

LEAGUE OF WOMEN VOTERS OF COLLIER COUNTY CHARTER GOVERNMENT

BACKGROUND

In February 2007 the Government Committee of the League of Women Voters of Collier County recommended that a study be conducted to develop a LWVCC position on the criteria that should be met by any proposed Collier County charter in order to receive the League's support. The LWVCC membership voted approval for this study at the April 2007 Annual Meeting.

In 1968 the Florida Constitution was amended to permit counties to adopt a "home rule" charter by a majority of voters. Florida has 67 counties, of which 20 counties (representing 75% of the state's population) have adopted a charter form of government. Collier County is a non-charter county although there were three failed attempts to initiate charter government in 1971, 1975 and 1981.

Collier, as a non-charter county, must follow a governmental structure as defined in the Florida Constitution and Florida State Statutes. Its structure includes an elected county commission of five members representing single member districts serving staggered four year terms. There are five elected constitutional officers composed of Sheriff, Tax Collector, Property Appraiser, Clerk of the Circuit Court and Supervisor of Elections. It has a County Manager form of government with the Board of County Commissioners appointing the County Manager and County Attorney.

All information included in the consensus questions complied with the Florida Constitution and Florida State Statutes and were consistent with League positions, policy statements and yardsticks. The committee analyzed the 20 charter counties in terms of powers, structure, responsibilities of county (constitutional) officers, conflicts between competing governmental bodies, citizen initiatives, establishment of salaries and recall. Consensus questions were developed using common features found in these charters.

CONSENSUS PROCESS

Two meetings were held to discuss criteria that should be met if charter government were proposed for Collier County and to determine if consensus could be reached on ten questions which had been approved by the LWVCC Board of Directors.

The first question dealt with the process by which a county charter can be proposed. Under Florida statute, a charter commission can be appointed and empowered by the Board of County Commissioners to conduct a comprehensive study and propose the form charter government should take. Or the Board of County Commissioners can bypass the study and on its own propose a charter by ordinance. **There was consensus that a charter commission should be appointed by the BCC to study the feasibility of charter government**, with strong sentiment expressed that citizens would ultimately be asked to vote on whether charter government should be instituted.

The second question dealt with whether the county (constitutional) officers should remain as elected officers with the same duties they presently hold or the county (constitutional) officers should be abolished and all duties of the officers prescribed by general law transferred to another office(s). **No consensus was reached.** Most charter counties have retained the five elected county (constitutional) officers they had under non-charter government and a small number of counties have transferred the duties of e.g. the tax collector, the sheriff or fiscal functions of clerk of circuit court to other offices. Some participants felt that if the electorate were happy with the job individual county officers were doing they would be re-elected. It was felt that certain officers, such as the

sheriff, were better being appointed to insure that they were professionally qualified. Others felt that citizens were better judges of who should hold office and felt confident in letting the electorate decide. Appointment does not insure that the most qualified person gets the job.

The third question asked whether candidates for election as county (constitutional) officers should have a party affiliation or whether they should run on a non-partisan basis. **Consensus was that candidates should run a non-partisan campaign.** The general feeling was that candidates should be evaluated on an objective basis rather than voters being swayed by party affiliation. Some expressed the desire to learn the underlying philosophy of an individual candidate.

The fourth question dealt with whether the County Commissioners should each represent single member districts as we have today; all county commissioners should be elected at-large as the School Board is today; or there should be a hybrid combination of single-member districts and at-large county commissioners. **No consensus was reached.** Opinions ranged from how expensive it is to run county-wide campaigns to the fact that the School Board elections are at-large and present no problem. Also discussed was the fact that current state statutes allow non-charter counties to have five commissioners elected by single member districts plus two elected at-large commissioners. Concerns were expressed that a hybrid combination could include several commissioners residing in the same district.

The fifth question involved a time frame for redistricting the county commissioner districts. Members were asked whether redistricting should only take place the year following each decennial census, as presently done in Collier County; or whether the charter should provide for the appointment of a redistricting commission which shall “from time to time” fix the boundaries of Collier County districts, so as to keep them as nearly equal in proportion to the population as possible. **Consensus was that it would be better to provide for the appointment of a redistricting commission.** Comments centered on the rapid growth of Collier County from 2000-2008 and that in 1985 and 1995 the county redistricted between decennial censuses. A request to redistrict in 2005 was refused by the Board of County Commissioners.

The sixth question involved whether term limits should be imposed for county commissioners. **Consensus was reached that commissioners should be allowed to serve an unlimited number of terms.** Members were strongly influenced by the fact that LWVUS is opposed to term limits for legislators, although it was noted that LWVFL *Study and Action* does not contain a position on term limits. Other comments were that term limits restrict the right of the electorate to vote for whom they like, good people should be able to continue serving, voters can vote out bad candidates, and that it takes a long time for commissioners to develop expertise in office.

The seventh question asked whether the county manager and county attorney should be appointed as they are today or whether these should be elective offices. **Consensus was not reached on the county manager’s method of selection.** Participants felt they would need to know the general charter structure before deciding on appointment or election. Since the county manager carries out the policies of the board of county commissioners, it was felt that an elected manager presented a conflict.

Consensus was reached that the county attorney should be appointed, as it is today. Individuals select their attorneys based on who they feel best represent their interests and the Board of County Commissioners should be allowed to do the same. Legal decisions issued by an appointed county attorney are less likely to be influenced by politics than decisions rendered by an elected county attorney.

While acknowledging that the League of Women Voters of Florida’s position is that a charter should include a locally based citizen initiative process, the eighth question dealt with whether specific items should be prohibited from any local citizen initiative. Specifically, participants were asked whether existing budget, existing debt, capital improvements, salaries of county officers/employees, the levy and collection of taxes and/or rezoning of land parcels should be prohibited from any citizen initiated revision or amendment to the county charter or local

ordinance. **There was consensus that in a charter the above limitations should be placed on the initiative process.** Participants felt that public hearings are often held involving the above topics (except for salaries) and that citizen initiatives on these items would encumber the legislative process. Some members observed that most charter counties in Florida have included these limitations in their charters. It was also noted that interested parties with deep pockets, e.g. developers with zoning issues, could influence voters if there were no limitations.

The ninth and tenth questions discussed recall of county (constitutional) officers and county commissioners. **The consensus is that any proposed charter should include the right of recall by the electorate for both county (constitutional) officers and county commissioners.** Participants felt that the electorate in non-charter counties could not recall locally elected officers. They felt current law specifies reasons for recall and also requires the electorate to vote on the recall.

SUMMARY

LWVCC believes that any proposed Collier County charter should include the following provisions:

- An appointed charter commission empowered to conduct a comprehensive study and propose the form of charter government.
- Non-partisan electoral campaigns for county (constitutional) officers.
- An appointed redistricting commission which shall from time to time fix the boundaries of Collier County districts so as to keep them as nearly equal in proportion to the population as possible.
- Unlimited terms for county commissioners.
- County Attorney should be an appointed position.
- Prohibition of items involving existing budget, existing debt, capital improvements, salaries of county officers/employees, the levy and collection of taxes and/or rezoning of land parcels for local citizen initiatives.
- Right of recall by the electorate for both county (constitutional) officers and county commissioners.

LWVCC Charter Government Committee

Joyce Evans, Chair
Lydia Galton
Crystal Kinzel
Sandy Parker
Chris Straton

CONSENSUS MEETINGS

February 14, 2011 - 29 League members attended
April 4, 2011 - 21 League members attended

Consensus results approved by LWVCC Board of Directors
May 4, 2011

LEAGUE OF WOMEN VOTERS OF COLLIER COUNTY

Consensus Questions

SCOPE OF THE STUDY: *To develop a LWVCC position on the criteria that should be met by any proposed Collier County charter in order to receive our League's support."*

FOR EACH OF THE FOLLOWING 10 QUESTIONS WHICH STATEMENT BEST REFLECTS THE CONSENSUS OF THE GROUP?

△This symbol indicates that this is a principle, policy position or yardstick of the League of Women Voters. It appears after the appropriate question.

1. CHARTER BY CHARTER COMMISSION OR CHARTER BY ORDINANCE

- a) If the board of county commissioners or a citizen initiated petition decides to explore charter government, the preferred method should be to establish a charter commission which would conduct a comprehensive study to determine how county government might be improved or reorganized (FL Statutes 125.60-125.64) and this charter commission should be empowered to propose the form of charter government.
- b) If the board of county commissioners decides to explore charter government, the preferred method should be to propose a charter by ordinance (FL Statutes 125.82) rather than appoint a charter commission.

PRO

- (1a) Charter commission members may be more representative of voters' interests and concerns.
- (1a) All meetings must be open to the public.
- (1a) Three public hearings required within 18 months of initial meeting.
- (1a) If a majority of voters disapprove of the proposed charter, no new referendum may be held for the next two years.
- (1b) Allows board of county commissioners to organize its governmental structure.
- (1b) The time period for charter by ordinance allows a charter to be put in place more quickly because it does not require a comprehensive study of county government organization and because Florida statutes allow for a shorter notice period and fewer public hearings.

CON

- (1a) Commission members are handpicked and may not represent all factions in county.
- (1a) A powerful personality may be able to unduly influence the results.
- (1a) May take longer time frame to reach a proposal because of statutory requirements placed on the work of the charter commission.
- (1b) County commissioners may select a structure which favors legislative branch over executive branch, whereas a charter commission may select a structure more equally balanced between the legislative and executive branches.

△THE LWV PROMOTES AN OPEN GOVERNMENT SYSTEM THAT IS REPRESENTATIVE, ACCOUNTABLE AND RESPONSIVE. LWV Public Policy Position; Impact on Issues 2008-2010, p.2

△SHOULD HAVE GENERAL PROVISIONS UNDER WHICH CITIES AND COUNTIES MAY ACHIEVE SELF GOVERNMENT "Yardstick for a Good State Constitution" (1952), LWVFL Public Policy Positions, Study & Action 2007-2009, p. 9 (6)

△THE CONSTITUTION SHOULD REQUIRE THE LEGISLATURE TO CREATE STATUTORY PROVISIONS FOR LOCAL GOVERNMENTS TO ADOPT CHARTERS. THESE PROVISIONS SHOULD BE SELF-EXECUTING IN THAT THEY SHOULD REQUIRE NO FURTHER LEGISLATIVE ACTION OR APPROVAL. (1967) LWVF Positions, Study & Action, p.12

△THE LEGISLATURE SHOULD BE REQUIRED TO CREATE STATUTORY PROVISIONS FOR A GENERAL FORM OF LOCAL GOVERNMENT WITH ORDINANCE-MAKING POWERS FOR LOCAL GOVERNMENTS NOT WISHING TO ADOPT CHARTERS. (1967) LWVF Positions, Study & Action p.1

NOTES:

2. CONSTITUTIONAL (COUNTY) OFFICERS

- a) The constitutional (county) officers (Clerk of the Circuit Court, Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections) should remain as elected officers with the same duties as they presently hold.
- b) The constitutional (county) officers should be abolished and all the duties of the officers prescribed by general law transferred to another office. [FL Constitution, Article VIII, Section 1(d)]

PRO

(2a) If the present system works, why change it.

(2a) Enables constitutional officers to have complete independence in exercising their responsibilities.

(2b) The charter can designate which departments should fulfill the duties and responsibilities currently assigned to the constitutional officers, thereby increasing the potential for interdepartmental consolidation of similar functions (e.g. financial, human resources, transportation).

(2b) The charter can establish performance and accountability standards, thus increasing transparency and greater cooperation between various departments.

(2b) The charter can establish salaries for department heads.

CON

(2a) Duplication of services between constitutional officer departments may increase cost of running county government.

(2b) Department heads might have less independence than constitutional officers and this could negatively affect attracting the most qualified candidates for the job.

△THE LWV BELIEVES THAT EFFICIENT AND ECONOMICAL GOVERNMENT REQUIRES COMPETENT PERSONNEL, THE CLEAR ASSIGNMENT OF RESPONSIBILITY, ADEQUATE FINANCING AND COORDINATION AMONG THE DIFFERENT AGENCIES AND LEVELS OF GOVERNMENT.

LWV Principles – Impact on Issues 2008-2010, p.83

△THE CONSTITUTION SHOULD NOT SPECIFY LOCAL GOVERNMENT OFFICIALS (Study & Action, p.13)

NOTES:

3. PARTISAN OR NON-PARTISAN ELECTIONS FOR CONSTITUTIONAL (COUNTY) OFFICERS

- a) Candidates for election as a constitutional (county) officer should have a party affiliation.
- b) Candidates for election as a constitutional (county) officer should run on a non-partisan basis.

PRO

- (3a) Party affiliation conveys information to voters.
- (3a) Political parties often function as clearing houses and weed out incompetent candidates.
- (3b) A non-partisan election frees the office holder from party obligations and patronage.
- (3b) Partisan differences between candidates are diminished thereby avoiding divisiveness in the community.
- (3b) Allows voters to focus on candidate's policy positions and problem solving skills.
- (3b) Promotes local autonomy since the outcome is less likely determined by national or state politics.

CON

- (3a) Minority voices have little power to participate in decision making.
- (3a) National party philosophy can take precedence over local concerns.
- 3b) Non-partisan candidates may not have enough financial resources to run effective campaigns, thus favoring wealthier candidates who have the means to get their message across.

NOTES:

4. BOARD OF COUNTY COMMISSIONERS COMPOSITION

- a) County Commissioners should each be elected from the district in which they live, as they are today.
- b) All Commissioners should be elected at-large like the school board is today.
[FL Constitution, Article VIII 1(e)]
- c) There should be a hybrid combination of single-member district and at-large county commissioners. [FL Statutes, Title XI, 124.011(b)]

PRO

- (4a) In single member districts each representative is accountable to a specific constituency.
- (4a) Officials are better able to respond to and represent the needs of a smaller constituency.
- (4a) Easier for people to identify and interact with their district representative.
- (4a) Voters need only learn about their district's candidate and vote for one person.
- (4b) At-large commission structure increases opportunity for minority representation.
- (4b) Dilutes power of special interests.
- (4b) Requires candidates to appeal to a broader group of voters' interests and needs.
- (4b) There is no need for redistricting with all at-large candidates.
- (4c) Hybrids are a good compromise between insuring all areas of the county are represented and having public officials who will serve the interests of the whole county.
- (4c) Gives public more than one person to turn to when something needs to be done.
- (4c) There is less potential for parochial interests to prevail.

CONS

- (4a) In single member districts, representatives may focus on narrow, local issues; no one may be looking out for the county as a whole.
- (4a) High growth areas may become underrepresented in-between censuses.
- (4a) A political or racial minority in a district may be better represented if there are also at-large decision makers considering the needs of the entire community.
- (4b) In at-large districts there is less direct link between voter and board member; less accountability.
- (4b) Constituents may become confused as to whom they should contact when there is a problem.
- (4b) Campaigns directed at the entire community may be more costly, providing an advantage to wealthier candidates or those backed by special interests.
- (4c) Hybrids do not work well in communities where districts are polarized.
- (4c) Depending on which districts the "at-large" commissioners reside in, this may give more influence to certain areas.

△THE LWV SUPPORTS APPORTIONMENT OF ELECTED LEGISLATIVE BODIES AT ALL LEVELS OF GOVERNMENT BASED SUBSTANTIALY ON POPULATION.

NOTES:

5. BOARD OF COUNTY COMMISSIONERS REDISTRICTING

- a) Redistricting of Board of County Commissioner districts should only take place the year following each decennial census, as presently done in Collier County.
- b) The charter should provide for the appointment of a redistricting commission which shall from time to time, fix the boundaries of Collier County's districts, so as to keep them as nearly equal in proportion to the population as possible. [FL Statutes, 124.01(3)]

PROS

- (5a) Redistricting at a predetermined time each decade is less disruptive to the community than arbitrarily redistricting when a shift in population causes an unequal distribution of the population in various districts.
- (5a) Using the standard of a national census is the most equitable way to apportion districts.
- (5b) It is more likely that a redistricting commission composed of diverse members from the community will make decisions in a non-partisan fashion.
- (5b) Redistricting decisions should not be made by people worried about their political careers.

CON

- 5(a) Excessive party gerrymandering creates super-safe and non-competitive districts in communities where one party dominates.
- (5a) Elected legislators may make highly biased decisions in remapping commissioner districts.
- (5b) Expensive court litigation may occur by groups challenging the decisions made by a redistricting commission.
- (5b) In high growth communities, voters may be subject to confusing shifts in their commissioner districts which can negatively affect informed voting.

△*PROMOTES AN INDEPENDENT REAPPORTIONMENT PROCESS (Study & Action p. 6)*

NOTES:

6. TERM LIMITS FOR COUNTY COMMISSIONERS

- a) Commissioners should be allowed to serve an unlimited number of terms, as presently exists.
- b) Commissioners should be limited to a set number of terms.

PRO

- (6a) Expertise and experience are prized skills.
- (6a) Allows voters the opportunity to return to office qualified and competent commissioners who represent the best interests of the community.
- (6b) Term limits may help reduce complacency by fostering competition.
- (6b) Term limits may make a commissioner less beholden to special interests.

CON

- (6a) Encourages special interest contributors to make large long term investments in a politician's career.
- (6a) Discourages good candidates from running against an entrenched incumbent.
- (6b) It takes years to gain experience and expertise and the community is the loser when a good individual cannot continue serving.
- (6b) Frequent turnover leaves staff, bureaucrats and lobbyists in command of issues, process and political expertise.

NOTES:

7. COUNTY MANAGER and COUNTY ATTORNEY

- a) County Manager should be appointed as it is today.
- b) County Executive should be elected.

COUNTY ATTORNEY

- c) County Attorney should be appointed as it is today.
- d) County Attorney should be elected.

PRO

(7a&7c) Allows our elected officials to hire professional staff of their choice.

(7b&7d) Elected professionals may exercise more independence in fulfilling their duties.

CON

(7a&7c) Undue influence may result if the appointed county manager and county attorney are “beholden” to those who appoint them.

(7b&7d) Elected officials can form their own power base, upsetting the balance between the executive and legislative branches.

(7b&7d) Partisan politics can play a role in fulfilling job responsibilities.

(7c) Conflicts and/or complicated issues can arise between the executive and legislative branches which may make it difficult for an appointed attorney to represent both branches.

NOTES:

8. LIMITATIONS ON ITEMS THAT CAN BE PROPOSED BY CITIZEN INITIATIVE

- a) Although the LWVCC endorses the League of Women Voters of Florida position that a charter should include a locally based citizen initiative process [FL Constitution Article XI Sec. 3], the charter should prohibit any citizen initiated revision or amendment to the county charter or local ordinance for items involving existing budget, existing debt, capital improvements, salaries of county officers/employees, the levy and collection of taxes and/or rezoning of land parcels.
- b) No limitations should be specified for any locally based citizen initiatives.

PRO

- (8a) Frivolous petitions are very costly to place on the ballot.
- (8a) Laws involving government financing and land use should be managed by government professionals.
- (8a) Amendments or revisions involving the above items are often proposed to assist an individual or corporation rather than to benefit the community as a whole.
- (8b) Citizens should have the right to propose any changes or additions to community governing policies since they pay for these items through taxes.

CON

- (8a) Citizens pay for all costs of governing a community so they should not be prohibited from protecting themselves against what they view as “unjust” costs.
- (8b) Many proposed initiatives in the above areas are spurious and not allowed by state statutes.

△PROMOTE CITIZEN PARTICIPATION IN THE POLITICAL PROCESS

△ALL CHARTERS FOR LOCAL GOVERNMENTAL UNITS SHOULD PROVIDE FOR INITIATIVE AND REFERENDUM LWVF Positions, Study & Action, p. 12

△REAFFIRM SUPPORT FOR THE CONSTITUTIONAL CITIZEN PETITION INITIATIVE AND ESTABLISHED SUPPORT FOR THE STATUTORY CITIZEN PETITION INITIATIVE. LWVF Board Position 12/1995

NOTES:

9. RECALL OF CONSTITUTIONAL (COUNTY) OFFICERS

- a) Any proposed charter should include the right of Recall by the electorate for constitutional (county) officers. [FL Statutes, Title IX, 100.361(1)]
- b) No constitutional (county) officer should be subject to Recall by the electorate of CollierCounty.

PRO

- (9a) Recall provides a check on constitutional officers who abuse the office they were elected to hold.
- (9a) Recall gives citizens more influence in the manner in which constitutional officers fulfill their duties.
- (9a) The threat of recall may make constitutional officers more accountable to the needs of the entire county.

- (9b) Recall undermines representative democracy.
- (9b) An ethics code can provide assistance in dealing with serious violations of public trust.

CON

- (9a) Constitutional officers should not face removal from the office to which they were lawfully elected.
- (9a) A targeted officer may sue to stop the recall election thus increasing legal costs to county government.
- (9a) Recall could become a negative political tool.
- (9b) All constitutional officers should be subject to recall because they serve the entire county population.
- (9b) All constitutional officers who abuses the office they serve should be subject to recall.

NOTES:

10. RECALL OF COUNTY COMMISSIONERS

a) Any proposed charter should include the right of Recall by the electorate for county commissioners. [Constitution, Article IV, Sec. 1(b)]; [FL Statutes, Title IX, 100.361(1)]

(b) No county commissioners should be subject to Recall by the electorate of Collier County.

PRO

(10a) Recall provides a check on elected commissioners who abuse the office they were elected to hold.

(10a) The threat of recall may make commissioners more accountable to the needs of the entire county.

(10b) Recall undermines representative democracy.

(10b) Elected legislators face re-election with enough frequency that an additional challenge to their tenure may not be necessary.

CON

(10a) For those commissioners who represent a single member district, Recall by the general electorate could undermine the wishes and needs of a specific constituency.

(10a) Recall is often a politically motivated process by disgruntled citizens accusing legislators of unethical behavior. A better method would involve drafting rules of ethical behavior for all public officials.

(10b) A county commissioner who abuses public trust may polarize various constituencies within the county.

(10b) Although county commissioners may represent separate districts, their decisions affect the county as a whole.

NOTES: