

Memorandum



Date: November 27, 2007

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

From: Susanne M. Torriente
Assistant County Manager

Subject: Information Package for Charter Review Task Force – Issue 7

At its August 1, 2007 meeting, the Charter Review Task Force (CRTF) approved a list of issues, in priority order, for study during this process. As requested, research on Issue 7, the Study of Balance of Power – Mayor and BCC, has been performed.

The attached grid presents the summary findings of this effort. Staff studied the Charters of selected Florida and national comparable counties with an elected chief executive officer (CEO) responsible for the administrative branch of government, frequently referred to as a *strong mayor*. All of the counties studied can be characterized as having a *strong mayor – council with Chief Administrative Officer (CAO)* form of government, as described by Desantis and Renner:

“Cities are considered to have the strong mayor – council with CAO form when there is a mayor-council structure in which the CAO is appointed and the mayor is independently elected. Moreover, the mayor has veto power and a formal role (solely or shared) in either the budget preparation process or in the appointment of department heads.” (Desantis, Victor S. and Renner, Tari, “City Government Structures: An Attempt at Clarification,” *State and Local Government Review*, Vol. 34, No. 2: 95-104)

Additionally, staff studied three additional *strong mayor* cities at the request of Task Force Member Mayor Maurice Ferre: Philadelphia, Newark and Washington, D.C. Counties with other forms of government, such as *classic council – manager* (in which there is an appointed chief administrative officer but no independently elected mayor) or *council – manager with at-large mayor* (in which the independently elected mayor has no formal role in the preparation of the budget or appointment of department heads) were not reviewed as part of this exercise.

For each jurisdiction, the powers and duties of the elected CEO, CAO and commission, as outlined in the respective charters – or, for non-charter counties, the county code - are summarized. The powers of the CEO and commission with respect to appointment and dismissal of department directors are particularly noted for your attention. The powers and duties of the council auditor or independently elected comptroller, if any, are also noted.

I would like to thank Amy Horton-Tavera, Paul Mauriello, Cara Tuzeo, John Murphey and Tracie Auguste for pulling this data together. Staff will continue to research this issue, as well as the other issues approved by the Task Force.

c: Charter Review Task Force Members and Staff

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

County Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
Miami-Dade	2.4 million	Commission/ Executive (Mayor)	Manage all departments and carry out Commission policies; Establish departments; Veto legislation including budget or budget component; Issue administrative orders; set County Manager compensation; (Mayor, 4 year term, limited to two consecutive terms) Appointment / Dismissal of Department Directors: Appoints County Manager and department directors; may dismiss the County Manager and department directors at will.	County Manager assists Mayor in administration of County government; Prepares County Budget for review by Mayor and Commission	Legislative and governing body of the County; Appropriate funds and adopt operating and capital budgets; Override Mayor's veto by 2/3 vote; Select chairperson and vice-chairperson; Establish committees; Chairperson appoints committee members (13 single member districts; 4 year term) Appointment / Dismissal of Department Directors: Commission may disapprove Mayor's appointment of the county manager and department directors by 2/3 majority of those commissioners then in office	Commission Auditor is appointed by the Commission. Provides the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.
Orange	1 million	Commission/ Executive (Mayor)	Execution of Board policy; Manage the operation of all elements of County government, consistent with the policies, ordinances and resolutions of the Board; Serve as chair of the Board; Vote on all matters before the Board; Prepare Board agendas and submit the annual budget estimate to the Board; Serve as ceremonial dignitary for County government; Call the Board into regular or special session; Prepare administrative regulations for approval by the Board (Mayor, 4 year term; limited to two full consecutive terms) Appointment / Dismissal of Department Directors: Appoint and dismiss the County Administrator; heads of county departments, divisions and other agencies, subject to confirmation by the Board	County Administrator assists the Mayor in the daily management of the County	Originate, terminate and regulate legislative and policy matters; Approve annual operating and capital budgets; Conduct studies in the operation of County programs and take actions for improvement; Elect a Vice Mayor to serve as official representative and ceremonial dignitary in the absence of the Mayor, may preside at Board meetings and execute documents approved by the Board (6 single member districts; 4 year term limited to two consecutive terms within the same district) Appointment / Dismissal of Department Directors: Confirm Mayor's appointment and dismissal of directors	Elected County Comptroller has independent audit responsibilities. The Comptroller's specific roles include serving as chief financial officer, county auditor, clerk of the board, recorder, and custodian of county funds and records.
Duval (City of Jacksonville)	830,000	Council / Executive (Mayor)	Shall be responsible for the conduct of the executive and administrative departments, the mayor shall administer, supervise, and control all departments and divisions created by the charter and departments and divisions created by the council; appointment of the directors and deputy directors (subject to confirmation by council) submit to council the annual budget (Mayor, 4 year term, 2 year term limit) Appointment / Dismissal of Department Directors: Appoints the department directors and division chiefs, subject to Council approval	The Chief Administrative Officer (CAO) oversees the day-to-day running of the consolidated government operations. He provides financial oversight and chairs the Mayor's Budget Review Committee. The CAO is appointed by the mayor and serves as a member of his staff.	All legislative powers are vested in the council, the council may legislate with respect to any and all matters which are within the powers of the consolidated government. The Council shall review budgets and appropriate money to the consolidated government and any independent agencies which request appropriations; fix the salaries of the tax collector, the sheriff, the supervisor of elections and the clerk of the circuit court Appointment / Dismissal of Department Directors: Approves appointments of department heads made by Mayor (14 single member districts, 5 at large, 4 year terms 2 term limit)	Council Auditor is appointed by the Council. Examine the accounting systems used by all offices and departments of the consolidated government and all independent agencies, and advise the Council as to whether all such systems provide for full disclosure of the financial results and adequate information for the management needs and budgetary requests of each such office, department, board and agency. Conduct a continuous internal audit of the fiscal operations of the consolidated government and all independent agencies. Submit such reports and financial statements to the Council as it may from time to time require. By ordinance, the Council Auditor also serves as contract manager for the independent external audit contract and opines on external audit findings.
Montgomery County, MD	930,000	Council / Executive	Implements and enforces Montgomery County's laws and provides executive direction to the government; Power to veto legislation, but veto may be overridden by the affirmative vote of six council members; Appointment / Dismissal of Department Directors: Appoints County Administrative Officer and department heads, subject to Council approval; Submits annual budget and a comprehensive six-year program for capital improvements for Council approval (County Executive, 4 year term)	The Chief Administrative Officer shall, subject to the direction of the County Executive, supervise all departments, offices, and agencies of the Executive Branch, advise the County Executive on all administrative matters and perform such other duties as may be assigned by the County Executive, or by the Charter.	The Legislative Branch consists of the County Council; enacts public local laws; May override legislative veto by County Executive with six affirmative votes; Elects Council President; Appointment / Dismissal of Department Directors: Approves County Executive appointments of department heads; Approves operating and capital budget as well as six year capital improvement program (5 single member districts, 4 at large, 4 year terms)	Director of the Office of Legislative Oversight (OLO) is appointed by the Council. OLO staff conduct program evaluations, budget analyses, audits, investigations, and other special studies. OLO receives assignments from the nine elected members of the County Council, which annually adopt a Council Resolution that sets forth the Work Program for the office.

Florida Jurisdictions

County Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
Cook County, IL	5 million	Council/ Executive (President)	Directs the administrative functions of the County; Presides over all Board meetings (Board President; 4 year term) Appointment / Dismissal of Department Directors: Appoints County executive officers;	Chief Administrative Officer; Chief Financial Officer; Comptroller; Chief Information Officer; Chief Health Officer; Chief Human Resources Officer; Chief Public Safety Officer, each having discrete areas of authority and responsibility	Legislative and policy making body of the County; Appoint members to standing committees; Select committee chairs and vice-chairs; Create special committees and appoint members; Approprate revenue and adopt budget (17 single member districts, one of which may also be Board President; 4 year term) Appointment / Dismissal of Department Directors: See under executive powers	County Auditor is appointed by the President of the County Board and ratified by a majority of the members of the County Board. Appointment of the Auditor shall be for a period of five years, and removal from office must be for cause and by a vote of a majority of the members of the County Board. The County Auditor's compensation and official bond shall be fixed by the County Board. The Auditor works with the external auditors on the County's annual financial audit, and performs audits of County fee departments and information systems in the County. The Auditors Office also performs special audits as directed by the County Board President and County Board of Commissioners.
Wayne, MI	2 million	Commission/ Executive	Supervise, coordinate, direct and control all county facilities, operations and functions (except those of elected officials); Implement and enforce state laws and county ordinances, resolutions, orders and rules; Veto legislation by the Commission, including line items in an appropriation ordinance; Submit a reorganization plan to the Commission for approval; (Chief Executive Officer (CEO); 4 year term; partisan) Appointment / Dismissal of Department Directors: Appoint Deputy CEO, department directors, deputy directors and all other officials not in the classified service, subject to council approval	Deputy CEO exercises the powers and duties of the CEO in his absence; Performs powers and duties delegated by the CEO	Legislative and policy making body of the County; Appropriate revenue; Approve all contracts; Override a veto of the CEO by 2/3 vote; Approve and amend rules and regulations issued by a department or county officer Appointment / Dismissal of Department Directors: Confirm CEO appointments for Deputy CEO, department heads, deputy directors and members of boards and commissions; (15 single member districts; 2 year term; partisan)	Legislative Auditor General is appointed by Commission. The Auditor General shall make audits of the financial transactions of all County agencies at least once every two years, or as otherwise directed by the County Commission; make compliance audits of the past or current operations of any County agency, as requested by the Audit Committee of the Commission; and make performance audits of agency operations if requested by the executive officer in charge thereof. As soon as possible after the close of each fiscal year, the Auditor General shall make a report of the financial position of the County; additionally, (s)he shall audit annually all funds and property of the County .
King, WA	1.8 million	Council/ Executive	Supervise all administrative offices and executive departments; Veto legislation or object of expense in an appropriation ordinance; Prepare budget and submit to Council; (County Executive 4 year term no term limit; partisan) Appointment / Dismissal of Department Directors: Appoint the County Administrative Officer, chief officer of each executive department and members of all boards and commissions	County Administrative Officer assists the County Executive and supervises the administrative offices; appoints the chief officer of each administrative office (internal support agencies)	Legislative and policy making body of the County; Appropriate revenue and adopt budget; Establish, abolish, combine and divide administrative offices/ departments and set responsibilities; Elect a chairman (9 single member districts; 4 year term; partisan) Appointment / Dismissal of Department Directors: Confirm the County Executive's appointments for CAO and department heads;	County Auditor is appointed by County Council. Responsible to the council for conducting independent audits of county agencies for the purpose of reporting to the council regarding the integrity of the function of the financial management system, the quality and efficiency of agency management, and the effectiveness of programs. In carrying out this purpose, the auditor shall perform the following audits: financial and compliance audits to supplement those performed by the state pursuant to general law, economy and efficiency audits, and program result audits. In addition, the auditor shall perform such special studies as may be requested by the council.
Baltimore, MD	800,000	Council / Executive	Supervise, direct and control the administrative services of the County; Present the Council with an annual budget; Veto legislation of the Council; Issue administrative orders, rules and regulations; (County Executive; 4 year term) Appointment / Dismissal of Department Directors: Appoint/dismiss the County Administrative Officer and department heads, subject to council approval; Appoint the members of all boards, commissions, and authorities; Serve on all boards and commissions; May delegate any duties of office to County Administrative Officer, except veto, subject to council approval	County Administrative Officer supervises all activities of those offices and departments whose heads he appoints; Chief budget officer of the County; Prepares and submits budget to County Executive for approval by Council; Serves a term of 4 years	Legislative and policy making body of the County; Adopt a county budget; Elect a chairman and chairman pro tem; Override County Executive veto by a majority vote, plus one; (7 single member districts; 4 year term) Appointment / Dismissal of Department Directors: Confirm the County Executive's appointments for CAO and department heads; Increase or decrease compensation for the County Executive and Administrative Officer, but not during current term	County Auditor is appointed by County Council. The county auditor may assist the external auditor in conducting a financial audit required by section 312. The county auditor may also conduct a financial audit of any organization funded in whole or in part by county funds, if directed by a majority of the county council. The county auditor shall prepare and submit to the county council and the county executive reports in internal accounting control, administrative and operating practices and procedures, and other pertinent financial and compliance matters. The county auditor's duties may include operational and performance auditing of any office, department or agency funded in whole or in part by county funds, as assigned and directed by a majority of the county council by resolution. All actions of the county council pursuant to this section shall be exempt from the executive veto.

