

Memorandum



Date: August 10, 2007

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

From: Susanne M. Torriente
Assistant County Manager

Subject: Information Package for CRTF Issues 1 - 3

At its August 1 meeting, the Charter Review Task Force (CRTF) approved a list of issues, in priority order, for study during this process. Per your direction, staff has performed research on the first three of 12 issues which include the study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected, Mayor and Board of County Commissioners (BCC) compensation and Term Limits for the BCC or other elected officials. The following report includes staff research findings on those specific issues. The attachments included are listed below for your information.

Issue 1 – Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being Elected

- Information grid containing arguments for appointing versus electing each position
- Public safety agency functions data grid for selected Florida counties
- A non-inclusive, random survey of news clips both pro and con relative to election and appointment of county officials, accompanied by a complete package of the referenced articles
- Articles or Studies on:
 - Elected Office of the Sheriff
 - Merger of Miami-Dade Police Department and Department of Corrections
 - Elections Officials
 - and, General Interest

Issues 2 and 3 - Study of Compensation for Mayor and Board of County Commissioners (BCC) & Term Limits for BCC or other Elected Officials

- Spreadsheet showing salaries and other benefits, length of term and term limitations, and limitations on outside employment for elected executive and commissioners for Florida counties and selected national counties (combined spreadsheet includes information for both Issue 2 and Issue 3)

I would like to thank Ray Scher, Amy Horton-Tavera, Paul Mauriello, Robert Villar and Tracie Auguste for pulling this research information together. Staff will continue to research these issues, as well as the other issues approved by the Task Force.

C: Charter Review Task Force Members and Staff

CRTF

Issue 1

Miami-Dade County
Office of Strategic Business Management
Appointment v. Election of the Sheriff, Property Appraiser, Supervisor of Elections & Tax Collector: Summary Findings

Position / Office	Duties & Responsibilities in Brief, in Florida	Research Findings	Arguments for Appointing the Position	Arguments for Electing the Position
Sheriff	➤ Execute all process of the courts to be executed in their counties ➤ Execute all orders of the boards of county commissioners of their counties ➤ Be conservators of the peace in their counties ➤ Suppress tumults, riots, and unlawful assemblies in their counties and apprehend, without warrant, any person disturbing the peace	➤ Of the seven largest Florida counties and 13 national counties contacted, one (Miami-Dade) has appointed police and corrections department directors. ➤ In 46 states, popular election is the uniform method of selection of county sheriffs. ➤ Sheriff responsibilities vary widely between states and counties 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. ➤ Of the seven largest Florida counties, five provide corrections services through the sheriff while two (Miami-Dade and Orange) have separate corrections departments ○ A 2004 study by the County's Office of Strategic Business Management recommended maintaining separate police and corrections departments ➤ In Miami-Dade County, 68% of the Police Department's revenue comes from the UMSA General Fund or from contract services to municipalities. ➤ Nationally, most municipal police chiefs are appointed. ➤ In Denver, one of the few counties nationwide with an appointed sheriff, the office of the sheriff is primarily responsible for corrections and court security. ➤ We found no credible research regarding the impact of selection method on public safety outcomes	➤ Sheriffs enforce the law but do not set policy ➤ Appointed sheriffs are part of a professional administration; elected sheriffs may become beholden to their political supporters ➤ Elected sheriffs may not have adequate expertise or experience in law enforcement. Appointed sheriffs typically have "risen through the ranks" ➤ May be more cost efficient since appointed police and corrections directors typically utilize county support services (IT, HR, etc.) rather than creating a duplicative administration	➤ Elected sheriffs are directly accountable to the public ➤ Elected sheriffs do have some latitude to set law enforcement policy (e.g. enforcement priorities, use of force, etc.) ➤ Elected sheriffs are free from the political influence of other elected officials ➤ Elected sheriffs may have closer ties to the community ➤ In many counties, the sheriff is the most powerful local official; thus, selection of this person should be in the hands of the voters ➤ Elected sheriffs may be better able to "get things done" since they are not required to use county bureaucracy

Miami-Dade County
Office of Strategic Business Management
Appointment v. Election of the Sheriff, Property Appraiser, Supervisor of Elections & Tax Collector: Summary Findings

Position / Office	Duties & Responsibilities in Brief, in Florida	Research Findings	Arguments for Appointing the Position	Arguments for Electing the Position
Property Appraiser	➤ Assess the value of all real and personal property in the county for ad valorem tax purposes in accordance with state requirements, no later than July 1 of each year ➤ Physically inspect each property at least once every 5 years ➤ Administer tax exemptions ➤ Maintain required records	➤ Of the seven largest Florida counties contacted, one (Miami-Dade) has an appointed property appraiser ➤ Tax rolls are reviewed by the Florida Department of Revenue (DOR); the Department has the authority to disapprove the roll ➤ The DOR also conducts inspections of a random sample of properties ➤ We found no scholarly research regarding the impact of selection method on tax roll equity. However, the DOR tracks an "assessment to sales price" ratio in all counties as an indicator of tax roll equity. Miami-Dade's 94.1% ratio in 2006 is lower than the statewide average and lower than the other six largest Florida counties	➤ Property Appraisers administer a prescribed process but do not set policy ➤ Appointed property appraisers are part of a professional administration; elected property appraisers may become beholden to their political supporters ➤ There is no documented evidence that the Miami-Dade County roll is "inflated" ➤ Property appraisal is a highly technical and complex process requiring substantial professional expertise; an elected property appraiser may not be a seasoned professional in the field ➤ May be more cost efficient since appointed property appraisers typically utilize county support services (IT, HR, etc.) rather than creating a duplicative administration	➤ Elected property appraisers are directly accountable to the public ➤ An elected property appraiser has no taxing authority and thus, theoretically, no incentive to "inflate the roll" ➤ Elected property appraisers are free from the political influence of other elected officials ➤ Elected property appraisers may be better able to "get things done" since they are not required to use county bureaucracy

Miami-Dade County
Office of Strategic Business Management

Appointment v. Election of the Sheriff, Property Appraiser, Supervisor of Elections & Tax Collector: Summary Findings

Position / Office	Duties & Responsibilities in Brief, in Florida	Research Findings	Arguments for Appointing the Position	Arguments for Electing the Position
Supervisor of Elections	➤ Oversee elections administration in accordance with state requirements ➤ Update voter registration information, enter new voter registrations into the statewide voter registration system, and act as the official custodian of documents	➤ Of the seven largest Florida counties, one (Miami-Dade) has an appointed elections supervisor ➤ In ten of 13 national counties contacted, the elections supervisor is appointed ➤ In two of the three national counties with elected elections supervisors, the supervisor of elections is the county clerk	➤ Supervisors of elections enforce the law but do not set policy ➤ Appointed supervisors are part of a professional administration; elected sheriffs may become beholden to their political supporters ➤ Due to the nature of the job, political neutrality is essential ➤ Elections administration is a highly technical and complex process requiring substantial professional expertise; an elected property appraiser may not be a seasoned professional in the field ➤ May be more cost efficient since appointed supervisors typically utilize county support services (IT, HR, etc.) rather than creating a duplicative administration	➤ Elected supervisors are directly accountable to the public ➤ Elected supervisors are free from the political influence of other elected officials ➤ Elected supervisors may have closer ties to the community ➤ Elected supervisors may be better able to "get things done" since they are not required to use county bureaucracy

Miami-Dade County
Office of Strategic Business Management
Appointment v. Election of the Sheriff, Property Appraiser, Supervisor of Elections & Tax Collector: Summary Findings

Position / Office	Duties & Responsibilities in Brief, in Florida	Research Findings	Arguments for Appointing the Position	Arguments for Electing the Position
Tax Collector	➤ Collect Ad Valorem Taxes and other local taxes (in most counties) ➤ Renew and change address on Florida Driver Licenses and Identification Cards, for the state ➤ Issue license plates and renew vehicle, vessel and motor homes registrations, as well as issue Handicapped Parking Placards, for the state. ➤ Issue Hunting & Fishing Licenses for the state. ➤ In most counties, the Tax Collector is a "fee officer". This means that their office budget is reviewed and approved through the state Department of Revenue. ➤ The Tax Collector's salary is set forth by the Florida Statutes and is based primarily on the population of the county.	➤ Of the seven largest Florida counties, two (Miami-Dade and Broward) have an appointed tax collector while five have an elected tax collector ➤ Five of thirteen large national counties reviewed have an appointed tax collector ➤ In two national counties, the position of tax collector is combined with the position of property appraiser	➤ Tax collectors oversee administrative processes prescribed by the state but do not set policy ➤ Appointed tax collectors are part of a professional administration; elected tax collectors may become beholden to their political supporters ➤ Tax collection is a straightforward administrative process that calls for professional management ➤ May be more cost efficient since appointed tax collectors typically utilize county support services (IT, HR, etc.) rather than creating a duplicative administration	➤ Elected tax collectors are directly accountable to the public ➤ Elected tax collectors are free from the political influence of other elected officials ➤ Elected tax collectors may have closer ties to the community ➤ Elected tax collectors may be better able to "get things done" since they are not required to use county bureaucracy

Miami-Dade County
Office of Strategic Business Management
Appointment v. Election of the Sheriff, Property Appraiser, Supervisor of Elections & Tax Collector: Summary Findings

Selected References Consulted:

- The Florida Statutes
- *Governing Magazine:*
 - "The Battered Badge," June 2000 (attached)
 - "Election Chiefs See Their Status Improve," October 1987 (attached)
- Florida Department of Revenue
 - "Property Tax Administration Program" (attached)
 - "The Local Government Property Tax Process" (attached)
 - 2006 Florida Property Valuations and Tax Data (excerpts attached)
- International Association of Chiefs of Police, "Police Leadership in the 21st Century," 1998 (attached)
- Remarks by the Miami-Dade County Manager, Broward County Property Appraiser, Broward County Supervisor of Elections at the July 23, 2007 Charter Review Task Force meeting
- Miami-Dade County FY2007-08 Proposed Budget
- Miami-Dade County Office of Strategic Business Management, "Analysis of Potential Merger of the Miami-Dade Police Department and the Department of Corrections and Rehabilitation," 2004

Web Sites:

- National Sheriffs' Association, www.sheriffs.org
- International Association of Chiefs of Police, <http://www.theiacp.org/>
- Denver Department of Safety, <http://www.denvergov.org/Safety>
- Florida Tax Collectors' Association, <http://floridatxcollectors.com>
- Florida Department of Revenue, <http://dor.myflorida.com/dor>
- Florida Association of Property Appraisers, <http://www.fapa.net/>
- The Property Appraisers' Association of Florida, <http://www.paaf.net/>
- The International Association of Assessing Officers, <http://www.iaao.org/> (Florida chapter: <http://www.fciaao.org/>)
- Florida State Association of Supervisors of Elections, <http://www.fsase.org/>
- Florida Department of State, Division of Elections, <http://election.dos.state.fl.us/>

**Miami-Dade County
Office of Strategic Business Management**

Public Safety Agency Functions, Selected Florida Counties

Agency	County Population (2006)	Unincorporated Population (2006)	Percent Uninc.	Police services to municipalities?	Oversee Corrections?	Other special functions?	FY 2006-07 Operating Budget	Budget net of corrections & fire
Miami-Dade Police Department (Appointed)	2,402,208 (2006)	Approx. 1.2 million (2006)	50%	Yes, 3 cities	No	No	\$561 million	\$561 million
Broward County Sheriff (Elected)	1,787,636 (2006)	14,190 (2006)	.80 %	Yes, 14 cities	Yes	Regional & specialized fire rescue services	\$617 million	\$366 million
Palm Beach County Sheriff (Elected)	1,287,987 (2006)	561,330 (2006)	44%	Yes, 7 cities	Yes	No	\$372 million	\$259 million
Hillsborough County Sheriff (Elected)	1,177,060 (2006)	777,670 (2006)	66%	Unavailable	Yes	No	\$330 million	Unavailable
Orange County Sheriff (Elected)	1,019,276 (2005)	667,185 (2005)	65%	Unavailable	No	No	\$174 million	\$174 million
Pinellas County Sheriff (Elected)	944,772 (2005)	280,487 (2006)	30%	Yes, 10 cities	Yes	No	\$248 million	Unavailable
Duval County Sheriff (Jacksonville) (Elected)	834,789 (2006)	0 (2006)	0%	Yes, 1 city	Yes	No	\$303 million	\$234 million

APPOINTED VS. ELECTED OFFICIALS

Summary of Attached News Clips

Elected

PROS:

- Electoral process makes them better public servants because they are directly accountable to voters...Sheriff Mark Luttrell (in Shelby County, TN) notes that his department's spending is second only to schools in the County's budget. Luttrell said "Someone who's spending so many of the taxpayers' dollars should be accountable to voters" (Commercial Appeal, 2/25/07)
- Independence of the office is important...Property Assessor Baker said he needs independence to prevent commissioners from improperly influencing property values. (Spokesman-Review, 2/18/07)
- Elected officials who owe their jobs to the voters have a strong incentive to respond to public complaints and stay in touch with community groups in an effort to get in front of issues before they fester into problems (Main Street Journal, 5/15/07)

CONS

- Injects politics into the process, politicizes the position, too much time spent raising money (Leaf Chronicle, 4/7/07)
- Elected offices result in too fragmented a system and could be more costly. All five constitutional officers who are elected (in Shelby County, TN) have their own policies and procedures, purchase their own equipment and submit their proposed budgets independently of the Mayor. Duplicative functions (such as IT and HR) could be centralized if the positions were appointed. It's hard to hold the Mayor accountable when much of the overall budget is beyond his control. A former county commissioner said "if you like accountability in government and favor a centralized method of providing government services, then you should want most of these positions to be appointed." (Commercial Appeal, 2/25/07)
- Some positions are so obscure that voters sometimes struggle to make informed choices. Some offices operate outside of the glare of media scrutiny. Many citizens have little interaction with the offices. This often means that people choose not to vote or do it on name-recognition. (Ibid.)
- Someone with weak credentials could be elected (Spokesman-Review, 2/18/07)
- Why hold elections for the treasurer and clerk? There may have been a time when these officers performed duties that warranted election, but times have changed. Given the bureaucratic responsibilities they handle today, there is no reason to continue electing those officials. (Milwaukee Journal Sentinel, 12/6/06)

Appointed

PROS:

- Appointment system allows people to build up institutional knowledge and focus on their jobs (Leaf Chronicle, 4/7/07)
- Appointment process would ensure administrators are hired based on their credentials, not based on their popularity. (Spokesman-Review, 2/18/07)
- Reduce duplication of effort and save money by requiring charter officers to join county department heads in using county financial and administrative services, such as finance, personnel, payroll and purchasing. (Sun-Sentinel, 2/25/95)
- Eliminates unnecessary independent political power bases. (Sun-Sentinel, 8/15/91)
- Increased communication, cooperation, efficiency and unity through stronger countywide financial controls, decision-making and problem solving (Ibid.).

CONS:

- Appointments can concentrate too much power in one person, and be a loss of one of the checks & balances. (Commercial Appeal, 2/25/07)
- Those in appointed positions may not feel comfortable asking tough questions. (Spokesman-Review, 2/18/07)
- If elected positions were changed to appointed, it would give the public less control over those in office, which is in contradiction to the charter (of St. Johns County). (Florida Times-Union, 1/13/07)

Other Information

- Sarasota County had a short-lived change to an appointed sheriff (Vero Beach Press Journal, 4/29/07)
- Shelby County is considering proposed charter changes, including the possibility of converting some of its elected positions into appointed jobs (appointed by the Mayor and confirmed by the County Commission). Whether the positions are appointed or elected, there could be discussions about changing some of the duties and powers the people who hold those offices have (Commercial Appeal, 2/25/07).

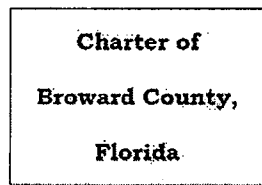
Other Information (Continued)

- St. Johns County is considering charter changes, including making constitutional officers (sheriff, tax collector, property appraiser, supervisor of elections and clerk of courts) appointed, rather than elected. (Florida Times Union, 1/13/07)
 - Wording was changed to make it more difficult to adversely affect the constitutional officers, so they have come out in support of the proposed charter draft. (Initially, they were in strong opposition because they wanted it to be more difficult for there to be a change in how they are selected.)
 - The Legislature needs to approve the bill and then, if approved, it will go on the ballot in 2007 or 2008.
- Volusia Tax Reform and Volusia Civic Pride advocated that all taxing authorities be made up of elected, not appointed, officials (Daytona Beach News-Journal, 12/16/06)
- Broward County's Charter Review Commission is exploring the idea of turning "elected constitutional officers" into what are known as "charter officers" who would be answerable to the County Commission (including the Sheriff, Supervisor of Elections, Property Appraiser, and Clerk of Court). They asked for a report on counties where these officers report to the County Commission. In some counties, these officers are elected; in others, they are appointed. The Charter Review Commission's recommendations would be before voters in 2008... Four years ago, the CRC proposed asking voters whether they wanted the elections chief to be appointed, but reversed their decision after people complained that Oliphant was being singled out. The CRC then voted to allow the other 3 constitutional officers to keep their status. (Miami Herald, 12/14/06)
 - Broward's CRC convenes every 6 years. It was re-convened in June 2006 and will conclude in 2008. They have the power (with a supermajority vote - 13) to place Charter amendments directly on the Nov. 2008 ballot. The current CRC is meeting monthly and taking public testimony.
 - Among the proposals currently being considered: should Broward have a "strong mayor" form of government and should the Sheriff, Property Appraiser, Supervisor of Elections and Clerk of the Courts be appointed rather than elected?

“Charter Review”

by Broward County Commissioner Ken Keechl

I would like to take the opportunity this month to discuss with you an extremely important, but not well-known, body that has the ability to propose substantial changes to the structure (and authority) of the **Broward County Commission**: the **Broward County Charter Review Commission**.



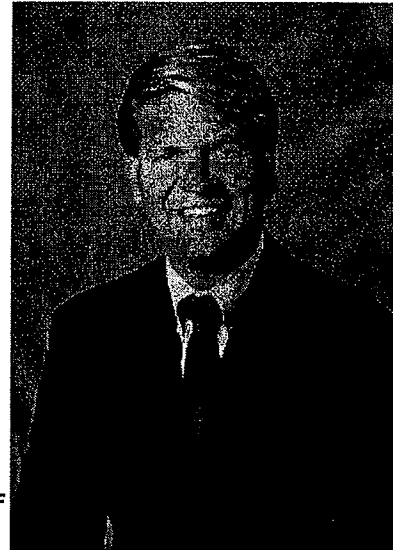
Board of County Commissioners
(Retired November 3, 2002)

CLICK TO BROWARD COUNTY CHARTER

The powers granted to the **Broward County Commission** are derived from **Broward County's Charter**.

In essence, this document is **Broward County's "Constitution"**. Its many provisions include a "citizens' bill of rights"; the number of **County Commissioners** (9); the manner in which we are **elected** (in

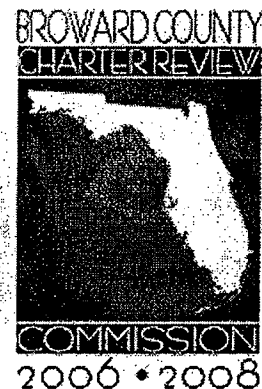
single member districts); and the length of our terms (4 years). It is our **Charter** that also provides the **Broward County Commission** with a rather unique **County** power — its ultimate supremacy with regard to many municipal land use decisions.



COMMISSIONER KEN KEECHL

Section 6.01 of the **Charter** provides for the appointment of the **Charter Review Commission** in June 2000 and every six years thereafter. As a result, the current **Charter Review Commission's** term began on June 2006. The Commission is authorized to conduct a comprehensive study of any or all phases of **county** government.

Why should you care? The answer is because the **19 members of the current Charter Review Commission** have the power to place **Charter** amendments directly on the ballot in November 2008. And while it takes a supermajority vote of the **Charter Review Commission** to exercise this power, if 13 members agree to propose a **Charter** amendment, the **Broward County Commission** has no say in the matter. The proposed **Charter** amendment shall be placed on the ballot for a vote by **Broward County's** residents.



The current **Charter Review Commission** is deliberating on a monthly basis and taking testimony from **elected** officials and the public. Many important **Charter** amendments are being contemplated.

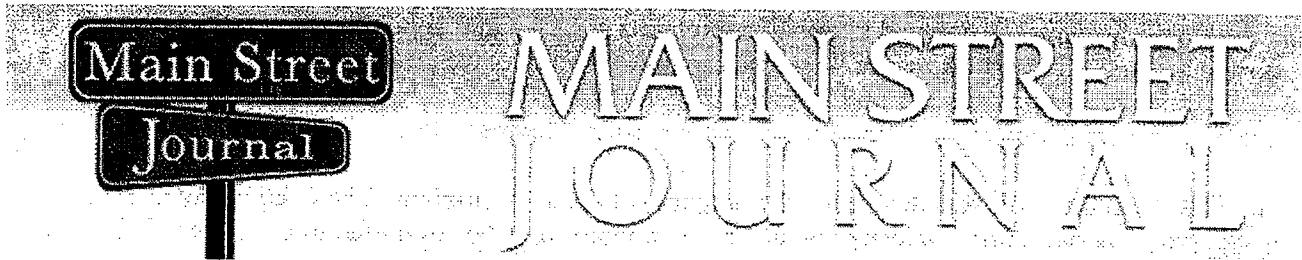
Some of the many issues under consideration by the **Charter Review Commission**

include the following:

- **Should Broward County have a "strong mayor" form of government?**
- **Should the number of Broward County Commissioners be increased or decreased?**
- **Should Broward County Commissioners continue to be elected in single member districts or should they be elected county-wide?**
- **If the County retains single member districts, should the districts be re-drawn more often than every 10 years, and by whom?**
- **Should the Sheriff, Property Appraiser, Supervisor of Elections, and Clerk of the Courts be appointed rather than elected?**
- **Should the Charter contain a specific Code of Ethics?**
- **Should the supremacy of Broward County's authority with regard to many municipal land use decisions be eliminated?**

These are just a few of the many important issues under consideration by the **Charter Review Commission**. More information about the **Charter Review Commission** can be found at www.Broward.org. **Public hearings** will be occurring throughout the year. I encourage your attendance and input at these public hearings.

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Opinion Editorial: Should the five county positions be elected or appointed? 05.15.07

The following is an excerpt from our May issue:

By Sheriff Mark Luttrell

The Shelby County Commission is currently studying several proposals that at the very least result in some realignment of government functions, and at the most, a restructuring of five current political offices. Which direction the study goes and the degree of change we see will ultimately be decided by the voters.

Shelby County, along with Knox County are the only two counties that have taken advantage of a 1977 constitutional convention amendment and qualified for a charter form of government. We have been under this system of government since 1986. Knox County followed our lead and established their charter government in 1990. Their charter was patterned closely after Shelby County with a few minor variations. The Tennessee Supreme Court in 2006 declared the Knox County Charter unconstitutional and although no mention was made of Shelby County, the inference is strong that if legally challenged the Shelby County charter would also be declared unconstitutional. The County Commission is now taking what I think is the responsible step to correct this constitutional flaw before it becomes a judicial mandate requiring an immediate resolution.

There are a variety of ways to correct this problem, but it appears that the most expeditious way, the one that has been chosen, is for the County Commission to craft the language for a proposed amendment to the county charter and then have that amendment submitted to the voters for acceptance or rejection. I have no problem with this method as long as we exercise due diligence and ensure that the citizens of Shelby County have input into the process and that their opinions are given appropriate weight in all deliberations.

There are five elected positions that are at the center of this constitutional and I might add highly political discussion: Sheriff, County Clerk, Register, Assessor and Trustee. At this point there appear to be three main issues under consideration; (1) should the five positions be elected by the voters or appointed by the Mayor and confirmed by the County Commission, (2) should the duties of these five offices be redefined and (3) should the five positions be left alone to continue functioning as they have in the past?

The Commission agreed at the end of its retreat with the five elected officials on April 20, to set up a sub-committee to further review the options and report back on its findings and recommendations. It was generally agreed that a series of town hall meetings should be established to better inform the public regarding this Supreme Court decision and solicit from the citizens their opinions regarding ways to cure problems identified in the case.

More efficient government should always be our goal whether you are a voting citizen or a public official. It is equally important that public officials be held accountable and that the public has easy access to address their issues of concern. Currently elected officials who owe their jobs to the voters have a strong incentive to respond to public complaints and stay in touch with community groups in an effort to get in front of issues before they fester into problems. As we go through this public vetting process, citizens should question both fiscal and operational efficiency, accountability of public officials both elected and appointed, and the centralization of government services.

Ultimately, you the voter will determine the outcome of these discussions. The County Commission must approve by two-thirds majority any amendment wording to be submitted to the voters. This would require 9 of the 13 commissioner's approval. The approved language will then be submitted as an amendment to our County Charter for you the citizens to vote either yes or no. This will be a ballot involving no candidates and without a doubt will have some difficulty capturing the imagination of the voters. It is, however, a vote that will determine the very foundation of our county government and how efficiently it provides you the citizen with core services such as law enforcement, property assessment and tax revenue investments to mention just a few.

Much more will be said about this important issue in the coming months. Plan to participate in any public meetings and ask the tough questions necessary for you to make an informed decision about the future of your county government.

Categories: Excerpt

posted by *Main Street Journal*

No comments so far

[RSS feed for comments on this post.](#)

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Line and paragraph breaks automatic, e-mail address never displayed, HTML allowed: `<a href="" title="">` `<abbr title="">` `<acronym title="">` `<b>` `<blockquote cite="">` `<code>` `<em>` `<i>` `<strike>` `<strong>`

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Your Comment



Paper: Vero Beach Press Journal (FL)

Title: What exactly is a charter government?

Date: April 29, 2007

"Charter government" is a term often used in Indian River County political debates these days, but not well understood by many people outside government

circles. Several readers have requested

answers to their questions:

Q. In voter-friendly terms, what is charter government?

A. A charter is a document that spells out the powers, duties and structures of government and the rights of citizens. It is often compared to constitutions at the local level.

Q. So why are they controversial?

A. Florida cities have had charters for years. Counties traditionally did not.

City voters approve their charters when they incorporate. The charter provides for the City Council's terms in office, defines its powers and that of the city administration -- and the rights of voters to approve or reject certain City Hall proposals or recall council members from office. But originally, counties were mostly rural and didn't have charters. They were set up by the state, not by voters, and the state decided what powers are granted to county officials.

Vero Beach voters, for instance, can recall a City Council member or vote on an exception to the city height limit. Indian River County voters can't recall county commissioners from office or approve most county proposals. Since the late 1960s, however, Florida law has allowed counties to have charters, if their voters approve, and attain city-type powers.

Q. Would any elected positions change?

A. Florida law allows charters to transform the duties of their **elected "constitutional" officers** -- the sheriff, property appraiser, tax collector, clerk of court and supervisor of elections -- to **appointed staff positions** under the county administrator. The proposed Indian River County charter, however, has provisions to retain the voters' rights to elect their **constitutional officers**.

Q. What role do county commissioners play in charter government?

A. Commissioners would have the same role as now, setting countywide policy. The proposed Indian River County charter, however, would expand the policy they can set to include planning for areas west of the Urban Services Area boundary. Any changes would be allowed only by a countywide vote -- or a 4-1 vote of commissioners if state law doesn't allow the referendum.

Q. Can the public make sure commissioners don't abuse the power of a charter?

A. Voters can reduce commissioners' opportunity for abuse by insisting the charter include a recall provision. This way, they can collect petition signatures and put a commissioner on the ballot for a recall vote.

Q. What prompted the current move?

A. County Commissioner Gary Wheeler and charter supporters want to prevent what they call South Florida-style growth. So their proposal is to only allow changes to the Urban Service Area if countywide voters approve. But this puts the county at odds with Fellsmere's right to annex agricultural land outside its city limits and rezone it for residential density.

Having a city charter and a county charter in effect would put cities on a new footing with the county. So the constitution requires county charters to spell out whether the city ordinance or county ordinance would prevail inside city limits in case of a conflict.

Q. What would the proposed charter allow?

A. Unless it is changed before it goes to ballot, it would:

- Require countywide votes, or at least a 4-1 commission majority, for changes in density of agricultural land or exceptions to the county height limit.
- Provide for recall elections for county commissioners, but not **constitutional officers**.
- Leave unchanged county commissioners' salaries and scheduled raises.
- Provide for voters to petition for certain new ordinances. They must gather a petition of at least 8 percent of the voters in each commission district and present it to the commission. If commissioners decline to adopt the new ordinance, it would go to referendum and become new law if passed.
- Provide for commissioners or voters to amend the charter. Commissioners would just need a 3-2 majority. Voters would need to collect a petition of 12 percent of the electorate in each district. Then it would go to the ballot if the commission doesn't adopt it.
- Prevent charter amendments that would change **constitutional officers'** positions.

Q. How do residents of a Florida county adopt a home rule charter?

A. State law provides for either the voters, a special charter commission or the County Commission to draft the proposed charter. But in each case, county charters can only be adopted upon a vote of the countywide voters in a special election.

Q. How many Florida counties have adopted charters?

A. Of the state's 67 counties, 19 have charters. The nearest charter counties to Indian River are Palm Beach (1985), Osceola (1992) and Brevard (1994). For the full list, visit the Florida Association of Counties' Web site, www.fl-counties.com.

Q. Has any county repealed charter government?

A. None, says Stetson University Prof. T. Wayne Bailey. Having been a charter-government consultant across the state for years, Bailey says some counties have repealed certain provisions -- such as Sarasota County's short-lived change to an **appointed** sheriff -- but none have ditched the entire charter. Volusia County voters once had a referendum to repeal the charter and it lost.

From Florida Constitution, Florida Association of Counties and Dr. T. Wayne Bailey

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Paper: Leaf-Chronicle, The (Clarksville, TN)
Title: Kurita wants more elected offices
Date: April 7, 2007

By CHRIS SMITH

The Leaf-Chronicle

State Sen. Rosalind Kurita this week made a first base hit on an issue that's been bothering her for years.

"I think that the people of Tennessee should be able to vote on more statewide positions," said Kurita, D-Clarksville, who is speaker pro tem of the Tennessee General Assembly.

Legislation she's pushing that would end the practice of appointing Tennessee's lieutenant governor, attorney general, secretary of state, treasurer and comptroller was approved Tuesday night in the Judiciary Committee.

It's no home run — the bill still has to go through three committees before seeing a full Senate vote, but that first step was the biggest, Kurita said, because all **constitutional** changes must make it through Judiciary.

"It's the first step in a very long process," she said.

In Tennessee, the speaker of the Senate (chosen by the Senate) serves as lieutenant governor, the attorney general is **appointed** by the Supreme Court and a joint session of the House and Senate elects the other three **constitutional officers**. The governor is the only state officeholder **elected** in a statewide vote.

"Most people in Tennessee don't realize were one of only states that do it this way."

Those other three states are New Hampshire, New Jersey and Maine, according to documents from the National Governors Association Web site.

The positions of lieutenant governor, secretary of state, attorney general and treasurer are **elected** in more than 35 states, with various other states electing some of these positions and not others, the NGA documents show.

The other side

Kurita's proposal is meeting resistance. The Judiciary Committee passed it 5-4 on party lines, with her fellow Democrats voting against her.

"It's not about who supports you; it's about doing what's right," she said.

Mark Brown, spokesman for the Tennessee Democratic Caucus, said the caucus has no official position on the issue, and in fact Caucus Chairman Sen. Joe Haynes has proposed making the lieutenant governor position an **elected** one.

But Brown said there are many problems with making all five positions **elected**.

"With the **constitutional** offices it's a good idea not to inject politics into that process," he said.

"We've had some very fine people in those positions, and the system has been working well."

He warned that in many states the **constitutional officers** have to spend far too much time raising millions of dollars. The appointment system, he said, "allows people to build up institutional knowledge and focus on their jobs."

"In some states what happens is you completely politicize that position," Brown said.

"Well it's ridiculous," Kurita responded. "Already this session has seen 10 or 11 bills that address the current political actions of the people who hold these positions," she said, also noting Haynes support for the lieutenant governor switch.

Kurita agreed that the current officeholders are doing good work, among them Secretary of State Riley Darnell of Clarksville, who has served since 1993.

"These are wonderful, good folks, and it's not about them individually. It's about the way we select them and that we should vote by popular election."

Sen. Doug Jackson, D-Dickson, told the Judiciary Committee Tuesday that special interest money would dominate the elections — especially in the more obscure races. Sen. Paul Stanley, R-Memphis, disagreed with Jackson's point, arguing that most legislative races could be captured by the same reasoning.

What's next

Proposals to amend the constitution must pass in consecutive two-year General Assemblies before going before the voters in a gubernatorial election year.

Kurita said she wants to see the matter of whether these positions are **elected** or **appointed** to go before the people of Tennessee.

And she hopes they agree with her.

"If we really are going to have government for the people we need to have it **elected** by the people and not by a select group."

Chris Smith is managing editor for local news and can be reached at 245-0282 or by e-mail at chrissmith@theleafchronicle.com. The Associated Press contributed to this report.

ON THE NET

The full text of SJR0139 can be read on the General Assembly's Web site at: www.legislature.state.tn.us

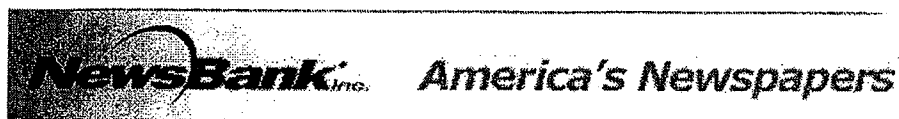
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Author: CHRIS SMITH

Section: NEWS

Page: 1A

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Paper: Commercial Appeal, The (Memphis, TN)

Title: CHARTER GAP -- It's a hole with big implications for the county, but how to fix it?

Date: February 25, 2007

Try to recall some of the most memorable moments from last year's elections.

Perhaps the parking lot confrontation between Senate candidates Bob Corker and Harold Ford Jr. comes to mind. Maybe also that strange ad in which gubernatorial candidate Jim Bryson depicted incumbent Phil Bredesen as a Lilliputian.

But the chances are pretty good that you can't remember a blasted thing about the race that led to Tom Leatherwood winning another term as Shelby County register.

Maybe not even who ran against him. Or even exactly what a county register does.

And that is one reason why a recent court ruling involving a county on the far side of Tennessee is causing a stir.

The state Supreme Court ruled last month that Knox County's charter was flawed because it didn't specifically establish the offices of assessor, county clerk, register, sheriff and

trustee. Since the Knox County charter was patterned after the one Shelby County adopted in 1984, the local implications are significant.

As things stand now, a legal case could be made challenging the legitimacy of Shelby County's assessor, county clerk, register, sheriff or trustee, too.

"We are a big business and I don't want a cloud hanging over anything we do," said County Mayor A C Wharton. "I don't want anyone challenging the sheriff's right to hold prisoners because they say he's not a duly constituted **officer**."

So there's general agreement that, one way or another, Shelby County's charter is going to have to be amended. It's just a question of how.

According to County Attorney Brian Kuhn, there are three ways to get an amendment on the ballot for consideration by voters:

One would be for citizens to petition for a change. Another would be for the Shelby County Commission to forward a proposed amendment. And the third way would be for either the mayor or county commission to call for the creation of a charter review panel that would meet and possibly recommend one or more proposed changes.

Commission chairman Joe Ford said he plans to call for a retreat early next month to discuss the best way to proceed.

Probably the simplest fix in this case would be for the commission to pass an amendment, with a required two-thirds vote, adding language to the charter that would allow those five **elected constitutional officers** to continue doing what they've been doing for more than 20 years.

Assuming that amendment won voter approval, the county's legal problem would be solved. But not everyone thinks the simplest approach would be best.

There are some, including Wharton, who want to study the possibility of converting at least some of those **elected** positions into **appointed** jobs.

And whether those positions are **elected** or **appointed**, there could be discussions about changing some of the duties and powers the people who hold those offices have.

There are pros and cons on both sides of the **elected** versus **appointed** debate.

John Ryder, an assistant county attorney, said besides being expedient, adopting language that preserves the government's current structure has another advantage.

That's what Knox County did to fix its charter problem. And that means there's an established legal precedent for resolving the issue that way, Ryder said.

"There is no legal precedent for abolishing the (**elected**) offices and transferring the duties to other **appointed** positions," said Ryder, who served on the charter review panel that produced the 1984 document. "Knox County's approach is obviously the safe approach. We know what happens when you do that. Abolishing those offices is something that no one in the state of Tennessee has tried to do before."

And for good reason, some of the **elected** officeholders say. They contend the electoral process makes them better public servants because they're directly accountable to voters.

"I think it's important for people to know who their tax collector is, who their trustee is," said Trustee Bob Patterson. "That's what democracy is."

While an argument could be made that some of the offices are relatively obscure, at least one of them - the sheriff's - clearly is not. Sheriff Mark Luttrell notes that his department's spending is second only to schools in the county's budget.

"Someone who's spending so many of the taxpayers' dollars should be accountable to the voters," Luttrell said.

If the positions are **appointed** rather than **elected**, then someone, most likely the county mayor, would have to do the appointing. Leatherwood, the county register, thinks that could be cause for concern.

"If these five **constitutional officers** all become **appointed**, I think that would concentrate too much power in the hands of one person," Leatherwood said. "I think we'd lose one of the checks and balances."

The flip side of that argument is that critics believe the current system is too fragmented.

All five of those **officers** come up with their own policies and procedures, purchase their own equipment and submit their proposed budgets independently of the county mayor.

Buck Wellford, a former county commissioner, said it's hard to hold the mayor accountable when much of the overall budget is beyond his control.

"If you like accountability in local government and you favor a centralized method of providing government services, then you should want most of these positions, including probably the sheriff, to be **appointed**," Wellford said.

There could also be some cost savings by converting the **elected** positions to **appointed** ones. For example, if each **elected** official has a chief administrative **officer** or information technology support staff, then some of those positions could probably be eliminated under a centralized system.

"There are some substantial savings in each office," said James Huntzicker, the county's director of administration and finance. "You don't have to look very far to come up with that."

Huntzicker said he'll be prepared to come up with some numbers on potential cost savings if commissioners decide they want to study that option.

Another argument against keeping the **elected** positions is that some of them are so obscure that voters sometimes struggle to make informed choices.

Most of the offices operate outside the glare of media scrutiny. Many citizens have little interaction with the offices.

Marcus Pohlmann, a political science professor at Rhodes College, said that makes it tougher to evaluate how effective the officeholders have been when elections roll around. That often means people either choose not to vote in those races or they vote according to name recognition.

"People barely follow the high-profile races," Pohlmann said. "There's not a whole lot of thought or a whole lot of study that goes into some of that voting."

And that means competent administrators might shy away from running for those jobs against less competent but more politically savvy rivals.

"I do think we lose some good people because they don't want to go through all that," Pohlmann said.

Leatherwood said one compromise might be to keep the **elected** positions as they are, but give the officeholders term limits like those for the mayor and commissioners.

In any case, commissioners would seem to have a lot to talk about when they meet next month. If they decide to create a charter review panel, there's likely to be discussion about whether the panel should just study whether to elect or appoint the officials in question, or delve into other areas of the county's charter as well.

There's the potential for disagreement about whether the rest of the charter is working well, or could use a little fine-tuning -

say, in areas like ethics reform.

Whatever is decided, Luttrell is hoping it won't be decided too quickly. He favors a process that would include input from citizens, perhaps at town hall meetings, before any final decisions are made.

"The most inclusive process is one which would take the greatest length of time to accomplish," Luttrell said. "Rather than rushing to get things fixed, let's slow down and fix them in the right way."

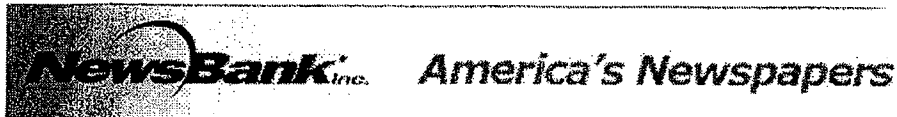
Blake Fontenay is an editorial writer for The Commercial Appeal. Contact him at 529-2386.

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Caption:
Drawing
Caption:
Shane McDermott / The Commercial Appeal

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Section: Viewpoint
Page: V1
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Paper: Spokesman-Review, The (Spokane, WA)
Title: County officials look at restructuring
**Commissioners asking Legislature to ease
process for changing form of government**
Date: February 18, 2007

More than a decade after Spokane County rejected a new style of government, county commissioners say it might be time to try again.

But their new effort isn't about combining the city and county, like the attempt that plunged to defeat in 1995.

Commissioners say power is too diluted among commissioners and other **elected** county administrators: the assessor, auditor, clerk, sheriff and treasurer. They also say it might be time to explore electing a CEO who would perform the same kind of executive duties that a strong mayor does for a city.

"The problem is it becomes extremely disjointed and the public becomes frustrated," said Commissioner Todd Mielke, who has led the debate.

Commissioners want state lawmakers to make it easier to change their form of government in ways that could eliminate – or add – **elected** offices. County leaders have made the issue one of their top legislative priorities in their 2007 lobbying effort.

Currently, switching to a "charter" form of government from the style mandated in the state constitution requires the freeholder process. In that system, citizens are **elected** to spend two years crafting a proposal that goes before voters. The process was attempted in Spokane County when freeholders wanted to combine city and county government. The measure was soundly rejected at the polls in 1995.

Critics say using freeholders is unwieldy and usually unsuccessful. Supporters say a lengthy public process should be required for such a change.

Despite the complexity of the freeholder process, more than half the state's population lives in counties that have successfully adopted charters.

Charter counties have a variety of differences. Most have created an **elected** executive position and increased the number of commissioners – or council members as they usually are called in a charter government. Pierce County combined its assessor and treasurer offices. Clallam County voters opted to elect their planning and building director, an idea so unique it is thought to be the only **elected** planning director position in the country, said Bill Vogler, executive director of the Washington State Association of Counties.

Making changes won't be easy. Both houses of the state Legislature would have to vote with a two-thirds majority to put a **constitutional** amendment on the ballot statewide and voters would have to approve the idea. Specific reforms to county governments would need voter approval locally.

State Rep. Helen Sommers, D-Seattle, has introduced a resolution that would put a **constitutional** amendment on the ballot. But other lawmakers, including state Sen. Lisa Brown, D-Spokane, say while it might have merit, it's unlikely to go far in 2007.

Steve Lundin, who worked in the state House for nearly 30 years, said making the change would be extremely challenging. He twice drafted **constitutional** amendments to make it easier to reform county government. They had wide support in the Legislature but were rejected at the polls.

Considering past failures, the Legislature should take its time, Vogler said.

"More thought has to be given to what the citizens want than just what the politicians want," Vogler said.

APPOINTED ADMINISTRATORS

Mielke suggested it might be better to appoint people to professional administrative positions like auditor or sheriff.

Mike Senske, who was one of 25 freeholders in the Spokane County charter attempt in the 1990s, agrees. An appointment process would ensure administrators are hired "based on their credentials, not based on their popularity."

Because he was selected to fill a vacancy between elections, Sheriff Ozzie Knezovich has served as both an **appointed** and **elected** sheriff. He says the independence of an **elected** office is important, but he also believes it might be beneficial to remove the politics that come with being **elected**.

He pointed to the recent selection of Spokane Police Chief Anne Kirkpatrick as a model for a public process that resulted in a highly qualified choice.

Mielke said someone with weak credentials could be **elected** the top law enforcement **officer** or charged with enforcing complicated tax rules.

Those serving in the **elected** administrative positions that could be affected by going to a charter, however, warn that being **elected** gives them a special ability to serve citizens.

Assessor Ralph Baker said he needs independence to prevent commissioners from improperly influencing property values.

"We need to be very careful there because the assessor needs to be able to have a free hand in being fair and impartial," Baker said.

Baker noted he recently had to decide if the city of Spokane was legally able to continue its attempt to annex county land, a proposal opposed by county commissioners. Baker said if his employment was dependent on commissioners, the county may have tried to affect his ruling.

"I don't work only for the county," Baker said. "I work just as much for the city."

That same issue could apply to county Treasurer Skip Chilberg, who said recently that he's considering mounting a challenge to a tax proposal that has garnered initial support from two county commissioners.

"No one who is in an **appointed** position could possibly feel comfortable raising tough questions such as tax-increment financing and others that I will be raising," Chilberg said.

Mielke said Baker's decision last week to hire the 23-year-old son of his chief deputy for a management position is just another example of why independence doesn't ensure good government. The county's human resources department expressed frustration that the move violated the county's nepotism policy. But the rule – written by county commissioners – could not be enforced in the assessor's office. Following public criticism, Baker terminated his new employee after two days.

Since voters have the final say on **elected** officials, citizens are hesitant to give up that power, said Lundin, who is about to publish a book on local government in Washington.

Although they stress the need for independence, the auditor, assessor, sheriff, treasurer and county clerk say they'd prefer their offices be nonpartisan, like the Spokane City Council.

"Partisan politics has never entered into a single day in the administration of the office," said County Clerk Tom Fallquist, who has been the clerk since 1982.

ELECTED TOP DOG?

Commissioners say it can be hard to manage their department leaders because those administrators answer to the three commissioners instead of one boss. They suggest it might be time to consider having an **elected** CEO, like Snohomish and King counties.

"There's not one corporation the size of Spokane County that has three CEOs," said former County Commissioner Kate McCaslin. "You need to have one person in charge."

Baker questioned whether there's a need for an **elected** executive given that the county already has a CEO – albeit, an unelected one.

"That's to their own making that they're not relinquishing their executive branch role," Baker said.

State law allows Spokane County to expand to five commissioners with a public vote without using freeholders, though Lundin said there's some question if that rule is **constitutional**.

Spokane County voters defeated a proposal to expand to five members by almost a 2-1 ratio in 1991.

Commissioner Bonnie Mager said expanding to five would provide better voter representation. Leaders have long complained that with just three commissioners they can't chat with each other about county business unless they hold a public meeting. That's because state law requires discussions be in public whenever there's a quorum. Politicians are afraid to give ideas publicly because they might be ridiculed in the press, they argue.

"There are times when good government calls for private discussions," said Chilberg, who is a former county commissioner. "The three commissioners are hobbled by not being able to talk with each other without being in a public meeting."

But Baker cautioned that a desire to share information privately should not drive the debate.

"That doesn't sound right to me," Baker said. "Are we trying to say we want a government that doesn't have open meetings?"

SIDEBAR:

AT A GLANCE

Staying the course

Largest Washington counties that use the state's original form of county government:

- Spokane (population 417,939)
- Clark (345,238)
- Kitsap (231,969)

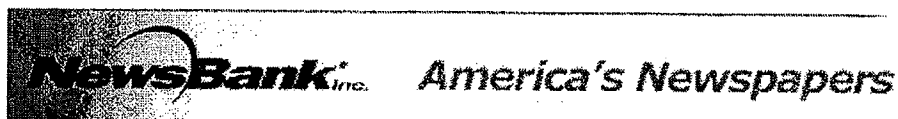
Source: 2000 Census

MEMO: Jonathan Brunt can be reached at jonathanb@spokesman.com or (509) 459-5442.

GRAPHIC: Charter counties

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*Author: Jonathan Brunt Staff writer
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Paper: Florida Times-Union, The (Jacksonville, FL)

Title: Charter amendment picks up support The citizens proposal is going to legislators and it could be on the ballot in '07 or '08.

Date: January 13, 2007

Now that the wording of a proposed **St. Johns County charter** government draft has been changed to make it more difficult to adversely affect the tax collector, property appraiser and other constitutional officers, they've come out in support of the document.

The support allows the 12-member citizens committee that drafted the **charter**, which establishes term limits, campaign finance reform and recall procedures for **county** commissioners, to take it to the legislative delegation unopposed.

At a meeting in December, when the commission initially voted in favor of a resolution supporting the **charter** and passing it on to the legislative delegation, four of the five constitutional officers opposed it.

They opposed the **charter** not because it changed their functions or responsibilities, but because they believed it could be easily amended to do so. Under the initial draft, the **charter** could be put on the ballot by a vote of three out of five commissioners and amended by a majority of the voters, 50 percent plus one.

In a Dec. 7 letter, the constitutional officers said the citizens committee represented only a handful of citizens, not the will of the **county** as a whole, and they asked for an independent task force of residents to review the **charter**. All the officers except the supervisor of elections signed the letter.

"This approach is nothing more than subterfuge and we believe at best it is misleading and at worst, unethical," the letter states. "It holds the **County** Commission and its citizens 'hostage' to vote on whatever is written. We all owe our constituents more than that."

Since then, the constitutional officers have met with the 12-member citizens committee and proposed **changes** that have been added to the draft. These **changes** make it more difficult for the commission and the voters to **change** the functions and responsibilities of the constitutional officers, who are the **sheriff**, tax collector, property appraiser, supervisor of elections and clerk of courts. It also makes it more difficult to **change** how the officers are selected. Currently, they are elected, but a **change** could be made to make them appointed.

With the new language, to be put on the ballot, an amendment that would affect the constitutional officers has to be approved by four of the five commissioners and by 60 percent of the voters.

In a Dec. 20 letter, the attorney representing **county** Tax Collector Dennis Hollingsworth says, "Our meetings with **county** officials, the **charter** committee and our review of the proposed **charter** reveal no intent by the present **County** Commission to impose any restrictions on the powers of the constitutional officers."

Tina McGough, who steered the citizens committee that drafted the document, said at a meeting Monday that the language **change** makes the document better.

"We think that the separation between constitutional officers, as elected officials, and the commissioners is a good separation and we want to maintain that, we don't want it easily changed," McGough said. McGough said that if the constitutional officers' positions were changed to appointments, that would give the public less control over who's in office and that's in contradiction with the whole point of the **charter**.

The draft can continue to be changed before a final version is presented to the House, McGough said. If the House approves the bill, it will go on to the Senate and, if approved there, it will go on the ballot in 2007 or 2008.

Now that the commissioners have passed a resolution, they are no longer involved in the process.

Commissioner Tom Manuel, who represents the Ponte Vedra Beach area, said the **charter** is a citizen-driven initiative and that the commission shouldn't be involved with it.

County Attorney Patrick McCormack agreed.

"There's no further **county** action required," McCormack said.

But Commissioner Cyndi Stevenson asked, if the **County** Commission isn't responsible for holding public hearings on the issue, when would the public have a chance to review the document and make recommendations.

"Are we going to have an opportunity to have this polished in the public?" Stevenson asked.

Commissioner Ron Sanchez said that he believes there will be plenty of opportunities for public vesting and input, but that it's not the commission's responsibility to do that.

"No law required the citizens group to bring it to the commission, they did it as a courtesy to us," Sanchez said. "They had no reason, legally, to come to our board."

But Stevenson said the legislative delegation would not have taken the draft seriously had the commission not voted to pass it along to them. Therefore, she said, the commission should continue to be involved.

"It was the vote of this board that made this process an option," Stevenson said. "It was the weight of the vote of this body that breathed the life into that special act."

McGough said that feedback about the **charter** can be sent in an e-mail to sjccharter@comcast.net.

christina.abel@jacksonville.com, (904) 249-4947, ext. 6319

Charter government

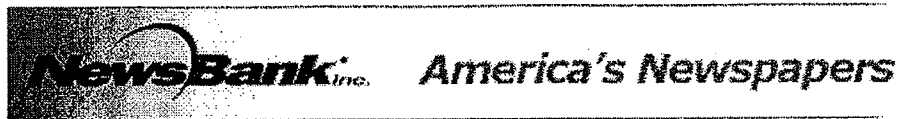
To read a citizens group's final draft of a proposed **charter** government for **St. Johns County** online, go to Jacksonville.com, keywords: **St. Johns charter**.

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Author: CHRISTINA ABEL

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Paper: Daytona Beach News-Journal (FL)
Title: Tax reform report offers few details
Date: December 16, 2006

Gov. Jeb Bush's Florida Property Tax Reform Committee issued its first report Friday, calling for "comprehensive" steps to fix the property-tax system but stopping short of recommending detailed changes.

Also Friday, a tax watchdog group made its recommendations, urging repeal of the 1992 Save Our Homes constitutional amendment in combination with steps such as limiting growth of local-government revenue.

"Florida's property-tax system is in crisis," said Dominic Calabro, president and chief executive officer of Florida TaxWatch.

Among the proposals the governor's committee could present to the Legislature to fix a property system broadly maligned as inequitable:

- *Limit increases in local-government tax revenue or spending;
- *Place caps on the taxable values of businesses and other non-homesteaded properties;
- *Consider an increase in the \$25,000 homestead exemption;
- *Replacing property taxes with higher sales taxes;
- *Allowing homeowners to retain benefits under the Save Our Homes property assessment caps when they move.

The committee plans to continue to study the proposals and will issue a final report next year. The recommendations came one day after area lawmakers heard from Volusia County groups on tax concerns at a meeting in DeLand.

Volusia Tax Reform and Volusia Civic Pride advocated a cap on local government spending. They also want all taxing authorities to be made up of elected, not appointed, officials.

Save Our Homes limits annual increases in taxable values of homesteaded properties to 3 percent. TaxWatch and others argue the limit has shifted a disproportionate amount of the tax burden to non-homesteaded properties.

The TaxWatch proposal would let homeowners retain part of the benefits from the amendment. If a house is assessed at \$60,000 below market value because of Save Our Homes, it would continue to be assessed at \$60,000 below market value in the future.

The Volusia County groups say allowing homeowners to retain their savings when they move would exacerbate the tax burden on non-homesteaded properties. It should be considered only with a cap on spending and assessments of non-homesteaded properties, they contend.

Organizers said Volusia Tax Reform has gathered steam since it mustered more than 10,000 signatures asking local governments to roll back tax rates this fall.

The group is recruiting an advisory committee that already includes such high-profile members as Jerry Johnson, developer of Venetian Bay; Doug Kosarek, vice president of Bray & Gillespie; and Charles Duva, chief executive of DuvaSawko medical billing company.

Thomas Blawn, executive director of Volusia Civic Pride, said the issue is not just a business concern. "I can't imagine any citizen that's not affected, whether a renter or a mobile home park or a multimillion dollar home on the ocean. It affects everybody," he said.

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Author: JAMES MILLER and JIM SAUNDERS - STAFF WRITERS
Section: Section C
Page: 02C
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Paper: Miami Herald, The (FL)
Title: REFORM PANEL TAKES STOCK, BUT NO ACTION
Date: December 14, 2006

Big ideas emerged Wednesday as a government reform committee interviewed former county executives and **elected** officials about whether Broward needs a full-time mayor and whether **elected** leaders such as the sheriff need more budget oversight.

For now, they're just ideas, said Lori Moseley, the Miramar mayor who heads the county's Charter Review Commission. The committee meets every six years to consider improvements to county government, then asks voters to approve changes to Broward's governing charter.

The Charter Review Commission is still trying to understand how government works in Broward and to decide what needs the most study or reform, Moseley said.

NO BALLOT ITEMS

They're far from coming up with any recommendations to send to Broward voters in 2008, she said.

Although they're exploring the idea, there are no plans right now to turn **elected constitutional officers** into what are known as "charter **officers**" who would be answerable to the County Commission. They include the sheriff, the supervisor of elections, the property appraiser and the clerk of court.

"We've formed no opinions," Moseley said. "We're listening, just fact-finding, contrary to popular rumor. Everybody's put words in our mouths except us."

COMPARISONS

Still, they discussed the idea and asked their attorney to look at counties where **constitutional officers** report to the County Commission. In some counties, these **officers** are **elected**; in others, they are **appointed**.

They also got an earful of ideas Wednesday from some of the people they interviewed, including former county administrator Roger Desjarlais, former county attorney Ed Dion, and current Sheriff Ken Jenne and Supervisor of Elections Brenda Snipes.

Both Jenne and Snipes went out of their way to point out the benefits of independent **elected** officials and deflect any criticism that could lead to losing their current status.

"We're just hearing little rumblings, that they're thinking of making this an **appointed** position," Snipes said after the meeting. "I just think that's a mistake. The people are paying attention to the election process."

Four years ago, the Charter Review Commission also considered making four of the county's **constitutional officers** charter **officers**.

Their vote came as the Broward County Commission was grappling over budget issues with Snipes' controversial predecessor, Miriam Oliphant.

The Charter Review Commission - made up of a different group of people at the time - decided they would ask voters whether they wanted the elections chief to be an **appointed** post.

They reversed their decision after many people complained that Oliphant, who is black, was singled out because of her race and gender.

The Charter Review Commission voted to allow the other three **constitutional officers** - all white men - keep their status.

Other ideas that surfaced Wednesday include considering whether to add three at-large county commissioners and a full-time mayor to the County Commission.

ADDING BALANCE?

The at-large commissioners would help temper parochial tendencies that have emerged since the County Commission moved to a district system, said Desjarlais, and a mayor could have veto powers that could temper the geographical and political

leanings of the members of the commission.

"When things are happening, someone needs to be able to call a halt to that kind of decision making," said Desjarlais, who served as Broward County administrator from 1998 to 2005.

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Author: ERIKA BOLSTAD, ebolstad@MiamiHerald.com

Section: Broward & State

Page: 6B

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Paper: Milwaukee Journal Sentinel (WI)

Title: COUNTY GOVERNMENTS -

Size often does matter

Date: December 6, 2006

The Waukesha County Board agreed in the spring to reduce the number of county supervisors from 35 to 25. The Price County Board will be trimmed from 21 to 13 members under a restructuring approved last month. Fights over downsizing are taking place in Winnebago and Walworth counties. And the idea of reducing government by reducing the number of elected officials could well catch fire in other counties around the state.

It's a good debate to be having, especially in a time of high government costs and tight government budgets. But this is probably not a problem with a one-size-fits-all solution. Downsizing in Waukesha County was a good idea, but that doesn't mean it's a good idea in every case.

And the argument that reducing the number of supervisors means lower general costs for counties should be closely examined in each case. A 2003 study by the Wisconsin Taxpayers Alliance found that, generally speaking, larger boards meant less county spending and suggested that larger boards may be more accountable to constituents.

The finding may fly in the face of conventional wisdom, but there it is. Those pushing for smaller boards need to explain why they think their proposals will result in less costly government without a loss of accountability in their counties. Voters and officials in each county need to decide what's the right size for them based on their circumstances and spending facts.

At the same time, the state needs to have a more serious discussion on the sheer number of governmental bodies there are in Wisconsin. But as long as there's a discussion about the right size for county governments, some questions about other offices and issues should be added to the debate.

For example, why do Wisconsin voters cast ballots for **constitutional** offices such as district attorney, sheriff, county clerk and treasurer in partisan races in the fall? County supervisors and county executives are non-partisan offices and are **elected** in the spring. Wouldn't it make more sense to make all those local **elected** offices non-partisan and vote on them in the spring or just hold all elections in the fall, non-partisan and partisan?

For that matter, why hold elections at all in the cases of treasurer and clerk? There may have been a time when these **officers** performed duties that warranted election, but times have changed. Given the bureaucratic responsibilities they handle today, there is no reason to continue electing those officials. And although a better case can be made for electing sheriffs, it wouldn't hurt to at least talk about whether they, like police chiefs, should be **appointed**.

Voters have disagreed with the idea of electing fewer people. Town of Wayne voters in November, for example, overwhelmingly rejected a referendum that would have ended elections of the town clerk and treasurer in favor of Town Board appointments to the posts. But it's still an idea worth discussing as part of a larger discussion on reforming government in Wisconsin.

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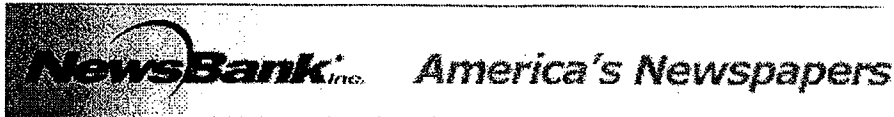
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Section: A News

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Paper: Miami Herald, The (FL)
Title: VOTERS SEEKING A HIGHER STANDARD
Date: September 8, 2006

OUR OPINION: COMMISSIONERS SHOULD SEEK REASONS FOR PAY RAISE LOSS

What a paradox. Miami-Dade County voters consistently reward their incumbent district county **commissioners** with another term yet, whenever asked, simultaneously reject increasing the **commissioners'** measly \$6,000 annual **salary**. On Tuesday, for the eighth time, voters said No to a commission proposal that would raise annual **salaries** to about \$90,000 according to a state formula linked to population. What gives?

Review own performance

It isn't that Miami-Dade voters are cheap. In recent times they have approved a half-cent sales tax hike to fund transit projects, a \$2.9 billion capital improvements bond issue and a parks bond issue. Voters are willing to use their taxes to invest in the county's quality of life. But they don't want to invest more in county **commissioners**.

Some voters may not equate responsible, responsive public servants with a better standard of living. Others may not buy the often-pitched argument that the low pay prevents qualified individuals who need full-time **salaries** from running, thereby limiting candidates' quantity and quality.

The County Commission should ask constituents why they reject the **salary** increase even as they examine their own performance. Surely what **commissioners** do as public officials has a direct bearing on voters' views on the **salary** question.

For example, it didn't increase the public's trust to learn that Commission Chairman Joe Martinez accepted free services on construction of his new home from two builder friends, one of whom is a board member of the Latin Builders Association. To its discredit, the county's ethics commission squinted enough to find wiggle room to rule that this was legal as long as Mr. Martinez reported the gifts and the LBA didn't lobby him while his home is being built. Legal this may be, but right it is not. Ironically, Mr. Martinez cast the only vote against asking for a pay raise this year.

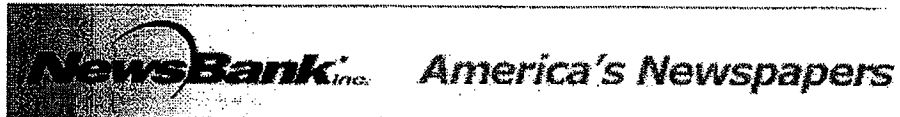
No outside employment

Such ethical lapses give the entire commission a bad name. Equally damaging are the periodic County Hall scandals - take the Housing Agency's ineptitude and misuse of public funding, for example. Invariably, investigations reveal links between **commissioners'** political buddies and county money.

How the **salary** question is framed matters, too. This time nothing was said about prohibiting sitting **commissioners'** outside employment - nor whether, if their pay increased, they would relinquish the \$45,000-plus benefits they now enjoy beyond the \$6,000 **salary**. In 2004, the raise question was linked to 16-year **term limits**, and it came close to passing. Voters may change course if all these issues are addressed.

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Author: Herald Staff
Section: Editorial
Page: 24A
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Paper: Miami Herald, The (FL)
Title: MAKERS OF DADE LAWS EYE \$83,000 PAY HIKE
Date: May 9, 2006

County **commissioners** may ask voters for an \$83,000 bump in income - doing away with the \$6,000 **salary** that has been on the books since 1957.

For nearly five decades, Miami-Dade voters have enforced a de facto **salary** freeze on county **commissioners** - routinely rejecting any attempts to boost **salaries** since the county incorporated.

Today, Miami-Dade **commissioners** will discuss asking taxpayers to raise the commission **salary** from \$6,000 to nearly \$89,000.

The item, sponsored by **Commissioners** Bruno Barreiro and Dennis Moss, marks the third time in three years the **salary** issue has come before the full board.

If it passes the full commission at today's meeting, it will appear on the ballot for countywide elections in September.

But if history is any indicator, it will be a tough sell.

"People are mistrustful of the County Commission," said **Commissioner** Katy Sorenson, who supports the pay raise. "They may like their individual **commissioner**, but they may hate the commission as a whole. The reflexive response is to say no."

Miami-Dade Mayor Carlos Alvarez, who has been in a public feud with the commission since he took office in 2004, supports the move to put the **salary** increase up for a vote.

Regardless of the rift, Alvarez said he supports a full-time **salary** for **commissioners**.

Advocates say the increase would level the playing field come election time and help eliminate possible conflicts that arise when elected leaders pursue **employment** opportunities **outside** of County Hall.

Miami-Dade is the only one of Florida's 67 counties that does not rely on a state formula that ties commission **salaries** to population.

Broward County **commissioners**, for example, make more than \$88,000.

Miami-Dade's home rule charter, however, specifically set the \$6,000 **salary** in 1957 - with no mechanism to account for inflation or other circumstances.

"This was a smaller, less complicated county at that time," said Sorenson, who has no other job **outside** of her district seat. "This is a full-time job. The benefit is that this would allow a greater pool [of candidates], not just people who can afford to run."

Voters have rejected an increase seven times - most recently in 2004, when a slim majority turned down a proposal that would have also placed **term limits** on **commissioners**.

Barreiro, whose day job is at the helm of a home healthcare firm, says he hopes the narrow loss bodes well this time.

"I'm lucky, I have my own business," he said. "But you're not going to attract a regular 30- or 40-year-old professional that has to keep a family."

Last year, Moss pushed for the **salary** question to appear alongside a special slots election. But his move fizzled after the gaming industry objected to the addition to the proposal.

While commission **salaries** have stayed the same since the Eisenhower administration, **commissioners** have some considerable benefits nonetheless: \$24,000 annually for expenses, \$10,000 annually in executive benefits and \$9,600 annually for transportation allowances or county-leased cars.

In a memo to the commission, Alvarez - who makes more than \$200,000 plus benefits - said the increase was "long overdue."

COMMISSION SALARIES

Miami-Dade's home rule charter set the **salary** for county **commissioners** at \$6,000 in 1957 - a rule that has stayed on the books despite repeated efforts to tie **salaries** to a state formula, which is the case in other Florida counties, including Broward.

Voters have rejected an increase seven times in five decades, most recently in 2004, when a slim majority turned down a proposal that also would have placed **term limits** on **commissioners**.

MiamiHerald.com: Do you think county **commissioners** should get a **salary** boost? Click on news to vote

Caption:

Photo: Carlos Alvarez (a), Bruno Barreiro (a), Dennis Moss (a), Katy Sorenson (a)

Caption:

ROBERTO KOLTUN/EL NUEVO HERALD FILE, 2005 SUPPORTER: Miami-Dade Mayor Carlos Alvarez backs the move to put the **salary** increase to a vote.

CO-SPONSOR: **Commissioner** Bruno Barreiro hopes a narrow loss in 2004 bodes well for a raise this year.

CO-SPONSOR: **Commissioner** Dennis Moss pushed for the pay issue to be along- side a slots vote last year.

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Section: Front

Page: 1A

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Paper: Sun-Sentinel

Title: 'MERGER' OF CONSTITUTIONAL OFFICERS INTO COUNTY WILL SERVE CITIZENS WELL

Date: February 25, 1995

Welcome winds of political reform are starting to blow in Palm Beach **County**.

They keep aloft the promise of demolishing some independent political kingdoms and replacing them with a more streamlined, effective and accountable government structure.

The Palm Beach **County** Municipal League deserves public and political support and encouragement in its efforts to study whether several constitutional officers - the **sheriff**, court clerk, property appraiser, tax collector and elections supervisor - should be placed under control of **county** government.

The League's Directions Committee plans to meet with those officials next month, then report back to the League on March 22.

A truly independent, unbiased and thorough study of this issue cannot help but reach one conclusion: Palm Beach **County's** **charter** should be amended, first to make these officials **county charter** officers and eventually **appointed** department heads.

There's nothing revolutionary about this idea. Four of Florida's 11 **charter counties** - Volusia, **Sarasota**, Duval and Dade - long ago switched to making most of these officials **appointed charter** officers. The reform goals elsewhere were improved communications, cooperation, efficiency, decision-making and problem-solving and the abolishment of unnecessary independent political kingdoms.

Whether or not they become **appointed**, they should be made **charter** officers. As such, voters can:

- Require them to meet certain minimal educational, training and job experience standards. At present, any **county** resident and voter aged 18 or older can win election.
- Make the office they serve into a department of **county** government, under the **County** Commission, with the powers now granted to them individually by state law transferred by **charter** amendment to that department.
- Fine-tune their duties and responsibilities from the generic ones defined by state law decades ago to those designed to meet the unique challenges of Palm Beach **County** as it approaches the 21st century.
- Reduce duplication of effort and save money by requiring **charter** officers to join **county** department heads in using **county** financial and administrative services such as finance, personnel, payroll and purchasing.
- Give **county** commissioners ultimate authority over the **sheriff's** budget. At present, he - alone among constitutional officers - can appeal **county** budgetary decisions to the state Cabinet.

A desire to protect an outddated political status quo should not stand in the way of a sensible **charter** reform that offers increased professionalism, improved management, tighter financial controls, less political gameplaying and improved services to the public.

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Paper: Sun-Sentinel

Title: TO REFORM COUNTY'S GOVERNMENT, CHAMBER MUST LOOK AT BIG PICTURE

Date: AUGUST 15, 1991

When it comes to the need to fix Palm Beach County's flawed governmental structure, halfway measures won't be good enough.

The Boca Raton Chamber of Commerce needs to use a wide-angle lens to look at the big picture -- a bold, broad vision of comprehensive reform -- instead of the close-up lens it has initially chosen.

Chamber officials will meet today to discuss a too-narrowly focused idea: Asking voters to amend the **county charter** to give **county** commissioners final say over the budgets of five elected officials -- the **sheriff**, property appraiser, clerk of courts, tax collector and elections supervisor.

At present, each has varying degrees of autonomy over spending of tax dollars.

Interest in this idea -- strongly supported by chamber members in a December survey -- was reborn due to the reluctance of all but the elections supervisor to support a countywide employee pay freeze.

The big picture involves asking voters to totally revise the nature of the relationship between these elected officials and the **County Commission**.

In addition to **County Commission** budgetary control, the pros and cons of these reforms deserve careful study and full debate:

- Amending the **charter** to make these five officials **county charter** officers, instead of state constitutional officers. This would turn their offices into departments of **county** government, with powers now granted to them individually by state law transferred to those departments.

- Changing their duties and responsibilities from those strictly defined by state law to those desired to meet the unique challenges of Palm Beach **County**.

- Reducing duplication of effort and saving money by requiring **charter** officers to join **county** department heads in using the **county's** financial and administrative services, such as personnel, payroll and purchasing. Elections Supervisor Jackie Winchester already abides by **county** pay, purchasing and personnel policies on a voluntary basis.

- Requiring these officials to meet certain educational, training and job experience standards, not now mandated by state law. At present, any **county** voter age 18 or older can run for and win election to these offices, regardless of education, training or job experience.

- And -- most controversial of all -- having these officials become **appointed** department heads of **county** government, instead of being elected separately.

Four of Florida's 11 **charter counties** -- Volusia, **Sarasota**, Duval and Dade -- have already placed these officials under their **county's charter**.

The goals were improved public services and increased communication, cooperation, efficiency and unity through stronger countywide financial controls, decision-making and problem-solving by the **county** commissioners. Another aim was to get rid of unnecessary independent political power bases.

Voters tend to resist changes in governmental structure, so any campaign to amend the **charter** to implement these reforms will require widespread public education and full debate about the advantages and disadvantages.

1991 News and Sun-Sentinel Company

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1991 News and Sun-Sentinel Company

ELECTED OFFICE OF THE SHERIFF

EXECUTIVE SUMMARY

(Source: National Sheriffs' Association)

Issues Presented for Study

In most of the states the long-standing historical practice has been that the sheriff is elected for a four-year term of office. An issue which periodically arises in various jurisdictions around the United States, often in response to a particularly current and unusual situation or one of local government political conflict, is whether or not the status of this office should be changed from elected to appointed.

A Historical Perspective

The question presented is not a new one, having been around in some form for at least 300 years. In 1682 the City of London and County of Middlesex were concerned with moves by the Crown that would deprive them of the right to elect their sheriffs. The American county itself has its antecedents in ninth century England when the King divided the country into "shires", or local government units. Three officials oversaw the shire: the earl, the sheriff, and the bishop. Of these, the shire-reeve, later called sheriff, was second in importance to the earl. Originally appointed, the English sheriff eventually became an elected official.

When English colonists set up local governments in America the units and types of officials were patterned after the English model but with adaptations including the appointment of local officials by the colonial governor. Appointment remained the norm until during the Jacksonian era when states switched to election of many county officials. Today the number of local positions still elected has been significantly reduced, but across most of the country the sheriff remains an elected official.

Present Elected Status of Sheriff

Across the country popular election is the almost uniform means of selection of the sheriff. Sheriffs are elected to four-year terms in 41 states, two-year terms in three states, a three-year term in one state and a six-year term in one state. The races are on a partisan ballot in 40 states and on a non-partisan basis in 6 states.

A few states do not have the office of sheriff as such. There are no sheriffs in Alaska and that office was essentially abolished in the year 2000 in Connecticut. Hawaii does not have the position traditionally associated with the office of sheriff. In Rhode Island, the governor appoints the sheriff. In two Colorado counties and Dade County, Florida, sheriffs are appointed by the county executive.

Some jurisdictions have explored switching to a system of appointed sheriffs and at least two have had an appointed sheriff and returned to a system of elections. In Multnomah County, Oregon the sheriff became appointed on January 1, 1967. From January 1, 1967, to late 1978 the county board appointed six different sheriffs. Due to dissatisfaction with that system, the voters returned to election of the sheriff. The position of sheriff in King County, Washington, which is the Seattle area, was elected until 1968. At that time the Home Rule Charter of the county was amended and the sheriff became appointed, serving at the pleasure of the elected executive. After

several years under this system the voters restored to position to being elected. Popular reports indicate that the voters felt that public safety and law enforcement services would be improved by the return to election of the sheriff.

In nearly 3100 other jurisdictions throughout the country, the sheriffs are elected, although in some jurisdictions sheriffs are appointed to fill out unexpired terms if there is a death or resignation of the incumbent. In 20 states a vacancy in office is filled by appointment by the county board of commissioners. The office of governor fills a vacancy by appointment in 9 states and a variety of other means are used in the remaining states to fill a vacancy, including special election, appointment of the chief deputy and appointment by the political party of the former sheriff. Several states use a combination of appointment and special elections, depending on when the vacancy occurs.

Efforts to place the issue of appointment before the voters have rarely resulted in a change from elected status. In 1994 Iowa held a referendum to change the status of sheriff from elected to appointed. That initiative was heavily defeated by the voters.

Election is the best option.

There are at least four reasons to support election of the sheriff.

- 1) The sheriff provides a check and balance as an elected county official directly responsible to the citizens that protects from undue influence by members of the county board or by other county officials. There are also several checks upon the unfettered discretion of the sheriff. The voters can remove the sheriff from office during the election; the county board, subject in some states to appellate review, controls the budget and salary of the sheriff; and in extreme cases statutes authorize the removal of the sheriff from office for misfeasance or nonfeasance of duty.
- 2) In our democracy, we should have the right to choose who is to be sheriff. In many counties the sheriff is the single most powerful individual and institution. Despite the efforts of appointment proponents, voters who have had a chance to decide the issue have nearly universally decided to keep the office elective. Citizens should have the freedom to choose their sheriff and direct election is the best means to accomplish that.
- 3) The election of the sheriff is consistent with national traditions and practices. Election of sheriffs is nearly uniform throughout the United States. History has shown in those jurisdictions in which the sheriff is appointed there is a decrease in quality and continuity of law enforcement services and administration. When the sheriff is subject to the whims and caprices of the board of commissioners, the office becomes more politicized, not less.
- 4) There is stability and continuity of office. Sheriffs at the county level and city police departments at the municipal level handle local law enforcement. While city police departments on the whole do a good job, comparison of the continuity, innovation and public responsiveness of the office sheriff to city police demonstrates the perils of appointment. There is no objective, empirical data that proves city police departments headed by an appointed law enforcement official are any more creative, innovative, stable or cost-effective than the office of sheriff.

Governing Magazine/June 2000

FEATURE: SHERIFFS

THE BATTERED BADGE

Sheriffs are getting into some tough scrapes these days--not with desperadoes but with rivals and critics in local government.

By Charles Mahtesian

If all goes as expected, a majority of Connecticut voters will walk into the polling booth this fall, pull the curtain behind them and end three centuries of political tradition by casting a ballot to abolish the venerable office of the High Sheriff.

To those who live outside Connecticut, that action might sound extreme. In more than 3,000 jurisdictions across the nation, the sheriff's office either provides law enforcement services, operates the local jail system or handles both. The citizens could no more live without it than they could without a fire department.

In Connecticut, however, the demise of the office may come as a relief to residents. There, the High Sheriff is really little more than a High Bailiff, responsible only for courthouse security, transporting prisoners and serving legal papers. And yet, despite the modest list of duties, the state's eight High Sheriffs have been cutting an unusually high profile. Unfortunately, it hasn't been a flattering one.

One sheriff has been accused of illegal firearms possession. Another faces embezzlement and larceny charges. In New Haven County, the sheriff's office has come under fire amid news reports that convicted felons were hired as deputies and a female prisoner was raped in a transport van. Formal investigations are under way at both the state and federal levels.

Even New Haven County High Sheriff Frank Kinney, who believes that he and his colleagues are being unfairly maligned, concedes that the blanket coverage doesn't paint a pretty picture. "It literally has taken up pages and pages of newspaper articles over the past 12 months because of three or four people," he says. "Out of some 950 special deputies in Connecticut--there being no policy prohibiting the hiring of people with felonies in their background--three or four had felonies."

In April, critics who have long called the system a haven for corruption and cronyism finally got their wish--the legislature passed a bill that would abolish the eight elected positions and transfer special deputies and deputy sheriffs to the state's judicial branch. The question is now subject to approval in a fall referendum.

"Times have changed in Connecticut," says Representative Michael Lawlor, who led the reform effort. "There have been lots of scandals over the past five to 10 years involving the sheriffs, to which they haven't responded very well. It's kind of an embarrassment."

Embarrassment or not, Connecticut isn't the only place where sheriffs are finding their activities under intense scrutiny these days. Most sheriffs, of course, are not embroiled in scandal and controversy. Rather, they are in trouble of another kind--they are increasingly at odds with other elected officeholders over control of the county budget.

In many counties, the clash is all but unavoidable. The sheriff is a constitutionally elected officer, unaccountable to anyone but the voters, yet has no power over the purse. County commissioners or council members have budget-making authority but lack any real control

over how law enforcement funds are spent. It's a constitutional crisis waiting to happen, and in some places, it already has.

"The problem is one of economics. Like every other government entity, they are in competition for revenue," says Lee Colwell, director of the National Center for Rural Law Enforcement. "The sheriff is a constitutionally elected officer, but the policy makers or county commissions have the responsibility for marshalling the budget. The different agendas make it inevitable they'll come into conflict."

While budget battles between the two sides are hardly a new phenomenon, the tenor of that conflict is becoming increasingly shrill. In some places, it's more than just words. In Prince George's County, Maryland, for example, a bitter feud between County Executive Wayne Curry and former Sheriff James Aluisi left the sheriff's office near collapse two years ago. Close to 40,000 arrest warrants went undelivered. Roughly half of all protective orders for abused women expired before deputies could deliver them.

Claiming that his agency was the victim of vindictive budget slashing, Aluisi filed suit against the county. Curry, who insisted that Aluisi was guilty of gross mismanagement, counter-sued and asked that the department be placed in receivership. In the end, it turned out both the sheriff and the county executive had a point: A court-ordered audit reported that the sheriff's office was both mismanaged AND underfunded.

Local jails are often central to the quarrel. While the price of maintaining a professionalized police force is increasingly expensive, it pales next to the burgeoning cost of housing a growing prison population. "Communities just do not want to spend money on jails," says Bud Meeks, a former Indiana sheriff who serves as executive director of the National Sheriffs Association. "Those jails are expensive to build and expensive to run. It takes an awful lot of tax dollars to run a jail. They put 100,000 cops on the street and gave us no probation officers, no public defenders, no judges, no prosecutors and no more prison cells."

Yet even adequate jail space is no guarantee that sheriffs and other county officeholders will make nice. In fast-growing Benton County, Arkansas, for instance, Sheriff Andy Lee took his overseers to court late last year, claiming that the sheriff's department should not be subjected to an 8 percent, across-the-board budget cut instituted by the local Quorum Court, the Arkansas equivalent of a county board. The sheriff's office, Lee argued, was already grossly understaffed. As many as 10 new field deputies were needed, he said, along with additional officers to serve warrants and secretaries to process paperwork. The bottom line, in his view, is that law enforcement deserves a higher priority.

In February, Lee and the county board tentatively agreed on a plan that seemed to suit everyone's needs. The sheriff would get the additional deputies he insisted were necessary to staff the county's newly opened but under-filled jail. Benton County would generate revenue to pay for the new hires by taking in inmates from neighboring counties that lacked jail space for them.

But the Quorum Court later backed away from the hiring commitment, and the sheriff responded by hitting his antagonists in their soft spot. Claiming he couldn't trust the board members, Lee made preparations to transfer the revenue-generating, out-of-county prisoners back to where they came from. "I will not negotiate with the Quorum Court in any fashion on how to generate revenue out of that jail," he declared. "They could give me 100 deputies and I wouldn't do business with them. In the future, they'll have to sign their name in blood before I'll believe them."

Ultimately, Lee backed away from his threats. Both sides are again on

speaking terms. Still, the matter is hardly settled. Lee doesn't plan to kick any prisoners out, but he has announced he won't accept any new out-of-county prisoners, either. For Benton County, which now has a new jail five times larger than the old one, that could mean hundreds of thousands of dollars in lost revenues.

In airing their budget grievances both in the courtroom and in the court of public opinion, Lee and Aluisi joined perhaps the most famous--or infamous--law enforcement officer in the country--Sheriff Joe Arpaio of Maricopa County, Arizona.

The iron-fisted chief of the nation's fourth-largest jail system and author of a memoir, "America's Toughest Sheriff," Arpaio sued his own county in 1994 after the supervisors reduced his budget by \$5 million. Despite claims that the sheriff's office was about 130 officers short in the county jails and actually needed a \$10 million increase, a court ruled that the five-member Board of Supervisors was within its powers in cutting the sheriff's budget.

But in the game of budget chicken, Arpaio, like Andy Lee in Benton County, always seems to come out ahead, even in losing. During Maricopa County's period of fiscal austerity in the early to mid-1990s, Arpaio's star was on the rise despite the fact that his budget was in decline. An eye for cost-cutting and a knack for publicity stunts landed him on hundreds of radio and television talk shows. Inmates were not only compelled to eat cheap food but also forced to pay for their meals. The sheriff instituted chain gangs and required inmates to wear pink underwear. As part of an effort to alleviate overcrowding, prisoners were housed in a massive tent city in the desert.

It's no coincidence that Arpaio and Lee are among the most popular vote-getters on the local ballot. In a political fight for more law enforcement funding, the sheriff nearly always wears the white hat: Budget showdowns invariably cast him as a tough-talking, Buford Pusser-type lawman pitted against bean-counting bureaucrats and politicians. One of the nation's most colorful sheriffs, long-serving Harry Lee of Jefferson Parish, Louisiana, recently described his position by saying: "I'm the closest thing there is to a king in the United States."

If nothing else, the personal popularity of many sheriffs provides them with a consolation unavailable to most other elected officials--they recognize they will still hold office long after their opponents have moved on. Arpaio has been the target of some 800 lawsuits since taking office in 1992, yet he remains as popular as the day he was elected. In Prince George's County, Aluisi served five terms before declining to run again in 1998. Benton County's Andy Lee is in his sixth two-year term. Even in scandal-plagued Connecticut, sheriffs have displayed an unusual gift for politicking--New Haven County's Frank Kinney is just the third person to hold the title of sheriff there in the past 40 years.

"It's been a constant battle with the commissioners over the budget," admits one of the senior incumbents, Dorchester County, Maryland, Sheriff Philip McKelvey, who was first elected in 1978. On the other hand, he says, "they've come and gone, but I'm still here."

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**ANALYSIS OF POTENTIAL MERGER OF THE
MIAMI-DADE POLICE DEPARTMENT AND THE
DEPARTMENT OF CORRECTIONS & REHABILITATION**

MIAMI-DADE COUNTY
OFFICE OF STRATEGIC BUSINESS MANAGEMENT
PERFORMANCE IMPROVEMENT DIVISION

JUNE 30, 2004

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EXECUTIVE SUMMARY

At the request of the County Manager's Office, the Office of Strategic Business Management, Performance Improvement Division (OSBM/PI) examined the potential merger of the Miami-Dade Police Department (MDPD) and the Corrections and Rehabilitation Department (MDCR), as well as a more limited potential merger of the administrative functions of these departments. OSBM/PI approached this examination from three vantage points: operational effectiveness, human resources, and financial impact. Based on our analysis, OSBM/PI recommends that *MDPD and MDCR be sustained as separate departments, each retaining fully independent administrative functions.*

Organizational Effectiveness

Despite a long history in the United States of law enforcement and corrections personnel reporting to a single public safety officer, trends in recent decades have greatly increased specialization of these two functions and contributed to the development of distinct organizational cultures. The Corrections profession has become increasingly complex, with an accordingly distinctive approach to officer training. While OSBM/PI determined that mergers among police departments (city-county police department consolidations, for instance) are relatively common, we found no evidence of any recent police-corrections mergers such as that under consideration in Miami-Dade County. Of the seven subject matter experts consulted as part of this review, six recommended against a police-corrections merger for our particular operating environment.

While at first there appear to be two basic organizational models for police and corrections operations (combined vs. separate), there are in fact myriad models with greatly varying degrees of integration. Out of this array of models, however, OSBM/PI noted that most combined public safety departments feature highly integrated administrative services and only minimally overlapping command staffs.

As the tenth and sixth largest police and corrections departments in the nation,¹ MDPD and MDCR are unlikely to benefit from a merger of administrative support functions. Combined, the departments have in excess of 7,000 employees and operating budgets totaling nearly \$700 million. These figures reflect a department that would measure twice the size of the city government of Miami. OSBM/PI's research found that police and corrections departments of our scale benefit substantially from dedicated and specialized administrative support functions for planning, budgeting, personnel management, training and staff development, and fiscal management and purchasing. Merging these functions would likely blur the lines of reporting and accountability.

¹ Rankings vary slightly based on the indicator used and the data source.

Human Resources

Jurisdictions surveyed reported that thirty years ago, it was much more common for an officer to work in both law enforcement and corrections during the course of his career than it is today. As corrections evolved into a distinct discipline, many “combined” organizations have moved toward greater specialization of personnel. While administrative functions may remain substantially integrated, separate training academies and separate career paths are increasingly common. This is especially true among the larger public safety departments studied.

Our research indicates that a number of the key elements of successful public safety mergers identified by OSBM/PI are absent in Miami-Dade County. Chief among these is the lack of buy-in from key stakeholders. Department leaders in neither MDPD nor MDCR are in favor of a merger. Concurrently, there is no apparent enticement or incentive for employees of either department to support such a merger. The Police Benevolent Association is strongly opposed to any merger, while two other potentially impacted unions are somewhat neutral to the idea.

Financial Impact

The potential savings from a consolidation of MDPD and MDCR likely would be modest in comparison to the overall budgets of these departments, and any benefit would likely take several years to fully realize. As stated above, most combined public safety departments feature highly integrated administrative services and only minimally overlapping command staffs. Savings associated with consolidation of MDPD and MDCR support functions would be limited by a number of factors including the great degree to which administrative support services are already centralized at the County level, and the lack of an appropriate space for the co-location of internal MDPD and MDCR administrative support services. A previous report to the Public Safety Committee in June 2003 identified potential savings stemming from merged command staffs. It should be noted that much of the assumed savings identified in that report were realized through streamlining within each department, and were incorporated into the current year police and corrections operating budgets.

Governing Magazine/October 1987

NEWS BRIEFS

ELECTION CHIEFS SEE THEIR STATUS IMPROVE

Election officials are heading into the 1988 political year with tougher jobs but also new professional status and, in many places, better salaries.

``The job description of an elections official hasn't changed that much; they still have to count votes,'' says William Kimberling, deputy director of the National Clearinghouse on Election Administration at the Federal Elections Commission.

``But they are spending more time on elections than ever before, simply because there are more tasks to be performed to do a good job.''

A raft of new state laws governing campaign funding and spurring voter registration by moving deadlines closer to election day has added to the work of elections officials. So have recently enacted federal laws requiring that absentee ballots be available to military personnel overseas and that polling places be accessible to the physically handicapped.

Probably the greatest single factor increasing the demand for full-time professional election officials, as opposed to county and municipal clerks who do the job as a sideline, is the growing use of computers.

Some of the newer developments include:

--In Chicago, a ballot-counting system, developed by a private company working with Cook County Clerk Stanley Kusper Jr., that has dramatically sped up the massive task of centrally tallying votes cast in each precinct.

Kusper has also devised a system using microfilm and computers to keep track of absentee ballots so that, in Kimberling's words, ``not even [Kusper] could cheat if he wanted to.''

--In Kentucky, the conversion of a computer network that was originally used to handle motor vehicle licensing to report election results.

--In Pinellas County, Fla., a cutting-edge software program to put voters' signatures on computers so that petition signatures can be checked electronically against those on the registration records.

Steps to encourage a new professionalism are being taken in many places.

In Vermont, the secretary of state's office runs seminars and has put out a training manual and videotape aimed at helping town clerks become more sophisticated in running elections.

In Florida, the state boosts election supervisors' salaries by \$2,000 a year once they have received a certain number of hours of instruction in subjects relevant to running elections, including computer courses, management seminars, and courses on election laws.

Base pay is improving, too. Many large cities now offer \$50,000 to \$60,000. Orange County, Calif., advertised this year for a new election director with a salary that could go as high as \$68,000. Los Angeles pays up to \$71,000.

A final spur to more professionalization is the increasing sophistication of candidates and political groups in the use of technical violations of election laws to challenge balloting results.

``All of us are constantly in court,'' says Conny McCormack, registrar of voters for San Diego County, Calif. ``So election officials are getting more careful about following the letter of the law.''

SOME DOGS NO LONGER WILL GET THEIR DAY

The old common law rule that every dog gets one free bite is on its way out.

Dogs biting man are news again, and publicity about pit bull attacks across the country is pushing public officials to look for ways to get tough on vicious dogs.

Most public ordinances now permit a dog to bite one person before the dog is labeled vicious -- the free-bite rule. But as many as 200 cities may now be reconsidering their vicious animal ordinances, according to estimates by the Humane Society of the United States. Some have already acted.

The trend, said the Humane Society's Kate Rindy, is toward ``breed-specific ordinances,'' which means the ordinances automatically classify pit bulls as dangerous regardless of their past history.

``Pit bull'' is a generic term used to describe several breeds of dogs, including the American pit bull terrier, the Staffordshire terrier, and the bull terrier.

One of the first ordinances to target these dogs was passed in Shawnee, Kan., two years ago. City Clerk Debra Howell said a pit bull attack in a nearby town prompted local officials to ban new pit bulls and place severe restrictions on owners of pit bulls already in Shawnee.

The ordinance requires owners of pit bulls to license their dogs, show proof of \$100,000 liability insurance, and provide the city with pictures of their dogs every year -- a strategy to keep the owners from acquiring new pit bulls to replace dogs that die.

Shawnee also requires the dogs to be leashed and muzzled in public or penned in covered cages outdoors.

In Aurora, Colo., local officials considered the idea of a breed-specific ordinance aimed at pit bulls but decided that would make them vulnerable to a court challenge. Instead, said City Clerk Donna Young, they broadened their dangerous-animals law to allow the city to take action against dog owners -- regardless of breed -- for ``terrorism'' without provocation. As an example, Young said that owners now can be held responsible for dogs that lunge at people, even if the dogs don't bite.

What that does, said Young, is allow officials to take action against a dangerous animal before it has a chance to injure anyone.

As the various new vicious-dog laws make their way through the courts, officials at the Humane Society predict that ordinances like Aurora's are much more likely to hold up against legal scrutiny than those that target a specific breed.

And, said Rindy, they also will solve a number of problems. She noted that many dangerous dogs are not registered under any breed, so would not be covered by an ordinance specific to pit bulls. She also said that a better way to get around the fact that the first bite can be fatal is to craft the ordinance to allow actions against a dog with a history of threatening behavior.

Finally, the Humane Society recommends that state laws -- such as Washington state's new one allowing felony charges to be brought against an owner whose dog is involved in a fatal attack -- are the most effective deterrent to dog attacks.

As states and cities continue to look for reasonable solutions to the pit bull problem, the International Institute of Municipal Clerks is offering its assistance.

Staffer Kathy Vandervort said the institute's new guide to ordinances dealing with dangerous and vicious dogs ``is going like hotcakes.'' The guide is a 26-page booklet that includes sample ordinances from

around the country. It is available from the International Institute of Municipal Clerks, 160 North Altadena Drive, Pasadena, Calif. 91107, for \$5.

MASSACHUSETTS' ET RESULTS EARN PRAISE AND WARNINGS

The Massachusetts Taxpayers Foundation, following a study of the state's widely praised ET program, has some new praise of its own, but also some warnings.

ET, officially the Employment and Training Choices Program, aims to get welfare recipients trained and into jobs. The taxpayers group found that it had saved the state \$150 million by doing just that since it started operation in October, 1983. Furthermore, the group said, the ET graduate with a job is earning \$96.31 a week more than welfare payments plus food stamps, though most of the extra cash would go for day care.

The taxpayers group also concluded that the success of ET may not continue at the same pace. It noted that welfare recipients who came through the program in the early years were ``the most readily employable people in the AFDC population,' ' 72 percent of them high school graduates, compared with 60 percent today. In addition, as has been emphasized by others who are skeptical about the success of ET, Massachusetts' low unemployment rate has made a difference.

``ET is not like a piece of software that can be loaded into any state welfare system and run smoothly,' ' the study concluded. Private-public cooperation has also been critical. ``Several large employers have helped design state-run training programs for basic skills and have then continued to train the ET graduates they've hired.' '

SUPER COLLIDER SUITORS SPEND MILLIONS ON GAMBLE

It is one of the most expensive courtships in the country's history.

Twenty-five states have spent more than \$32 million trying to persuade the Department of Energy that they should be the site of the proposed Superconducting Super Collider (SSC).

There's no question that the SSC is quite a catch. At 52 miles in circumference, it will be by far the world's largest and most powerful particle accelerator, a \$4.4 billion high-energy research project that will boost the host state's economy, providing up to 4,500 jobs during construction and employing 2,500 once it's up and running.

The first round of proposals, delivered to the department in early September, run to eight volumes each and contain information ranging from geological and seismic data to facts about power, water and sewage facilities and the quality of the schools and cultural resources. The 25 original proposals will be winnowed to five or six by a special panel of the National Academy of Sciences, with the announcement of the winner expected in July, 1988.

Illinois has spent the most on its bid, \$4.5 million, followed by California at \$4 million, New York at \$3 million, and Texas and Ohio at \$2.5 million each. Arizona, Colorado, North Carolina, Oklahoma, and Utah each have spent more than \$1 million.

The spending won't be over for the states that make the final cut. For one thing, the federal government requires that the land the facility is built on be donated to it. Some states are exploring other ways to boost their chances, such as building new infrastructure around their proposed sites, offering bargain rates on utilities, improving schools, or hiring new university faculty. But Congress has

yet to give any clear sign that it will back the super collider with the necessary appropriations, although all the states involved have been lobbying their own congressional delegations.

``We feel we have to go after things like this,''' says Lawrence Glazer, legal counsel to Democratic Gov. James Blanchard of Michigan, which is spending about \$900,000 on its proposal. ``You're buying a ticket that at worst is a lottery ticket, with the prize amounting to several billion dollars.''

YES VIRGINIA, THERE'S CASH IN INLAND PORTS

Dropping anchor isn't what -- or where -- it used to be.

North Carolina has two waterless ports -- known in the trade as intermodal terminals because they combine rail or truck transport with access to waterways. Both ports, one at Charlotte and one at Greensboro, have been rousing successes. William T. Stover, spokesman for the North Carolina Ports Authority, said that two years ago about 35 percent of the goods exported from the state passed through North Carolina ports. Today, that percentage has risen to about 58 percent.

The inland ports are successful because they make shipping easier and cheaper. Once the shippers deliver their goods to the inland terminals, the state takes care of transporting the goods the rest of the way. In addition, the state can charge less because it gets a volume discount from the railroads and truck lines and because it makes sure the trucks or railroad cars that travel to and from the inland terminal never travel empty.

The North Carolina success took some shipping business away from the Virginia port of Hampton Roads. Now Virginia, too, will delve into intermodalism, with its sights set on Baltimore's business.

Virginia officials say they will open the third state-operated inland port in the United States, in the old railroad town of Front Royal about 65 miles west of Washington, D.C., sometime next summer.

NRC TO CHANGE THE RULES ON NUCLEAR PLANT LICENSES

It's everyone's nightmare:

A major accident at a nuclear plant. Panicked citizens clog the roads trying to escape. Chaos becomes catastrophe.

To prevent the nightmare, federal regulators in 1980 conditioned the licensing of a nuclear power plant on the development, with state and local cooperation, of an emergency evacuation plan for nearby towns and cities.

Now that Massachusetts and New York have effectively vetoed licensing for the Seabrook and Shoreham nuclear power plants by refusing to cooperate in developing these plans, the Nuclear Regulatory Commission wants to change its rules and license the plants anyway.

Both states are poised to challenge such a rule change in court as inconsistent with the Atomic Energy Act, the nation's basic nuclear energy law, and the intent of Congress that safety should be a major consideration in the licensing decision.

The states contend that a mass evacuation in such a densely populated area is not possible, that no emergency plan can be devised to give residents adequate protection in the event of an accident.

The NRC sees this argument as just one more variation on the two states' overall opposition to the plants.

Adopted by the NRC in August, 1980, following the Three Mile Island accident, the rule has operated effectively. Evacuation plans have been completed at almost every nuclear power plant in the country.

But in the cases of Seabrook and Shoreham, the delay has worn the NRC's patience thin.

Under the proposed new rule, the NRC could proceed with licensing a plant if the operating utility could show that it had taken steps that effectively compensated for the lack of state and local government cooperation.

Congress is staying out of the matter for now. Early in August, the House, 160-261, rejected a proposal that it forbid the NRC to make this change.

STATES ARE PROVIDING DAY CARE FOR OWN WORKERS

Child care is fast becoming the newest form of employee benefit provided to state and local workers. Connecticut recently became at least the sixth state voting to provide on-site day care for statehouse employees and the first to make it available to the legislators themselves and to people attending public hearings. States that acted earlier to provide day care for legislative employees include Arizona, Maryland, Ohio, Washington, and Wisconsin.

In five other states -- Florida, Illinois, Iowa, Massachusetts, and Utah -- the legislatures have provided on-site day care facilities for other state workers but not for their own employees.

Thirty-three states are either offering or planning some form of child care-related benefits for their employees.

California operates 10 sites and includes child care in its employee benefit plan; Illinois gives employee deductions for child care; New York, with the nation's oldest program, begun in 1979, offers child care to legislative and other state employees on a sliding fee basis through contracts with local providers in 31 sites across the state.

Interest in child care is growing in county governments as well. After employees of San Jose County, Calif., said the lack of after-school care was their biggest child care problem, the county made arrangements for it with the local school district. In Milwaukee County, Wis., county supervisors learned there was a need for child care for employees of the courthouse, safety building, and museum complex. As part of a joint venture with an intergovernmental commission, the county now provides the space, utilities, and security services for a child care center, half of whose users are county employees.

Prince Georges County, Md., made an agreement with a nearby church to serve as a child care site for county employees, and a shuttle service from county buildings lets parents eat lunch with their children.

So far the only complaints seem to be that the numbers being served are still very small -- waiting lists are common -- and programs for infants are rare.

YOUNG OFFENDERS GET 'BOOT CAMP' INSTEAD OF JAIL

In these days of the all-volunteer military, you don't much hear, ``The Army'll straighten you out'' from parents with trouble-prone sons.

But the idea has taken on new life among state legislators who think that a military regimen may be just the thing for young men in trouble with the law.

Following the example of several southern states, legislatures in New York, Michigan, and Florida this year established ``boot camp'' programs for younger offenders; Colorado narrowly missed passing one when its bill got entangled in politicking over related legislation.

Other states are considering the idea.

The model for many of the programs is Georgia's, which was established late in 1983. Felony offenders between the ages of 17 and 25 who have never been in prison, rather than being sentenced to jail, can instead serve a 90-day term in one of the state's two ``boot camps.'' There, they rise at 5 A.M., clean up their living area, go through inspection, march everywhere, speak only when granted permission, are on work detail until mid-afternoon, and do at least an hour of military calisthenics. There is also time set aside for drug, alcohol, or psychological counseling. If they successfully complete both the program and the terms of their parole, then they have no prison terms on their records.

The daily cost of keeping a ``boot camp'' prisoner is the same as that for a regular prisoner, so Georgia officials estimate that the program has saved them several millions of dollars, since they hold enrollees for less time than they would otherwise.

Louisiana's program, which was established in 1986, places more stress on counseling, can last up to six months, and includes intensive supervision once the offender is released on parole. Though the Georgia program is run on prison grounds so that its inmates can get a feel for what being a prisoner is like, several other states have decided to keep their camps separate.

So far, the whole notion seems more popular among politicians than with corrections officials. The Michigan program, which has yet to be funded by the Legislature, passed with only lukewarm support from the state corrections department. ``We just had trouble believing a 90-day program would be enough to make a change in someone's life,'' says department spokeswoman Gail Light. Colorado's corrections department also expressed some hesitation about the idea.

DELAWARE DROPS VOTE-SELLING OATH

Delaware's legislators have lightened up their constitutional oath of office.

They have deleted the portion of the oath that required them to swear to never having bought or sold a vote, and substituted a promise that they will do their jobs ``to the best of my ability.'

The new oath, which became a constitutional amendment this summer after its approval by two consecutive General Assemblies, was sponsored by Del. Charles L. Hebner.

In the new oath, the legislators acknowledge that their powers ``flow from the people I am privileged to represent'' and promise to put the public interest above other interests. The old oath was more specific. They had to promise they had not ``directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote.'

Said Hebner: ``I've been sworn in seven times now, and what should be a bright and shining moment is ruined the first time you stand up before your family and swear you didn't buy a vote or sell a vote to another guy. It gives a totally negative tone to what should be a positive moment.'

Other states are sticking with their traditional oaths. Texas legislators still swear that they haven't bought or sold votes. And in Kentucky, members of the General Assembly still pledge that they have never fought in a duel or acted as second in a duel.

CITY TRAFFIC PROBLEMS EXACERBATED BY SHORTAGE OF TRAINED ENGINEERS

Cities, towns and counties trying to come to grips with their traffic problems have a new headache -- hiring someone to deal with them.

This year, Tallahassee, Fla., looked for eight months before it found someone with the necessary experience in traffic operations. ``The last time we hired, in early 1985, we had twice as many qualified applicants,'' says Buddy Holshouser, the assistant director of public works.

Other cities have had similar trouble filling an open position this year. Somerville, Mass., and Modesto, Calif., have been searching since this spring.

``There's no question that there's a shortage,'' says Michele Waxman Johnson, technical projects engineer at the Institute of Transportation Engineers (ITE) in Washington, D.C. ``More and more jurisdictions are looking for traffic directors and having a heck of a time finding one.''

Part of the problem is that local governments have a hard time competing with the salaries that private consulting firms can offer. A 1985 survey by the ITE found that the median yearly salary for a local traffic director was \$37,964, compared to the \$43,318 that a traffic engineer could earn in private industry.

But local governments also have been caught by a trend entirely outside their control -- universities are turning out fewer traffic engineers to begin with, part of an overall drop in students' interest in civil engineering.

``Lots of students are going into engineering,'' says Prof. Harold Michael, chairman of Purdue University's School of Civil Engineering. ``But they're not paying attention to civil engineering, because there are other fields that seem to have a lot more pizzaz.''

The efforts to boost the ranks of traffic directors have focused largely on attracting more students to the field. The ITE is encouraging its members to attend local high school career nights to talk up the profession. Michael, who chairs an ITE committee looking into the problem, urges active recruiting by universities.

But those are long-term solutions whose effects won't be felt for several years. In the meantime, local traffic departments are going leaderless. Pleads Modesto's outgoing traffic director, Doug Carmody, at the end of a discussion about his search, ``If you find any likely ones and they're breathing, give them my name and number.''

ECONOMY MAY BENEFIT NORTH DAKOTA'S EMPLOYEES

According to an unusual new law, North Dakota's economic fortunes will now determine the size of its state employees' future paychecks.

Under the measure, state employees will get a raise of slightly more than 2 percent in January, 1989, only if the state's revenues are at least \$4.4 million more than the legislature is currently forecasting. If the state's economy picks up significantly and revenues exceed the projection by more than \$8.8 million, the raise will become retroactive to July 1, 1988.

``This is a way of saying that as long as the economy is down, we're willing to sit on the existing salary,'' says Thomas Tupa, executive director of the North Dakota Public Employees Association (NDPEA), which represents 3,500 of the state's 12,000 workers. ``But if it improves, we want to share in it.''

State employees got a 4 percent raise in 1986, but this year faced considerable opposition in the legislature to any further increases.

Although the NDPEA worked with state legislators in drafting the pay raise proposal, not all of its members are happy with it. ``I've

gotten calls from some excellent employees who are leaving for other states where they think the opportunities are better," Tupa reports.

When they arrive, they are unlikely to find any measures like North Dakota's. City employees in Detroit have been working under a similar plan since 1983, but "it's not typical in the public sector," says Lee Saunders, assistant director of research for the American Federation of State, County and Municipal Employees.

ALASKA LEGISLATORS MUST IDENTIFY THEIR ROOMMATES

The Alaska Legislature's Select Committee on Legislative Ethics has decided that when two people share the same living space they are "intertwining" their personal finances.

So from now on, legislators and staff members will have to reveal when they are living with each other or with another public official or a lobbyist.

Under the state's legislative ethics code, legislators and staff members are required to reveal any "close economic association" involving "a substantial financial matter." The committee has concluded that sharing payment of rent and utilities falls into that category. The decision applies only to people living together during the Legislature's 120-day session.

The effect so far appears to have been muted. "The people it didn't apply to were just amused," says Charles Christensen, counsel to the ethics committee, "and the people it did apply to didn't really care." About the only disclosure that drew any comment in capitol corridors was the revelation by a Senate staffer that he was still living with his mother, who is a member of the state House.

IT MAY NOT EXACTLY BE MICHAEL JACKSON ON MTV BUT THIS VIDEO ROCKS SUPERMARKET FISH COUNTERS

Four hundred pounds of dead fish are the unlikely stars of the latest video making its way across the country.

That, at least, is how much seafood went into a new promotional venture launched by Virginia's Marine Products Board and the Food Marketing Institute (FMI).

Both groups are convinced that people are hesitant to buy fish because they're not sure what to do with it once they've got it. So, with some help from the fishing industry, the two organizations have collaborated on a half-hour video showing shoppers how to shop for fish, prepare it, and get rid of the smells that inevitably accompany the process.

"It was obvious to us that consumers out there really need more information on fish preparation and handling," says Karen Ribler, manager of education at FMI, an umbrella organization of food retailers.

Designed to run on video screens by a supermarket's fish counter, the tape, which cost about \$15,000 to produce, is sold through FMI to stores for \$50 apiece.

In a trial run at a Farm Fresh supermarket in Virginia Beach, Va., it boosted fish sales by about 10 percent, according to Susan Mayo, consumer affairs director for the chain. So far more than 350 of the tapes, called "Simply Seafood," have been sold.

Retailers are not the only ones who stand to gain from the effort. Virginia's \$400 million fishing industry ranks third, behind Louisiana and Alaska, in terms of pounds of fish sold, because of its high volume of menhaden, a fish used mostly for fish oil and fish meal. But

the state ranked ninth overall in terms of dollar value of fish produced in 1986, and could benefit from increased sales of table-quality fish.

``We want to increase distribution, and we're able to do that with a videotape like this,'' says Shirley Berg, director of the state's marine products board.

``Americans have grown up with television, and they're looking for more excitement in a grocery store,'' she says.

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Paper: News-Press, The (Fort Myers, FL)
Title: As set up, charter panel is ineffective
Date: August 1, 2007

While I mean no disrespect to the recently **appointed** 15-member Lee **County Charter** Review Committee, its time and effort could be better spent elsewhere.

This is because the committee serves as an advisory body to the five commissioners who **appointed** them, and it lacks the power to place its recommendations directly on the ballot.

This is not the case in 15 of the 19 **Florida charter counties** where an **appointed Charter** Review Commission's recommendations go straight to the ballot for voter approval.

Lee **County** voters approved a **county charter**, or **home rule**, in 1996 after three failed attempts. **Home rule** permits citizens, by their vote, to change local **county** governmental structure instead of having to petition the state Legislature for desired changes.

The greatest drawback in our **charter** was the controversial compromise decision by its framers to create an advisory committee, rather than a commission, to review the **charter** every four years for recommended changes. Thus the exclusive right to place those recommendations, or its own recommendations, on the ballot was reserved for the **county** commission. The only exception is a petition process that requires signatures from 7 percent of registered voters -- an almost impossible barrier.

CONFLICT OF INTEREST

As can be seen from the experiences of the 2000 and 2004 **charter** review committees, there is a direct conflict of interest on the part of **county** commissioners who can keep off the ballot any recommendation that modifies or dilutes their power, salary, term of office and the method in which they are **elected**. In addition, a political party, disliking a particular recommendation, can exert pressure on a commissioner. Unlike the **county's** five cities where officials are **elected** on a nonpartisan basis, commissioners run on a party ticket.

The 2000 committee made four recommendations, three of which were rejected by the **county** commissioners. Only the recommendation to limit ordinances, by petition, to a single subject was approved by the commission and, subsequently, by the voters. Former **County** Commissioner Andy Coy, who voted down all four proposals, took the position that he could not place any recommendation before the voters that he did not personally support.

The recommendation to require the nonpartisan election of the supervisor of elections, to eliminate any possible claim of favoritism, was rejected by a 3-2 vote when Commissioner Ray Judah, up for re-election, bowed to Republican party pressure. Undoubtedly if any Democrats had been in office, they would have been subjected to similar party pressure.

The recommendation to change the **charter** review committee to a commission, approved by an 11-3 margin, was also rejected by **county** commissioners by a 3-2 vote. In 2004 the same recommendation, while receiving a majority vote, failed to win the 10 votes required to place it before the **county** commission.

Committee member Gary Lee, a former United States congressman from New York and the Republican **county** chairman, continually emphasized that, "Only an **elected** commission should have the right to place changes in government on the ballot". The counter argument that the committee was not making changes, but simply giving the voters the opportunity to do so, failed to sway Lee or his supporters.

MINOR ISSUES

Since its adoption in 1996 only minor, inconsequential changes have been made to the **charter**. Whether more significant changes are needed is debatable.

Personally I would like to see the voters consider such issues as requiring at least a 4-1 vote of the **county** commission to overturn major zone change rulings by its planners and hearing examiners, and making the supervisor of elections a nonpartisan office.

There has been some speculation, due to our population jump, that the current review committee might discuss enlarging the **county** commission to seven members; an idea that was rejected by the two previous review committees because of the cost involved, which would include a larger building, and the fact that half our population now lives in incorporated municipalities.

One possible way to end the ongoing debate, over the present at-large districts versus single-member districts, is a compromise that has three single-member districts, drawn roughly along school zone lines, with two commissioners **elected** at-large.

Probably none of these issues will reach the voters until the veto power of the **county** commission is removed. Until that day, every four years a new **charter** review committee will go through the charade of examining the **charter**, inch by inch, and interviewing **county** commissioners and constitutional officers for their input, in countless meetings over a 13-month period.

My advice to the committee is to save your time and the taxpayers' money by concentrating on one recommendation -- changing the committee to a commission.

With the publicity this would generate, the commissioners would have a difficult time keeping this recommendation off the ballot in November 2008.

-- Rick Diamond, a Fort Myers resident, chaired the Lee **County Charter** Review Committee in 2000 and 2004.

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Section: *OPINION*

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Paper: Florida Times-Union, The (Jacksonville, FL)
Title: Charter government has some drawbacks, too, officials are told
Date: July 14, 2007

While a charter government in St. Johns **County** could give residents more power over their elected politicians, a state official said Tuesday that sometimes that authority can backfire.

Virginia Delegal, general counsel with the Florida Association of **Counties**, gave a presentation to the **County** Commissioners Tuesday on charter government.

Delegal said that many citizens respond well to charter government because, ultimately, it gives them more control over their elected officials by allowing them to establish term and campaign finance limits and recall provisions.

"It transfers state powers to local entities on issues that are of local concern," Delegal said.

A group of Ponte Vedra Beach residents had been pushing a draft of a charter government they developed to go to a special election. In April, the commissioners agreed to put the charter option on the ballot in 2008. In the meantime, they promised to hold public informational meetings about charter government.

Delegal said that there have been instances where the charter government's local power shift can actually limit the **county**. For example, she said that in **Sarasota County**, the residents amended their charter so the **county** could not increase taxes without a referendum. She said the **county** had already approved bond funding for several projects before the charter was passed and the funding had to be scrapped because tax rates would have been affected and there hadn't been a referendum. She said the **county** and residents lost out on funding for some important local projects.

In addition, Delegal said that, under a charter government, constitutional officers' roles can remain the same, be altered or eliminated altogether.

At first, St. Johns **County** constitutional officers - the tax collector, clerk of courts, supervisor of elections, **sheriff** and property appraiser - opposed the charter because they were concerned their job duties would be changed. The Ponte Vedra Beach residents who drafted the charter ensured that they wouldn't change their offices and the constitutional officers issued their support.

Finally, Delegal said **counties** with a high population and high growth are more likely to be charter **counties**, such as Miami-Dade, Palm Beach and Duval **counties**. Of the 67 **counties** in Florida, 19 have charter governments.

In June, the **county** held the first charter meeting at Bartram Trail High School. On Wednesday, the **county** will hold a second session at the Hastings Community Recreation Center, at 400 E. Harris St., at 6:30 p.m.

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Page: L-8
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Paper: FLORIDA TODAY (Melbourne, FL)
Title: Florida voters have more to pick at polls
Date: July 16, 2004

Counties must elect 5 officers

JOHN McCARTHY

Florida Today

In November, Florida voters will be asked to choose the next president, as well as a new U.S. senator.

But voters new to Florida likely will cast their first votes for offices such as property appraiser and tax collector, offices not normally on the ballot in other locations.

The Florida Constitution requires every **county** to have five elected "constitutional officers." The **sheriff** is the most visible of the five. But the other four all play important roles in local government.

The other four constitutional offices are:

- property appraiser
- clerk of the circuit court
- tax collector
- supervisor of elections

In many parts of the country, these are **appointed** positions, generally occupied by people with expertise specific to the office. But Floridians, in a tradition going back to the end of Reconstruction, elect these officials once every four years.

Critics call the system antiquated, while proponents say it gives the voters a once-every-four-year opportunity to boot out those who are performing poorly.

The history of electing these officials reflects the state's long-standing tradition of spreading power among as many different elected officials as possible. This came about as a reaction to the tremendous power **appointed** military commanders had in the years following the Civil War.

After federal troops pulled out of the state in the early 1880s, the state wrote a new Constitution that called for local election of these officials, while at the same time instituting a poll tax that prevented most blacks from voting.

The biggest criticism of electing constitutional officers is that candidates need not have any experience in the fields in which they are running. Unlike most other elected officials, these folks don't set general policies that are then carried out by professional staffs. Instead they actually have to run large, technical agencies with very specific missions.

"One of the things that is striking about it is you are putting into place (an) elected official who may not have the background of running a large agency," said Lance deHaven-Smith, a political science professor at Florida State and co-author of the book, "Government in the Sunshine State."

He points to Miriam Oliphant as an example. Oliphant was elected supervisor of elections in Broward **County** in 2000. Oliphant, who had no elections experience, had been a member of the Broward School Board before then. After a series of election fiascos, Gov. Jeb Bush took the rare step of suspending her.

"It is a system that is badly in need of modernization," deHaven-Smith said.

He said there have been efforts over the years to change the way these offices are selected. Each time, **sheriffs** -- among the most powerful politicians in the state -- derailed those proposals.

Defenders of the current system say elections keep these officials free from political influence.

"The voters in the state wanted it that way. They want checks and balances," said Jim Todora, the **Sarasota County** property appraiser and president of the Florida Association of Property Appraisers.

Todora also pointed out many of the people elected to these offices are experienced professionals in their fields. Todora himself has 30 years' experience in property appraising.

Orange **County** Supervisor of Elections Bill Cowles is president of the Florida State Association of Supervisors of Elections.

"We are administrators of law, we are not policy makers . . . Many people think we have a lot of latitude, but we really don't."

He also agrees having elected officers is a good thing. "Ideally, it takes the politics out of the position."

There is one change his association supports, though. The supervisors believe their position should be nonpartisan. Currently, supervisors run as members of political parties.

The state gave **counties** some leeway to change the current system when it allowed **counties** to adopt home-rule **charters**. Those **charters** can do away with the elected positions and pass on the duties to **appointed** officials. But with the exception of Volusia **County** doing away with an elected tax collector, that hasn't happened. And deHaven-Smith doesn't expect any large-scale changes anytime soon.

"It goes back to wanting a **sheriff** that the people knew."

Contact McCarthy at 752-5018 or jmccarth@flatoday.net

CAMPAIGN 2004

Any would-be candidates for **county** office have until noon today to file the qualifying papers. The cost of filing ranges from \$6,557.04 for supervisor of elections to \$8,066.28 for **sheriff**. Candidates must file their papers at the Supervisor of Elections Office in Titusville.

WHAT THEY DO.

See job descriptions for each position, 4B

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Paper: Sun-Sentinel
Title: REVISE STATUS OF 4 OFFICIALS
Date: October 17, 2001

One of the least understood, most controversial and most vital reforms facing the Broward **Charter** Review Commission is to transform four elected "constitutional officers" into "**charter** officers."

Voters now elect them countywide. Any 18-year-old voter can run for **sheriff**, clerk of circuit court, supervisor of elections and property appraiser. Non-**charter counties** must retain them with generic, one-size-fits-all powers and a method of selection set decades ago by state legislators.

But as a **charter county**, Broward should flex its unused "home rule" muscles to design a unique, unified and cohesive governmental structure attuned to specific, local, modern needs.

In Miami-Dade, Volusia, **Sarasota** and Duval **counties**, having **charter** officers has streamlined government, improved inter-agency communication and cooperation, cut wasteful and duplicative spending and upgraded those officials' qualifications. The CRC should put a **charter** amendment on the ballot asking Broward voters to switch to **charter** officers.

Ideally, these officers would be **appointed** department heads under an elected **county** mayor and **county** administrator. They would have to meet minimal educational and job experience requirements and demonstrate professional skills, not ability to raise campaign funds and win votes.

We don't elect police chiefs, the head of the FBI, the Florida Highway Patrol or the Florida Department of Law Enforcement. In appellate courts, clerks are hired by the chief judge. Elections supervisors perform strictly record-keeping and administrative functions. Property appraisers have to adhere to state laws, not voter whims.

But the CRC appears unlikely to support a switch to appointments. So if the four are retained as elected **charter** officers, the CRC should also ask voters to add term limits, like the 12-year limits it places on **county** commissioners, and nonpartisan elections, to make voters focus more on leadership skills than party labels.

Naming the four as **charter** officers, **appointed** or elected, would open the door to other desirable **charter** amendments, including revising their duties and providing checks and balances to match current Broward needs for service.

Charter officers also should be subject to joint budgeting, purchasing, personnel and other common administrative services of the **County** Commission. Above all, they need to be subject to the scrutiny of a tough independent financial watchdog, a **county** comptroller or inspector general.

Terry Santini, among other CRC members, seems unduly concerned that these reforms would be like "kicking a beehive around," making four popular, powerful constitutional officers unhappy. Their happiness is not the issue; good government structure is.

Caption:
BOX: WHAT TO DO

The next **Charter** Review Commission meeting will be Thursday at 9:30 a.m. in Room 302 in the **county** Governmental Center, 115 S. Andrews Ave., downtown Fort Lauderdale. For more information, phone 357-6011 or check this Internet Web site, <http://www.broward.org/charter>

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Paper: Sun-Sentinel

Title: 'MERGER' OF CONSTITUTIONAL OFFICERS INTO COUNTY WILL SERVE CITIZENS WELL

Date: February 25, 1995

Welcome winds of political reform are starting to blow in Palm Beach **County**.

They keep aloft the promise of demolishing some independent political kingdoms and replacing them with a more streamlined, effective and accountable government structure.

The Palm Beach **County** Municipal League deserves public and political support and encouragement in its efforts to study whether several constitutional officers - the **sheriff**, court clerk, property appraiser, tax collector and elections supervisor - should be placed under control of **county** government.

The League's Directions Committee plans to meet with those officials next month, then report back to the League on March 22.

A truly independent, unbiased and thorough study of this issue cannot help but reach one conclusion: Palm Beach **County's** **charter** should be amended, first to make these officials **county charter** officers and eventually **appointed** department heads.

There's nothing revolutionary about this idea. Four of Florida's 11 **charter counties** - Volusia, **Sarasota**, Duval and Dade - long ago switched to making most of these officials **appointed charter** officers. The reform goals elsewhere were improved communications, cooperation, efficiency, decision-making and problem-solving and the abolishment of unnecessary independent political kingdoms.

Whether or not they become **appointed**, they should be made **charter** officers. As such, voters can:

- Require them to meet certain minimal educational, training and job experience standards. At present, any **county** resident and voter aged 18 or older can win election.
- Make the office they serve into a department of **county** government, under the **County** Commission, with the powers now granted to them individually by state law transferred by **charter** amendment to that department.
- Fine-tune their duties and responsibilities from the generic ones defined by state law decades ago to those designed to meet the unique challenges of Palm Beach **County** as it approaches the 21st century.
- Reduce duplication of effort and save money by requiring **charter** officers to join **county** department heads in using **county** financial and administrative services such as finance, personnel, payroll and purchasing.
- Give **county** commissioners ultimate authority over the **sheriff's** budget. At present, he - alone among constitutional officers - can appeal **county** budgetary decisions to the state Cabinet.

A desire to protect an outddated political status quo should not stand in the way of a sensible **charter** reform that offers increased professionalism, improved management, tighter financial controls, less political gameplaying and improved services to the public.

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CRTF

Issues 2 & 3

Charter Review 2007		Salary and Benefits		Length of Term/Term Limitations		Limitations on Outside Employment	
Counties	Executive	Commissioners	Executive	Commissioners	Executive	Commissioners	Commissioners
Miami-Dade, FL	\$291,464 annually; Set by Board of County Commissioners	\$6,000 annually; plus reasonable and necessary expenses as approved by the Board; Set by Charter	4 year term; 2 term limit	No term limit	No limit	No limit	
Orange, FL	\$142,608 annually; Set by ordinance	\$63,384; Set by ordinance	4 year term; 2 term limit	4 year term; 2 term limit	Unspecified	Unspecified	
Duval / City of Jacksonville, FL	\$172,823 annually, based on the average of the Constitutional Officers, plus 20%; county vehicle provided	\$44,579; Municipal code states Commissioners are paid one-half of the amount allowed by Florida Statutes, Chapter 145	4 year term; 2 term limit	4 year term; 2 term limit	Considered full time	Considered part-time; Outside employment is permitted	
Montgomery, MD	\$163,000 annually; Provided driver for personal vehicle; Set by Council	\$84,000 annually; Council President \$93,000; Plus health and retirement benefits; Set by Council	4 year term; No term limit	4 year term; No term limit	No limit	No limit	
Cook, IL	\$170,000 annually; \$1,200 monthly contingency; County health and retirement benefits; Set by resolution and approved by state	\$85,000 annually; \$1,200 monthly contingency; County health and retirement benefits; Set by resolution and approved by state	4 year term; No term limit	4 year term; No term limit	Considered full time	No limit	
Wayne, MI	\$178,000 annually, tied to % of Governor's salary; County health and retirement benefits	\$68,000 annually, tied to % of CEO's salary; County health and retirement benefits	4 year term; No term limit	2 year term; No term limit	Considered full time	Considered part-time; Outside employment is permitted	
King, WA	\$170,251 annually (1.5 x Commissioner salary); County vehicle and security detail; health and retirement	\$113,501 plus 3% increase annually; medical/dental/vision; retirement opt.in system; set by ordinance	4 year term; No term limit	4 year term; No term limit	Considered full time	Considered full time	
Baltimore, MD	\$150,000 annually, plus County vehicle; Set by Commission every 4 years	\$54,000 annually for Commissioners, \$60,000 annually for the Chair/ with standard mileage reimbursement; Set by Commissioners every 4 years	4 year term; 2 term limit	4 year term; No term limit	Not permitted	Considered part-time; outside employment permitted	

Elected Executive/Commission

Charter Review 2007	Salary and Benefits		Length of Term/Term Limitations		Limitations on Outside Employment	
	Mayor/Chair & Commissioners		Mayor/Chair & Commissioners		Mayor/Chair & Commissioners	
Broward, FL	Each commissioner (including Mayor and Vice Mayor) \$91,996 with \$200 auto allowance; In accordance with Florida Statutes, Chapter 145		4 year term; 3 term limit		Considered part-time; Outside employment is permitted	
Palm Beach, FL	\$91,966 with \$550 auto allowance; In accordance with Florida Statutes, Chapter 145		4 year term; 2 term limit		Considered part-time; Outside employment is permitted	
Hillsborough, FL	\$91,966 with \$600 auto allowance; In accordance with Florida Statutes, Chapter 145		4 year term; 2 term limit		Considered part-time; Outside employment is permitted	
Pinellas, FL	\$87,565 with option of mileage reimbursement; In accordance with Florida Statutes, Chapter 145		4 year term; No term limit		Not permitted	
Los Angeles, CA	\$171,684 annually - Same as Superior Court Judge for LA County, plus retirement benefits for LA County employees		4 year term; 3 term limit		Board members must devote all their time during business hours to faithful service of the public	
Mariocopa, AZ	\$67,800 annually; Set by State statute; Health benefits		4 year term; No term limit		Considered full time, but no limitation on outside employment	
Orange County, CA	No Response		No Response		No Response	
San Diego, CA	\$137,318 annually, based on 80% of a state superior court judge's salary; \$1,000 per month car allowance; health benefits County Judge - \$147,935 annually; Commissioners - \$121,924 annually; Commissioners and Judge are allowed \$175 per month for auto allowance; Salaries for all elected officials are set as part of annual budget process		4 year term; No term limit		Considered full time	
Dallas, TX	\$71,126 annually; Mileage reimbursement; Health and Retirement; Longevity pay; Set by Board		4 year term; No term limit		Considered part-time; Outside employment is permitted	
Clark, NV	\$59,000 annually (Starting Jan 1, 2008 salary will be \$75,000); Expenses for other items are included in commissioners overall budget; Salaries are voted on every 4 years by Board		4 year term; 3 term limit		Considered part-time; Outside employment is permitted	
Fairfax, VA	Chair \$40,500 annually; Commissioners \$39,268 annually; travel expenses up to \$12,300 annually; Salaries are set by Board		4 year term; No term limit		Considered part-time; Outside employment permitted	
Fulton, GA	Chair \$25,878 annually, with \$7,200 expense account; Commissioners \$20,702 annually, with \$6,600 expense account; Commissioners and chair receive \$2,900 technology expense account and \$3,528 travel allowance		4 year term; No term limit		Considered part-time; Outside employment permitted	
Mecklenburg, NC			4 year term; No term limit		Considered part-time; Outside employment is permitted	

Commission/Administrator