed by the Commission. Provides the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.
	Miami-Dade County	Commission / Executive (Mayor)	Execution of Board policy; Manage the operation of all elements of County government, consistent with the policies, ordinances and resolutions of the Board; Serve as chair of the Board; Vote on all matters before the Board; Prepare Board agendas and submit the annual budget estimate to the Board; Serve as ceremonial dignitary for County government; Call the Board into regular or special session; Prepare administrative regulations for approval by the Board (Mayor, 4 year term; limited to two full consecutive terms) Appointment / Dismissal of Department Directors: Appoint and dismiss the County Administrator, heads of county departments, divisions and other agencies, subject to confirmation by the Board	County Administrator assists the Mayor in the daily management of the County	Originate, terminate and regulate legislative and policy matters; Approve annual operating and capital budgets; Conduct studies in the operation of County programs and take actions for improvement; Elect a Vice Mayor to serve as official representative and ceremonial dignitary in the absence of the Mayor; may preside at Board meetings and execute documents approved by the Board (6 single member districts; 4 year term limited to two consecutive terms within the same district) Appointment / Dismissal of Department Directors: Confirm Mayor's appointment and dismissal of directors	Elected County Comptroller has independent audit responsibilities. The Comptroller's specific roles include serving as chief financial officer, county auditor, clerk of the board, recorder, and custodian of county funds and records.
	Orange County	Commission / Executive (Mayor)	Shall be responsible for the conduct of the executive and administrative departments, the mayor shall administer, supervise, and control all departments and divisions created by the charter and departments and divisions created by the council; appointment of the directors and deputy directors (subject to confirmation by council) submit to council the annual budget (Mayor, 4 year term, 2 year term limit) Appointment / Dismissal of Department Directors: Appoints the department directors and division chiefs, subject to Council approval	The Chief Administrative Officer (CAO) oversees the day-to-day running of the consolidated government operations. He provides financial oversight and chairs the Mayor's Budget Review Committee. The CAO is appointed by the mayor and serves as a member of his staff.	All legislative powers are vested in the council, the council may legislate with respect to any and all matters which are within the powers of the consolidated government. The Council shall review budgets and appropriate money to the consolidated government and any independent agencies which request appropriations; fix the salaries of the tax collector, the sheriff, the supervisor of elections and the clerk of the circuit court Appointment / Dismissal of Department Directors: Approves appointments of department heads made by Mayor (14 single member districts, 5 at large, 4 year terms 2 term limit)	Council Auditor is appointed by the Council. Examine the accounting systems used by all offices and departments of the consolidated government and all independent agencies, and advise the Council as to whether all such systems provide for full disclosure of the financial results and adequate information for the management needs and budgetary requests of each such office, department, board and agency. Conduct a continuous internal audit of the fiscal operations of the consolidated government and all independent agencies. Submit such reports and financial statements to the Council as it may from time to time require. By ordinance, the Council Auditor also serves as contract manager for the independent external audit contract and opines on external audit findings.
	Duval (City of Jacksonville)	Council / Executive (Mayor)	Implements and enforces Montgomery County's laws and provides executive direction to the government; Power to veto legislation, but veto may be overridden by the affirmative vote of six council members; Appointment / Dismissal of Department Directors: Appoints County Administrative Officer and department heads, subject to Council approval; Submits annual budget and a comprehensive six year program for capital improvements for Council approval (County Executive, 4 year term)	The Chief Administrative Officer shall, subject to the direction of the County Executive, supervise all departments, offices, and agencies of the Executive Branch, advise the County Executive on all administrative matters and perform such other duties as may be assigned by the County Executive, or by the Charter.	The Legislative Branch consists of the County Council; enacts public local laws; May override legislative veto by County Executive with six affirmative votes; Elects Council President; Appointment / Dismissal of Department Directors: Approves County Executives appointments of department heads; Approves operating and capital budget as well as six year capital improvement program (5 single member districts, 4 at large, 4 year terms)	Director of the Office of Legislative Oversight (OLO) is appointed by the Council. OLO staff conduct program evaluations, budget analyses, audits, investigations, and other special studies. OLO receives it assignments from the nine elected members of the County Council, which annually adopt a Council Resolution that sets forth the Work Program for the office.
Montgomery County, MD	930,000	Council / Executive				

Jurisdiction Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
Cook County, IL	5 million	Council/ Executive (President)	Directs the administrative functions of the County. Presides over all Board meetings (Board President; 4 year term) Appointment / Dismissal of Department Directors: Appoints County executive officers.	Chief Administrative Officer, Chief Financial Officer, Comptroller, Chief Information Officer, Chief Health Officer, Chief Human Resources Officer, Chief Public Safety Officer, each having discrete areas of authority and responsibility	Legislative and policy making body of the County; Appoint members to standing committees, Select committees chairs and vice-chairs; Create special committees and appoint members; Appropriate revenue and adopt budget (17 single member districts, one of which may also be Board President; 4 year term) Appointment / Dismissal of Department Directors: See under executive powers	County Auditor is appointed by the President of the County Board and ratified by a majority of the members of the County Board. Appointment of the Auditor shall be for a period of five years, and removal from office must be for cause and by a vote of a majority of the members of the County Board. The Auditor works with the external auditors on the County's annual financial audit, and performs audits of County fee departments and information systems in the County. The Auditors Office also performs special audits as directed by the County Board President and County Board of Commissioners.
Wayne County, MI	2 million	Commission/ Executive	Supervise, coordinate, direct and control all county facilities, operations and functions (except those of elected officials); Implement and enforce state laws and county ordinances, resolutions, orders and rules; Veto legislation by the Commission, including line items in an appropriation ordinance; Submit a reorganization plan to the Commission for approval; (Chief Executive Officer (CEO); 4 year term; partisan) Appointment / Dismissal of Department Directors: Appoint Deputy CEO, department directors, deputy directors and all other officials not in the classified service, subject to council approval	Deputy CEO exercises the powers and duties of the CEO in his absence; Performs powers and duties delegated by the CEO	Legislative and policy making body of the County; Appropriate revenue; Approve all contracts; Override a veto of the CEO by 2/3 vote; Approve and amend rules and regulations issued by a department or county officer Appointment / Dismissal of Department Directors: Confirm CEO appointments for Deputy CEO, department heads, deputy directors and members of boards and commissions; (15 single member districts, 2 year term, partisan)	Legislative Auditor General is appointed by Commission. The Auditor General shall make audits of the financial transactions of all County agencies at least once every two years; make compliance audits of the past or current operations of any County agency, as requested by the Audit Committee of the Commission; and make performance audits of agency operations if requested by the executive officer in charge thereof. After the close of each fiscal year, the Auditor General shall make a report of the financial position of the County; additionally, (s)he shall audit annually all funds and property of the County .
King County, WA	1.8 million	Council/ Executive	Supervise all administrative offices and executive departments; Veto legislation or object of expense in an appropriation ordinance; Prepare budget and submit to Council. (County Executive 4 year term no term limit; partisan) Appointment / Dismissal of Department Directors: Appoint the County Administrative Officer; chief officer of each executive department and members of all boards and commissions	County Administrative Officer assists the County Executive and supervises the administrative offices; appoints the chief officer of each administrative office (internal support agencies)	Legislative and policy making body of the County; Appropriate revenue and adopt budget; Establish, abolish, combine and divide administrative offices/ departments and set responsibilities; Elect a chairman (9 single member districts, 4 year term; partisan) Appointment / Dismissal of Department Directors: Confirm the County Executive's appointments for CAO and department heads;	County Auditor is appointed by County Council. Responsible to the council for conducting independent audits of county agencies. In carrying out this purpose, the auditor shall perform the following audits: financial and compliance audits to supplement those performed by the state pursuant to general law, economy and efficiency audits, and program result audits. In addition, the auditor shall perform such special studies as may be requested by the council.
Baltimore County, MD	800,000	Council / Executive	Supervise, direct and control the administrative services of the County; Present the Council with an annual budget; Veto legislation of the Council; Issue administrative orders, rules and regulations; (County Executive; 4 year term) Appointment / Dismissal of Department Directors: Appoint/dismiss the County Administrative Officer and department heads, subject to council approval; Appoint the members of all boards, commissions, and authorities; Serve on all boards and commissions; May delegate any duties of office to County Administrative Officer, except veto, subject to council approval	County Administrative Officer supervises all activities of those offices and departments whose heads he appoints; Chief budget officer of the County; Prepares and submits budget to County Executive for approval by Council; Serves a term of 4 years	Legislative and policy making body of the County; Adopt a county budget; Elect a chairman and chairman pro tem; Override County Executive veto by a majority vote, plus one; (7 single member districts; 4 year term) Appointment / Dismissal of Department Directors: Confirm the County Executive's appointments for CAO and department heads; Increase or decrease compensation for the County Executive and Administrative Officer, but not during current term	County Auditor is appointed by County Council. The county auditor may assist the external auditor in conducting a financial audit. The county auditor may also conduct a financial audit of any organization funded in whole or in part by county funds, if directed by a majority of the county council. The county auditor shall prepare and submit to the county council and the county executive reports in internal accounting control, administrative and operating practices and procedures, and other pertinent financial and compliance matters. All actions of the county council pursuant to this section shall be exempt from the executive veto.
City of Philadelphia, PA	1,400,000	Council - Executive (Mayor)	Submit statement of the finances and general conditions of the affairs of the City to Council; submit proposed budget to Council; call special meetings of the Council when required by public necessity; Veto legislation, including most line item budget appropriations, and to approve or disapprove ordinances in whole or in part as provided in the article on the Council, establish an agency in his office for receiving and answering all requests for information about the City or its government (Mayor, 4year terms, limited to 2 terms) Appointment / Dismissal of Department Directors: The Mayor shall appoint the Managing Director, the Director of Finance and the City Representative. ¹	The Managing Director shall exercise supervision over all activities of those departments whose heads he appoints and the boards and commissions connected with such departments and shall be the contact officer between the Mayor and such departments, boards and commissions.	Legislative and policymaking body of the City. Adopts the annual operating budget ordinance for the next fiscal year. The Council may by ordinance add new powers and new duties to the powers and duties of the offices, departments, boards and commissions which are designated as the agencies of the executive and administrative branch of the City government. The Council may not, except as provided for in the Charter, increase the number of such agencies nor abolish any agency unless the agency no longer has any functions to perform. (10 single member districts, 7 at large; 4 year term no limitations) Appointment / Dismissal of Department Directors: See under executive powers	Independently elected Controller's powers and duties include approving disbursement requisitions and payment requests and auditing city agencies.

Selected National Comparables

Jurisdiction Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
City of Newark, NJ	300,000	Council - Executive (Mayor)	Enforce the charter and ordinances of the municipality and all general laws; Prepare and submit to the council for its consideration and adoption an annual operating budget and a capital budget, establish schedules and procedures to be followed by all municipal agencies and supervise and administer the budgetary process (Mayor, 4 year terms, limited to 2 terms) Appointment / dismissal of Department Directors: Appoint department directors 2 with the advice and consent of the council. Each department head shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor. The mayor may remove any department head after notice and an opportunity to be heard. Prior to removal the mayor shall first file written notice with the council, and removal shall become effective unless the council disapproves by a two-thirds vote of the council.	Business Administrator: Assists in the preparation of the budget, administers a centralized purchasing system, power to investigate the organization and operation of any and all departments, to prescribe standards and rules of administrative practices and procedures, and to consult with the heads of the departments under his jurisdiction, provided that with respect to any department of law or department of audit, accounts or control, the authority of the business administrator under this subsection shall extend only to matters of budgeting, personnel and purchasing.	Legislative and policymaking body of the City. Enact by ordinance, resolution or motion the local laws which govern the city; Approve the municipal budget; Establish financial controls; Establish city departments; Set salaries of elected officials and top appointed administrators; override a veto of the mayor. Council may reduce or increase appropriations requested by the Mayor. (5 single member districts, 4 at large, 4 year terms; no limitations) Appointment / Dismissal of Department Directors: See under executive powers	None identified
Washington D.C.	600,000	Council - Executive (Mayor)	Administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the Office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies; Appoint a City Administrator, who shall serve at the pleasure of the Mayor; Administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this chapter (Mayor, 4 year terms, no term limits) Appointment / Dismissal of Department Directors: Appoint/dismiss the City Administrative Officer and department heads, subject to council approval; Appoint the members of all boards, commissions, and authorities; Serve on all boards and commissions	City Administrator: The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this chapter, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor.	Legislative and policy making body of the City; Create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality; Adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council (8 single ward districts, 5 at large, 4 year terms no term limits) Appointment / Dismissal of Department Directors: See under executive powers	The Office of the District of Columbia Auditor was established by federal legislation. The District of Columbia Auditor annually audits the accounts, operations, and programs of the District of Columbia Government and certifies revenue estimates in support of municipal bond issuances. Further, the Office of the Auditor is required by the Advisory Neighborhood Commissions Act of 1975, as amended, to provide oversight and conduct audits of the financial activities of the District government's 37 Advisory Neighborhood Commissions.
City of New York, NY	8,200,000	Council - Executive (Mayor)	Serve as the chief executive officer of the city; Communicate to the council at least once in each year a statement of the finances, government and affairs of the city; Organize or reorganize any agency under his jurisdiction; submit preliminary and executive budgets to the council (Mayor, 4 year term, 2 term limit) Appointment / Dismissal of Department Directors: Appoint/remove all heads of departments, all city board members, and all other officers not elected by the people	Deputy mayor: The mayor shall appoint one or more deputy mayors with such duties and responsibilities as the mayor determines.	Adopt local laws which it deems appropriate; Provide for the enforcement of local laws by legal or equitable proceedings; Investigate any matters within its jurisdiction relating to the property, affairs, or government of the city or of any county within the city; review on a regular and continuous basis the activities of the agencies of the city, including their service goals and performance and management efficiency; Periodically review all city procurement policies and procedures; override Mayoral veto by 2/3 vote (51 single member districts, 4 year terms and 2 term limit) Appointment / Dismissal of Department Directors: Provide advice and consent for certain Mayoral appointment to city boards	Independently elected comptroller has the power to audit and investigate all matters relating to or affecting the city and advises the mayor and council on the financial condition of the city. The comptroller may audit all agencies and settle all claims for or against the city. The comptroller is elected and serves 4 year terms, 2 term limit.
City of Atlanta, GA	500,000	Council - Executive (Mayor)	Exercise supervision over all the administration of all departments of the city and delegate all or part of such supervision to the chief operating officer; Submit to the council for approval a comprehensive development policy; Submit to council the recommended annual budget; Approve or veto proposed legislation; Convene special meetings of the council at his or her discretion; Prescribe standards of administrative, management, and operating practices and procedures; At his or her discretion, initiate administrative reorganization within city government a; Approve purchases up to \$300,000; Prepare annually a plan for increasing the efficiency of city services. (Mayor, 4 year term; 2 term limit) Appointment / dismissal of Department Directors: Appoint chief operating officer and department directors, subject to confirmation by a majority of the city council. Directors may be removed at the pleasure of the mayor.	Chief Operating Officer: To the extent delegated by the mayor, exercise supervision over all activities of city departments and the boards and commissions connected with such departments. In no event shall the mayor delegate to the chief operating officer or any other appointed officer or employee the power to approve or veto ordinances or resolutions, convene meetings of the council, serve as acting mayor, remove the city attorney, chief financial officer, or chief operating officer, or amend budgets	Legislative and policy making body for the city. Responsible for the approval of the city budget. May override mayoral veto by 2/3 vote. (12 single member districts, 3 at large, 4 year terms, no term limit) Appointment / dismissal of Department Directors: See under executive powers	The city internal auditor shall be appointed by a majority of the members of the audit committee, subject to confirmation by a majority of the council, for a period not to exceed six years. Removal of the city internal auditor from office before the expiration of the designated term shall be for cause by a vote of two-thirds of the members of city council. The auditor may conduct performance and financial audits of all departments, offices, boards, activities, and agencies of the city.

ARTICLE VI .

CHARTER REVIEW COMMISSION

The Charter Review Commission is created for the purpose of conducting a comprehensive study of any or all phases of County government in conformance with this Article.

Section 6.01

CHARTER REVIEW COMMISSION

- A. There shall be a Charter Review Commission appointed by the County Commission on the first Tuesday in June of 2006 and every six (6) years thereafter.
- B. The Charter Review Commission shall consist of nineteen (19) members. Each Commissioner shall nominate two (2) members who reside in the Commissioner's District, and the County Commission shall appoint one (1) "at large" member. All nominations shall be subject to confirmation by a majority vote of the County Commission.
- C. The term of each member of the Charter Review Commission shall expire the day after the general election held after the first Monday in November two (2) years after the year in which said members were appointed. Any vacancy shall be filled by the County Commission in the same manner as the original appointment was made, for the remainder of the member's unexpired term.
- D. All members of the Charter Review Commission shall be electors of the County. Florida Legislators, County Commissioners, Constitutional Officers, the County Administrator, and County Employees may not serve on the Charter Review Commission.
- E. The County shall maintain copies of all written, recorded, and electronic records of the Charter Review Commission in conformance with the laws of the State of Florida as may be amended. Additionally, a compendium of the relevant documents as determined by the Charter Review Commission's Executive Director and Legal Counsel shall be maintained in perpetuity.

Section 6.02

POWER OF THE CHARTER REVIEW COMMISSION

- A. The Charter Review Commission shall hold a minimum of two (2) public hearings. By a vote of two-thirds (2/3) of the members of the full Charter Review Commission legally eligible to vote, the Charter Review Commission may submit a proposal to amend or revise the Charter to the County Commission.
- B. The Charter Review Commission must submit to the County Commission any proposed Charter amendments or revisions with associated ballot language no later than the first Tuesday in June of the year in which the term of the Charter Review Commission expires.
- C. The County Commission shall place the Charter Review Commission's proposed amendments and/or revisions with the associated ballot language approved by the Charter Review Commission on the general election ballot at the next general election.
- D. In exercising its powers, the Charter Review Commission shall perform the following:
 - (1) Elect a Chair and a Vice-Chair;
 - (2) Adopt such internal procedures and rules as may be necessary to carry out its duties;
 - (3) Employ legal counsel as may be necessary to carry out its duties; and
 - (4) Employ an Executive Director and such other administrative, professional, expert and clerical assistants as is necessary to carry out the duties.
- E. The County Commission shall include in its general budget for each fiscal year that the Charter Review Commission is in existence, such sums as are necessary to carry out the duties of the Charter Review Commission.