

Summary

Charter Review Board

March 2001

Every five years the Board of County Commissioners shall appoint a charter review board consisting of fourteen electors of county. Each commissioner shall appoint two members who are electors in the Commissioner's District, and none of whom may be an elected official. Members of the Charter Review Board shall serve for a term of one year without compensation. The Charter Review Board shall be empowered to conduct a comprehensive study of any or all phases of government. The Charter Review Board shall, after two public hearings and upon approval of two-thirds of its members, file any proposed amendments to the Charter, if any, with the Supervisor of Elections, who shall provide for a vote upon it. Charter amendments shall be voted on at the next regular general election. Charter amendments by ordinance may be voted on at special election if the Board of County Commission so chooses.

The Hillsborough Board of County Commissioners appointed the following citizens to serve on the Charter Review Board.

Commissioner Waxman:	Mike Bedke – John Bales
Commissioner Norman	Kevin Ambler – Denise Lasher
Commissioner Scott:	Henry Beltran – Gerald White
Commissioner Storms:	Dee Williams – Danny Wilkes
Commissioner Hart:	Arlene Waldron – David Hurley
Commissioner Platt:	Steve LaBour – Jan Smith
Commissioner Frank:	Terry Ballard – Mary Lou Tuttle

February 9, 2000 was the first called meeting and by a vote of the Charter Review Board, Jan Smith was elected Chairman and David Hurley was elected Vice-Chairman. Rules of order were adopted as well as a tentative meeting schedule. The Board decided that their meetings would be held twice a month on a Thursday evening and that the County Attorney's Office would be legal counsel. On April 6, 2000, Barbara Merritt was hired as the Executive Director and on April 27, 2000, Marsha Rydberg was chosen as outside counsel should a conflict arise with the County Attorney's office in representing the Charter Review Board.

The Board's work began with a presentation from the County Commission Chair, Deputy Clerk, and the County Attorney regarding their charge, the Sunshine Law, and practical matters regarding their tenure on the board. The Charter Review Board is an autonomous body appointed by the BOCC every five years. In accordance with the Charter, this board met for one year and their duties officially ended on February 8, 2001.

Guest speakers from Hillsborough County Government included, Pat Frank, Chairman Hillsborough County Board of Commissioners, Commissioner Jan Platt, Pam Iorio, Supervisor of Elections, Richard Ake, Clerk of the Court, Doug Belden, Tax Collector, Rob Turner, Property Appraiser, Commissioner Rhonda Storms, Commissioner Ben Wacksman, Commissioner Chris Hart, Dan Kleman, County Administrator, Roger Stewart, Executive Director of the EPC, Bob Hunter, Executive Director of the Planning Commission, Ed Hunzeker, Assistant County Administrator, Eric Johnson, Budget & Finance, and Jim Hosler, Planning Commission.

Also invited and spoke to the CRB were; Mayor Dick Greco, City of Tampa, Mayor Fran Barford, City of Temple Terrace, Fred Marquis, County Administrator of Pinellas County, Senator Jim Hargrett, Representative Rudy Bradley, Dr. Sam Horton, NAACP, Joanna Tokley, Tampa Urban League, and The League of Women Voters.

In an effort to reach out to all citizens, the Charter Review Board scheduled a meeting forum for Civic and Neighborhood Leaders and another evening for Business & Agriculture Issues Forum with the Board. Over 1700 notices were mailed out as well as notices in the local newspapers during the public hearing process to keep groups informed and updated on meeting issues. Approximately 50 news releases were faxed out bi-weekly and were available on the web site.

The Charter Review held 24 meetings at the County Center. There were also three sub-committee meetings and a total of 4 public hearings. This was the first Board to have a website and a questionnaire was posted there in English and Spanish. The Website also was kept updated with minutes, news releases, and other important information on a weekly basis. Meeting minutes may be reviewed online or by contacting the Communications Office for the Charter Summary or at BOCC Records, Clerk of the Courts Office on the 12th floor of County Center.

Early in the process, Mr. AL Davis a former Charter Review Board Member, requested that the Oath of Office administered the BOCC be amended to include "upholding the Charter". This resolution was approved by the Charter Review Board and sent to the BOCC. On August 24, 2000, the resolution was signed by the BOCC (copy attached).

Along with the speakers who were invited, many citizens wrote letters and sent emails expressing their opinions and giving the Board another look at issues. The Executive Director prepared board packets for every meeting that included research on issues that the Board had requested, historical information, newspaper articles, copies of other county Charters, and articles from various sources to assist the Board with their work. The County Attorney's Office reviewed board packets materials, research, and provided all legal documents. Mr. Tinkler and Ms. Campbell attended all scheduled Board Meetings

Board discussions included the issues of:

1. Executive Branch - An appointed Administrator or an Elected Administrator/Mayor
Job Qualifications of the Administrator
2. Should the Constitutional Officers be brought under the Charter?
Should these offices continue to be elected or should they be appointed?
Should term limits apply to Constitutional Officers
3. Term Limits for the BOCC
4. Non-Partisan Elections
5. County Auditor
Should this Office be appointed or elected
Qualifications for this Office
Should this office be the Budget Officer for the BOCC?
Tax Caps – Limitations and budget indexing
6. Reconfiguration of County Commission Districts
Adding more Districts - Countywide vs. Single Member
Term Limits
Non-Partisan vs. Partisan
Limiting Campaign Contributions – Campaign Finance
7. County Attorney's Office
Keep the current structure
Should the appointment and direction be under the BOCC?

Board discussions were very lively and each member brought a very unique prospective to the discussions. Meetings were scheduled to begin at 6 p.m. and the board did try to finish each evening at 9 p.m. This was not always possible and we had several late evenings.

The first public hearings were on July 27, 2000 and August 10, 2000. This meeting was for the proposed Internal Auditor-Budget Analyst. After Board deliberations and the required majority vote of the Charter Review Board on this matter it was decided to put this on the ballot in November 2002.

Board Discussions continued after the public hearing concerning BOCC structure and other Charter Changes. The next public hearings were held on January 11, 2001 and January 25, 2001. The CRB presented seven proposals regarding the changing of the structure of County Government. Citizens were asked to comment on the proposals to assist the Charter Review Board with its final decision.

It was explained to the public at each meeting that County Charter requires the CRB to conduct a comprehensive study of the Charter Government and recommendation for changes required two public hearings before placing any proposed charter changes for the ballot. After the two public hearings, the Charter requires a vote of at least ten of the fourteen members of the CRB to place items on the ballot.

These proposed changes included:

1. [a] Reapportioning County Commission Districts 5, 6, & 7, so that the commissioners elected countywide would have to reside in geographically distinct districts.
[b] Replacing one elected countywide county commissioner with an elected County Chair, elected countywide, who will serve as spokesperson for the Board of County Commissioners (BOCC), chair the BOCC's meetings, and appoint BOCC members to boards, councils, and authorities. The two remaining countywide commissioners would have to reside in geographically distinct districts.
[c] Replacing one county commissioner with an elected County Chair, elected countywide, who will serve as spokesperson to the Board of County Commissioners (BOCC), chair the BOCC's meetings, and appoint BOCC members to boards, councils, and authorities. The two remaining commissioners would be elected from six geographically distinct districts (eliminating elected countywide commissioners).
2. Changing the election of county commissioners from partisan elections to nonpartisan elections.
3. Changing the meeting schedule of the Charter Review Board from every five years to every eight years to coincide with the Presidential election schedule.
4. Limiting increases in the charter government operating budget to 3% or the annual inflation rate, whichever is lower, per year, with a stipulation that this limit can be overridden by a 6-1 vote of BOCC. (This was modified to drop the 3% figure and to a 5-2 vote of the BOCC)
5. Amending the previously passed County Auditor proposal.
6. Providing that Charter Review Board Proposed Amendments to the County Charter be placed on the ballot after the conclusion of the Charter Review Board's one year term.
7. Requiring County Administrator to be a member of the International City/County Managers Association upon appointment.

At the January 25, 2001, meeting after the public hearing, the Chairman called for a vote on each proposal. The Board had not received the Attorney General's signed opinion regarding the Tax Limitation and it was deferred until the next meeting.

Proposal # 1a – failed
Proposal # 1b – failed
Proposal # 1c – failed

There will be no recommendation for the Ballot regarding Board of County Commission Structure.
Proposal # 2 – Failed
Elections will remain partisan.

Proposal # 3 – Failed
The Charter Review board will continue to meet every five years.

Proposal # 4 was deferred
At the final meeting on February 8, 2001, failed.

Proposal # 5 – There were no amendments and the auditor proposal would go forward for the November 2002 Election.

Proposal # 6 – Failed
This was to limit when proposals would go to ballot. Historically proposal went to ballot after the Charter Review finished its works. However, during this Board's tenure it brought to the attention of the Board that the Charter did not prohibit resolutions from going on two general elections.

Proposal # 7 - Failed
The County Administrator would not be required by the Charter to become a member of the IMCA.

The Board's final meeting was on February 8, 2001 and all unfinished business was completed and at adjournment the board was declared sine die. Chairman Smith thanked all members and staff for their hard work and dedication.

HILLSBOROUGH COUNTY CHARTER REVIEW BOARD
Adopted on August 10, 2000 by the Charter Review Board
AUDITOR RESOLUTION

A RESOLUTION OF THE CHARTER REVIEW BOARD PROPOSING TO THE ELECTORATE OF HILLSBOROUGH COUNTY BY MEANS OF A REFERENDUM, THE QUESTION OF AMENDING THE HOME RULE CHARTER FOR THE GOVERNANCE OF HILLSBOROUGH COUNTY, FLORIDA; PROVIDING FOR THE APPOINTMENT, REMOVAL, QUALIFICATIONS, COMPENSATION, AND DUTIES OF A COUNTY INTERNAL PERFORMANCE AUDITOR; RECOGNIZING THE OFFICE OF THE COUNTY INTERNAL PERFORMANCE AUDITOR IN THE PROHIBITION OF CERTAIN POLITICAL ACTIVITIES; PROVIDING FOR A REFERENDUM OF THIS AMENDMENT TO THE CHARTER AT THE NEXT GENERAL ELECTION; PROVIDING FOR THE WORDING FOR A REFERENDUM QUESTION; PROVIDING THAT THIS AMENDMENT TO THE CHARTER SHALL BECOME ADOPTED ONLY IF A MAJORITY OF THOSE HILLSBOROUGH COUNTY ELECTORS VOTING IN THE REFERENDUM SHALL VOTE "YES"; PROVIDING FOR AN EFFECTIVE DATE.

Section 1. Section 4.10 shall be created to read as follows:

Section 4.10. County Internal Performance Auditor.

(1) To advise the board of county commissioners and to assist the board of county commissioners in conducting continuing studies of the operation of county programs and services, there shall be a county internal performance auditor.

(2) The county internal performance auditor shall be appointed by five (5) affirmative votes of the board of county commissioners. The board of county commissioners, at any time, may remove the county internal performance auditor with five (5) affirmative votes . The county internal performance auditor shall be responsible directly to the board of county commissioners. The county internal performance auditor need not be a resident of Hillsborough County at the time of appointment, but shall become a resident of Hillsborough County within a reasonable period of time and remain a resident of Hillsborough County while in office.

(3) The county internal performance auditor shall be a certified public accountant holding an active license to practice public accountancy in the State of Florida, or shall be qualified by education and experience in governmental accounting, internal performance auditing practice, and fiscal controls. The county internal performance auditor shall not engage in any other business or occupation. The compensation of the county internal performance auditor shall be fixed by the board of county commissioners by resolution at a level which is commensurate with the requirements of the position. The county internal performance auditor's compensation, including severance pay, may be set by contract if allowed by and pursuant to resolution.

(4) As directed by resolution of the board of county commissioners, the county internal performance auditor shall conduct performance audits and budget reviews of all aspects of this Charter government and its offices and officials with written reports submitted to both the board of county commissioners and the county administrator. To the degree necessary to fulfill the responsibilities directed by the board, the auditor shall have free and unrestricted access to Charter government employees, officials, records and reports and, where appropriate, may require all divisions, offices, and officials of the Charter government to provide oral and written reports and to produce documents, files, and other records.

(5) The county internal performance auditor shall hire, on either a full-time or part-time basis, and may remove assistants. The number and qualifications of assistants shall be provided by resolution of the board of county commissioners. The county internal performance auditor may also be authorized by the board of county commissioners to hire outside expertise as may be

deemed necessary. The county internal performance auditor's budget shall be set by resolution of the board of county commissioners.

(6) The office of county internal performance auditor shall be deemed vacant if the incumbent: takes up residence outside of Hillsborough County; dies; resigns; or is removed by five (5) affirmative votes of the board of county commissioners. A vacancy in the office of the county internal performance auditor shall be filled in the same manner as the original appointment.

Section 2. Section 9.04 of the Charter is amended to read as follows:

Section 9.04 Political Activities. Political activities of officers and employees of the county government shall be governed and controlled by general law except as provided herein and except that the county administrator's assistants and division and office heads, the county internal performance auditor, the county internal performance auditor's assistants, and the county attorney and his assistants, shall not hold any political office nor take part in any political activity relating to county commission elections, other than voting.

Section 3. Proposed Amendment

(a) The proposed amendment to the Charter of Hillsborough County, Florida shall be presented to the Hillsborough County electorate by placing the question of whether to adopt the same on the ballot at the next scheduled general election.

(b) The question on the ballot shall be as follows:

AMENDMENT TO THE CHARTER OF HILLSBOROUGH COUNTY

To amend the Hillsborough County Charter; providing for the appointment, removal, qualifications, compensation, and duties of the county internal performance auditor; who will advise and assist the board of county commissioners in conducting continuing studies in the operation of county programs and services, recognizing the office of the county internal performance auditor in the prohibition of certain political activities; Providing for an effective date.

_____ Yes for Approval

_____ No for Rejection

Section 4. Effective Date:

(a) This amendment to the Charter of Hillsborough County shall become effective when and only if approved by a "yes" vote by majority of those voting on the question posed at the next general election. If a majority of those voting shall not vote "yes" to the question posed, the proposed amendment shall not be adopted.

(b) This amendment to the Charter of Hillsborough County shall go into force and effect on the second Tuesday following the general election at which the Charter is amended.