

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held April 13, 2010, at the Mid-County Tax Collector's Office Training Room, 13025 Starkey Road, Largo, with the following members present:

Ronnie E. Duncan, Chairman
Ricardo Davis, Vice-Chairman
Diane Nelson, Pinellas County Tax Collector
Andy Steingold, City of Safety Harbor Mayor
Kenneth T. Welch, County Commissioner
James Angle
Gerald A. Figurski
William B. Harvard, Jr.
Melissa B. Jagger
Deborah Kynes
Raymond H. Neri

Not Present:

Ed Hooper, State Representative
Paul Bedinghaus

Also Present:

Susan Churuti, Attorney, Bryant Miller Olive, P.A.
Kurt Spitzer, Consultant, Kurt Spitzer and Associates, Inc.
Elithia V. Stanfield, Assistant County Administrator
Other interested individuals
Arlene Kennare, Board Reporter, Deputy Clerk

AGENDA

- I. Welcome
- II. Approval of Minutes
March 22, 2010 Meeting
- III. Public Comment
Audience
Website Submittals
- IV. Presentation - Elected County Mayor Form of Government
Linda Chapin, Former Orange County Mayor
John Wesley White, Former Sarasota County Administrator
- V. Issues Discussion
Future Charter Review Commissions

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- VI. Open Discussion
CRC Schedule
- VII. Adjournment

WELCOME

Chairman Duncan called the meeting to order at 6:03 P.M., noted that a quorum was present, and welcomed those in attendance.

MINUTES OF THE MEETING OF MARCH 22, 2010

Chairman Duncan presented the March 22, 2010 meeting minutes; whereupon, Mr. Figurski moved, seconded by Commissioner Welch and carried, that the minutes be approved as submitted (Vote 11 – 0).

PUBLIC COMMENT

Audience

The following people responded to the Chairman's call for citizens wishing to be heard:

Dot Miller, Unincorporated County (Seminole), re Annexation Notice
W.C. Snipes, Clearwater, re Jobs Lost/Annexation (presented paper)
Sally Israel, South Pasadena, re Fire and EMS Consolidation

In response to the recommendation of Ms. Israel that the Commission add consolidation of fire districts to its agenda, Commissioner Welch reported that consolidation would require legislative action and cannot be implemented solely by the CRC; that the previous CRC review updated the study prepared by MGT of America; and that a new study focusing on EMS is due in July and is different in that it is looking at fire transport; whereupon, Mr. Angle indicated that a group consisting of the county administrator, some city managers, fire district officials, and representatives from allied areas are working as a resource to the consultant doing the study.

Chairman Duncan related that he would like the Commission to contemplate a strong recommendation to the Board of County Commissioners (BCC) regarding

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consolidation of the fire districts; whereupon, Mr. Davis responded that while the current financial crisis is forcing all governments to find ways to do more with less, only a strong grassroots push would force the issue; and that the credibility of the former report depended upon the viewpoint of the reader. Speaking from the perspective of the cities, Mayor Steingold stated that the majority of residents in his city are pleased with the fire department and do not complain about the cost; and that municipal officials will be open to the consolidation of the fire districts when it is shown that the service can be provided just as effectively for less dollars; whereupon, Mr. Neri discussed the political aspect of consolidation and the need for equality.

Website Submittals

Chairman Duncan pointed out that one website submittal is included in the agenda packet.

PRESENTATIONS

Elected County Mayor Form of Government

Chairman Duncan introduced the two featured speakers, noting that although they have different perspectives on the issue, both are highly regarded and have great credibility; whereupon, he indicated that Mr. Spitzer will provide an overview of the executive branch structure of county government.

Mr. Spitzer reviewed the practices and options available to the 20 charter counties in Florida, noting that only three have not retained the professional manager structure of government. He discussed the following five options for county governments to structure the delivery of service:

- County Commission Form
- Appointed Professional Administrator
- Elected Chair
- Elected Mayor
- Elected Executive

Mr. Spitzer indicated that while the election of a head of government would place him on par with other elected officials within the community and create a leadership position for the county on regional issues, it would diminish the role and responsibilities of the county commissioners. In response to queries by the members, Mr. Spitzer stated that if the proposed amendment in Hillsborough County passes, it would mean a strong elected executive

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with veto power but would not eliminate the city mayor; that the Charter Review Commission could decide whether or not to give the elected official veto power; and that he is not aware of any studies comparing the effectiveness of the systems; whereupon, Ms. Jagger indicated that one of the Hillsborough commissioners had mentioned that one exists; and Chairman Duncan indicated that staff would provide the study if possible.

Linda Chapin, Former Orange County Mayor

Ms. Chapin related that there was a lot of support for a strong elected official in Orange County when it was put on the ballot in 1986, and it handily passed; that the county was dealing with explosive growth; that two thirds of the population and two thirds of the land were in the unincorporated county as opposed to the 13 cities and there was growing dissatisfaction with the delivery of urban services. She said that the citizens wanted accountability; and that they wanted to do away with the dodging and weaving of the elected officials about who was responsible when things went wrong. Ms. Chapin said that she was serving on the county commission at the time the amendment was passed, and ran for and was elected to the post two years later. She related that she hired a strong county administrator; and that the first years were difficult, as the county commissioners were asked to become a legislative and policy-making body instead of an administrative body, and they were reluctant to give up their power and influence.

Ms. Chapin indicated that the second four years went very smoothly; that the change led to a more efficient and more effective government; and that the accountability the people were looking for was provided. She indicated that the change provided a very clear economic development opportunity, as the business community highly approved of having one go-to official. Ms. Chapin indicated that she believes cities are destined to grow and that counties should not fight the growth of cities if there is managed growth that works to the benefit of the people, and described the working relationship she had with the city governments. In closing, Ms. Chapin emphasized that a strong administrator is necessary; and that veto power is a phony issue that should not be the determining factor since she neither had the power nor needed it, as everyone worked by consensus and collaboratively to deliver the services in the most efficient and cost effective way.

Questions & Answers for Ms. Chapin

Q What was the reaction of sitting commissioners following the change to the government structure?

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- A Following initial resentment of loss of salary and power, the commissioners focused on policy decisions and options. Along with the community, the business community, the cities, and the staff, the commissioners would now agree that the change was positive.*
- Q Did the development community need to seek support from each commissioner for projects or only from staff and the elected county mayor?
- A The elected county mayor, but the Commissioners were encouraged to focus on policy, economic impacts, proper land use and efficiency, and to meet with everyone.*
- Q Was the change revenue neutral?
- A Yes, through salary cuts of the commissioners. The commissioners who were grandfathered in kept their original salaries for the remainder of their term.*
- Q Were there term limits for the commissioners?
- A Yes.*
- Q Did the commissioners bring community issues to the elected county mayor?
- A Yes, at publicly noticed meetings. Everything was in the Sunshine.*
- Q How did the budgeting process work?
- A The elected county mayor created and presented the budget and the county commission approved or made changes. There were always changes, but by and large there was an amicable consensus.*
- Q Were you in the Sunshine?
- A Yes, we were totally in the Sunshine.*
- Q Who had the authority to hire or fire the county administrator?
- A The elected county mayor, with board approval.*
- Q Who did the mayors of the cities deal with before the change?
- A The chair of the county commission, and it was difficult. The change gave the county some parody in terms of negotiations, agreed-upon collaboration, and community projects.*
- Q Was the office partisan or non-partisan, and was it a countywide election?
- A The election was countywide. The office was partisan at the time of change, and became non-partisan during my first term.*

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Q Which can advance an agenda, such as rapid transit, more quickly, an elected county mayor or a county commission?

A *The elected county mayor, because that is the one person who can go to the business community, the legislature, or a mayor of another city and negotiate.*

Q Did single-member districts lead to greater parochialism as opposed to countywide districts?

A *I would not favor single-member districts without a strong executive.*

Q What was the reason the citizens decided they needed an elected county mayor?

A *The citizens had enormous anxieties about growth.*

Q As the elected county mayor, what was your relationship with the constitutional officers and the city mayors?

A *The relationships were never perfect, but improved with an elected mayor.*

Q What advantage do you see for Pinellas County to change its form of government, as it is pretty much built out?

A *Among many reasons, leadership and accountability. When I took office, a survey of the citizens found that 35 percent of the electorate believed the county commission was taking the county in the right direction, and when I left, 78 percent said they believed it. The elected county mayor system increased the respect of the citizens for their local government.*

John Wesley White, Former Sarasota County Administrator

Noting that Mr. Spitzer had usurped much of his presentation, Mr. White related that he had worked in both forms of government; that he was the county administrator of Sarasota County for 10 years and the chief administrative officer of Prince Georges County, Maryland for four years, serving under the elected county mayor. He queried why Pinellas County would want to change its form of government since it has a good track record, noting that the right people can make any form of government work. Mr. White indicated that leadership and accountability are the selling points of the elected county mayor form of government, but there are no guarantees that you will not elect people with human foibles and managerial weaknesses; and that there are tradeoffs in how you gauge accountability. He recommended that the Commission focus on unintended consequences, including the diminution of authority of the county commission, and a pervasive atmosphere of personality of the elected county mayor; and pointed out that a mixed single-member and at-large-member system blends advantages of both.

In response to query by the members, Attorney Churuti advised that it would be difficult to put restrictions on the qualifications of an elected county mayor, as it may

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be unconstitutional, but should the Commission decide to pursue the issue, she would do the necessary research. She indicated that it is possible that term limits for the county commission could be put on the ballot.

* * *

The meeting was recessed at 8:14 P.M. and reconvened at 8:20 P.M., at which time discussion continued on the elected county mayor issue.

* * *

During discussion, the following information was requested:

- Identify cost involved; compare costs of an elected county mayor with the current county commissioner form
- Identify mechanisms available to keep revenue neutral
- Identify parameters/responsibilities of elected county mayor or strong elected official in other counties, i.e., veto authority, spending authority
- Identify the role of the elected county mayor and the remaining commissioners
- Evaluate effectiveness of one elected official versus seven members of the BCC
- Provide executive summary of the issue
- Provide a list of expected benefits

Discussion ensued wherein Mr. Davis questioned whether there is a need for a change in government in Pinellas County; and Mr. Figurski pointed out that from the information heard so far, it appears that a strong elected mayor would provide a focus for the county; and that it would be easier for the people of the community and mayors of the cities to work with an elected county mayor as opposed to dealing with seven county commissioners. Chairman Duncan stated that he is a believer in the status quo; whereupon, he related anecdotes from his term as chair of the county commission and stated that he found that being the commission chair carries no additional authority.

Commissioner Welch stated that while the cost could be dealt with, he would have to be convinced that the change would be to the good. He agreed that there are

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instances where having a collective body of seven complicates decision making; and suggested that if the change is made, it would still be necessary to have a county administrator; and that the elected county mayor would need the authority to do the job, including veto power. He related that the city mayors he has spoken with are in support of an elected county mayor; whereupon, Ms. Nelson stated that, as a constitutional officer, she has a very good working relationship with the county commission, which would make it difficult to support a change.

Mayor Steingold asked that the Commission not look at the issue as "if it's not broke, you don't fix it," but rather to ask where we are going in the future and whether the change would benefit the citizens in this county and the relationship between the county government and city governments; and pointed out that the county is losing industry and tourism; whereupon, Mr. Figurski asked that the city mayors weigh in on whether a strong elected county mayor would really make a difference in terms of negotiations. Discussion ensued wherein Mr. Davis observed that someone who could be elected to the position does not necessarily bring the ability to run a multi-million dollar enterprise; whereupon, Ms. Kynes noted that Ms. Chapin had stressed that a strong county administrator would still be needed.

Mr. Neri suggested augmenting what already exists by designating one of the countywide commissioners as chairman, with additional powers, and discussion ensued.

ISSUES DISCUSSION

Chairman Duncan related that at the next meeting, the discussion about the elected county mayor issue will continue, as well as the issues concerning future Charter Review Commissions, BCC term limits, and single-member districts; that there is an open slot in May; and that he recommends that the Commission soon vote on which issues to pursue and whether more information is needed. Ms. Nelson suggested that the Commission discuss an elected School Board chairman; and Mayor Steingold asked that the Commission discuss the sports and airport authorities.

OPEN DISCUSSION

Chairman Duncan noted that a new work program will be in the next agenda packet.

ADJOURNMENT

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There being no further business, the meeting was adjourned at 9:03 P.M.

LINDA W. CHAPIN



Linda W. Chapin

Linda Chapin served as the first elected mayor of Orange County, Florida, from 1990-1998. After leaving office, she joined the University of Central Florida where she founded the Metropolitan Center for Regional Studies, which focuses on issues facing the region, primarily in areas of growth, the environment, and transportation.

Today she serves on a number of civic and community boards, and is currently Chairman of the Orlando Health Board of Directors.

As Orange County Mayor, Ms. Chapin took a strong role in promoting business and industry in Central Florida by developing an economic action agenda that led to annual regional economic summits; incentives for high-technology companies; and trade missions to Europe, Asia and Latin America. Under her leadership, Orange County was the first county in Florida to mandate attention to economic development as part of its local comprehensive plan. In 2004, she became the first woman to receive the James B. Greene Economic Development Award from the Metro Orlando Economic Development Commission.

Ms. Chapin's tenure in public office also included the construction of the nation's second-largest convention center, a new courthouse, the Regional History Center, fifteen new parks and recreational trails, and the purchase of over twelve thousand acres of environmentally sensitive lands. At the conclusion of her final term in elected office, the *Orlando Sentinel* described her as "a model of integrity and character."

In 1999 Ms. Chapin was named Distinguished Alumni of the Year by the Kennedy School of Government at Harvard University, and was also awarded an honorary doctoral degree from the University of Central Florida. She currently serves on the Board of Directors for the Dr. Phillips Performing Arts Center, the Trust for Public Lands, and *myregion.org*.

The Targeted Community Initiative, which Ms. Chapin began in an effort to work with citizens in redeveloping historically neglected neighborhoods, was awarded the 1997 Public Service Excellence Award from President Clinton as the best local government program in the country. A committed proponent of citizen involvement and the need to build social capital and confidence in public decision-making, Ms. Chapin has published articles in the *National Civic Review* and other social policy journals.

A Florida native, she holds a Bachelor's Degree from Michigan State University.

ISSUES DISCUSSION

Countywide Mayor

Mr. Spitzer gave a PowerPoint presentation titled *Overview of Executive Branch Structure* and, noting that there can be many variations of each option, presented an overview of the following:

- Head of Executive Branch
- Elected Chair
- Elected Mayor
- Elected Executive

Chairman Duncan suggested that following discussion of each issue, the members decide whether to: (1) dispose of the item because of lack of interest, (2) make a recommendation to the citizens and the Board of County Commissioners (BCC) that the issue be considered, perhaps through a Blue Ribbon Panel, or (3) move the item forward, and begin looking at ballot language, and no objections were noted.

Members in support of the issue indicated that a change in local government would:

- √ Facilitate redevelopment, transportation, commerce and tourism.
- √ Ease conflict between cities and county.
- √ Ease inter-commission squabbles.
- √ Provide a point person for the county.
- √ Empower leadership and vision.
- √ Resolve difficulties caused by lack of formal structure of BCC chairman duties.

Members in opposition to a change in local government indicated that:

- √ There is no compelling reason for a change.
- √ It would add an additional layer of government.
- √ There is no groundswell of support to change the form of government.
- √ Pinellas County Government is not broken.
- √ The BCC has a good mix of single-member and at-large member districts.
- √ It would result in a concentration of power.
- √ A change to an elected mayor would weaken the BCC.
- √ The present form of government creates checks and balances.

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During discussion, Mr. Spitzer indicated that he could not locate a list of benefits an elected mayor would provide as was requested at the last meeting; and Attorney Churuti indicated that she has researched the various county charters in the state about each of the options; and advised that it would be a complicated issue to draft and to get a consensus.

Thereupon, Vice-Chairman Davis moved that the CRC not further consider the County Mayor form of government, and Mr. Bedinghaus seconded the motion.

In response to query by Commissioner Welch, Chairman Duncan requested that, regardless of the outcome of the vote, the issue not be brought back for discussion unless there is compelling evidence and a degree of comfort that the result would be overturned, and no objections were noted.

Following discussion, the motion was approved (vote 9-3, with Ms. Kynes, and Messieurs Steingold and Harvard dissenting).

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The meeting was recessed at 7:16 P.M. and reconvened at 7:23 P.M.

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Future Charter Review Commissions

Chairman Duncan asked that the members decide whether to change, alter, or enhance the CRC process.

Mr. Spitzer gave a PowerPoint presentation, discussed the importance of the CRC, and compared the practice in Pinellas County to the practices in other charter counties, noting that charters are important because they are adopted or amended by a vote of the people and cannot be changed by the county commission or by the legislative delegation.

During discussion and in response to queries by the members, Attorney Churuti advised that there is a state law provision for the single-subject rule, but it does not apply to charter commissions; and that the CRC can place items directly on the ballot except for those that were retained as a state power, which must go through the legislative delegation.

RESTRUCTURING LOCAL GOVERNMENT LEGISLATIVE/EXECUTIVE RELATIONSHIPS— THE ORANGE COUNTY EXPERIMENT

by

Kurt Spitzer

The voters of Orange County adopted major changes to their county charter in 1988, and in doing so, embarked upon one of the more noteworthy experiments in local government structural change in Florida since the Jacksonville/Duval consolidation of the late 1960s. Although the changes made by the Orange County electorate did not seek to consolidate county government with one or more municipalities, significant changes in the legislative and executive/administrative roles of county government resulted. While the voters in Duval opted for the "elected executive" form of government, Orange County voters approved the "county chairman/administrator" form.¹ The purpose of this article is to describe the changes to the structure of the county government that have been adopted by the local electorate, and to compare that structure with other models used by local governments in Florida and other states.

HISTORY

On November 4, 1986, voters approved a charter that left much of the current structure of the county intact. The "legislative" branch of the county government was the county commission. Five commissioners resided in separate districts but were elected on a countywide basis. They, in turn, annually selected a com-

mission chairman, who presided over meetings and acted as a spokesperson for the governing body. An appointed county administrator served as head of the "administrative" branch of the county. The administrator was retained and could be dismissed by a majority vote of the county commission and, in turn, was authorized to hire key department heads—subject to confirmation by the county commission. He prepared and submitted an annual budget to the commission and was generally responsible for the day-to-day operations of the county government.

Under the 1986 charter, the county attorney's office reported directly to the county commission; the roles of the constitutional officers² were left unchanged. The relationship of the county government to its municipalities was essentially left alone. However, the county was granted the power to adopt minimal regu-

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latory standards for air and water pollution control on a countywide basis.

The 1986 charter also required that the question of restructuring the county commission into single-member districts be placed on the general election ballot in 1988 and that a charter review commission be established to conduct a study of all phases of county government. The charter review commission's recommendations were also to be placed on the November 1988 ballot. The 15 members of the charter review commission were appointed in August of 1987. Their final report was issued July 27, 1988, and was not subject to modification by the county commission.

1988 AMENDMENTS

The charter review commission's recommendations were approved by the electorate in November of 1988 and are scheduled to begin being phased-in during the general elections of 1990, with transition being completed during the 1992 general elections. Several significant changes to the charter were adopted by the Orange County electorate, as follows.

1. Executive Responsibilities

All administrative/executive functions are now contained within the "executive" branch of county government. (The "administrative" branch was appropriately renamed.) The executive branch is composed of a county chairman elected countywide; the county administrator, hired by the chairman and confirmed by the board of county commissioners (but terminated only by the chairman); and other officers and employees of the county not otherwise working for the constitutional officers.

The chairman's position is designated as both the ceremonial and operational head of the government for those activities under the control of the board of county commissioners. His salary is initially set at \$80,000 per year and thereafter fixed by ordinance. He is elected to a four-year term and may serve no more

than two consecutive terms. In addition to having broad operational responsibilities, the chairman serves as chair of the commission and is permitted to vote on all matters before the board.

The position of county administrator is retained, although most of the administrator's duties, which are specifically identified in the charter, are transferred to the chairman. The administrator is now charged with assisting the chairman in the daily management of the county.

2. Legislative Responsibilities

The charter amendments abolish the system of five commissioners elected on an at-large basis and replace it with six commissioners elected from single-member districts. Their elections are staggered so that three seats are up for election every two years. The first three, in addition to the chairman's position, will be decided this November.

The new charter initially fixes the salary of the new commissioners at \$25,000 per annum—a significant decrease from the \$46,353 that Chapter 145, Fla. Stat., prescribes for a county the size of Orange. Salaries will subsequently be set by ordinance.

The charter specifically states that commissioners shall "only devote" such time as is necessary to perform the legislative responsibilities of their offices. The "legislative" branch, formerly called the "county commission," was renamed the "board of county commissioners."

The Office of Legal Services is now constituted as a division under the county chairman. Previously, the county attorney reported directly to the county commission, and was appointed or removed by a majority vote thereof.

COMPARISONS WITH OTHER JURISDICTIONS

The trend to a single position designated for managerial purposes in county governments is increasing nationwide. A recent survey conducted by the National Association of Counties

shows that now over 1100 of the nation's 3100 counties have chief administrator positions. Of those, 383 are occupied by an elected executive or a similar position, such as the county chairman.

In Florida, at least half of the 67 counties have established the position of county administrator, but the only elected executive can be found in Jacksonville/Duval County. In that jurisdiction, the mayor functions as a true elected executive and possesses veto power over most types of ordinances. The 19-member council elects its own president to chair its meetings and appoint members to the council's standing committees. The mayor does not sit with the council.³

ANALYSIS

The question of a chief elected executive officer in local government has been the subject of much debate. While this form of county government is common in some states, it is generally the exception to employing professional administrators in jurisdictions large enough to warrant full-time management. But it is becoming more common in large jurisdictions where problems related to rapid growth, or a diverse population or set of economic interests, make the traditional commission/administrator structure less capable of dealing with complex issues in a timely fashion. As with most political decisions, however, the system adopted by the charter review commission and the Orange County electorate is a compromise. It will take years before observers of local government in Florida will be able to determine whether the new structure works as planned.

One goal of the charter review commission was to establish a system where political accountability and responsibility for building consensus when setting the political agenda for the county are located in a single position, which is directly responsible to the electorate. In many large jurisdictions, it is becoming increasingly

difficult for the appointed administrator to forge political consensus among five or seven co-equal elected officials. It was hoped that electing the chief executive would permit that person to set the future course for the community more aggressively.

Although the charter revisions establish the Office of County Chairman, the real power of that position remains to be seen. Many individuals on the charter review commission felt the chairman should have veto power, thereby strengthening his authority. The position would be similar to that of the mayors of Jacksonville and Orlando. However, a compromise position was adopted that did not include that power in the ballot question for fear it would become too controversial and none of the amendments would pass.

It should be noted that under the county chairman/administrator system as adopted in Orange County, separation in the charter between the legislative and executive functions of government is not absolute, as it is in Jacksonville/Duval County. In an elected executive system, the executive officer typically never attends meetings of the legislative body. In Orange County, the chief executive officer sits with the legislative body and chairs each meeting. The possibility for political linkages between executive/administrative decisions and legislative decisions will occur frequently. Therefore, although the executive responsibilities of the chairman's office are somewhat limited without the veto power, its legislative authorities have not been restricted. The chairman will have the ability to influence legislative policy directly at each of the commission meetings.

The sharing of executive power with the legislative branch (and vice versa) is also found in other sections of the charter revisions. For example, although the chairman has authority to appoint and dismiss staff of the executive branch, the charter provides for the annual appointment of all department and division

heads, subject to confirmation by the board. Again, it is possible that legislative involvement in administrative decisions will occur more frequently under this system than under a true elected executive form of government.

An additional general concern of the charter review commission was the pending amendment to establish single-member districts in the county. The original charter called for the question to be placed on the 1988 general election ballot. The review commission was concerned about the fragmenting effect that such a provision might have on county government if no other balancing measures were adopted. It was hoped that a chief executive officer, elected countywide, would take a broad political view, thus offsetting the tendency of officials elected from single-member districts to have a more narrow perspective on issues.

The effect of eliminating a professionally trained manager as head of the executive or administrative branch of government remains to be seen. Although the charter provides for the position of county administrator, that person serves at the will of the chairman. Hopefully, the chairman will balance political decisions with sound managerial practices. In any event, in the view of the charter review commission, the potential for "politics" entering into the managerial "policy" arena was apparently outweighed by the desire for a single, strong elected official to act as head of the county.

One alternative not contemplated in section 125.84, Fla. Stat., is the "weak mayor" form. Under this model, which is used in some counties in Virginia and in many cities, the professional administrator is appointed and dismissed by the council or commission. The mayor chairs the commission meetings and acts as ceremonial head of the government, but does not have veto authority or direct control over staff. The mayor is able to build and exercise political clout when this form is used in conjunction with a system of single-member districts for the balance of the commission. Dade County

has this structure, except that all commissioners are elected countywide and from the same political base as the mayor—thereby reducing the mayor's ability to act as chief spokesman for the county.

One notable area still left untouched by the charter is that of the constitutional officers. Although the county will soon have an elected chief executive officer, in reality it will still have a multi-headed executive branch in which many authorities and responsibilities are shared with several other offices. For example, responsibility for finance policy will remain under the elected comptroller's position. One of the county's largest areas of expenditures—law enforcement—will remain under the sheriff, who can still appeal his commission-approved budget to a separate body (the cabinet) if he opines that it is not adequate. Many options that would create a more unified executive branch are available to future review commissions and the local electorate. For example, Dade County has adopted a system in which such functions are performed by appointed department heads. Short of that, the Volusia County Charter provides that the duties previously performed by elected constitutional officers are now performed by elected charter officers, thereby gaining control of the departments in the budget process. The charter could also mandate unified administrative systems such as personnel, data processing, finance/accounting, etc., but leave the constitutional officers' positions untouched.

CONCLUSION

While it is true that any offense can work as long as you have the right players, the changes adopted by the Orange County electorate attempt to ensure that the structure of the county will be better suited to address the problems the county will face in the future. The form of government chosen in Orange County and the county's experience in implementing it will be closely scrutinized over the next several

years. Whether it is a step in the right direction—and whether it goes too far or not far enough—will be the subject of much debate. Such debate will be healthy for those counties looking at alternatives in the future. Now that one community has opted for an alternative to the historical structure, it will certainly be examined much more closely in the other large jurisdictions in Florida over the next few years. ♦

ENDNOTES

¹ The question of consolidation is a separate issue that could occur under either form, and was not on the ballot for the Orange County voters to consider.

² In addition to the elected positions of property appraiser, tax collector, sheriff and supervisor of elections, the office of clerk of the circuit court had previously been divided into two positions by special act. The clerk's office retained its responsibilities related to the

judicial system; however, that office's duties to the board of county commissioners for such functions as finance, custodian of funds, recorder, etc., were transferred to an elected comptroller. Orange and Escambia are the only counties in Florida that have six (instead of five) separately elected independent county offices, in addition to the county commission. In most counties, about 65 percent of the jurisdiction's annual budget is allocated to such offices.

³ Section 125.84, Fla. Stat., provides for three alternate forms of government when a charter question is placed on the ballot directly by the county commission. Under the county chairman/administrator form as described in section 125.84(3), Fla. Stat., the chairman votes only in case of a tie. Since the Orange County amendments were placed on the ballot by a charter review commission and not the county commission, the restrictions found in section 125.84 were not applicable, although this point has not been litigated.