

December 21, 2009  
Regular Meeting

**PUBLIC HEARINGS**

**ITEM 13 – NA**

**GENERAL BUSINESS**

**ITEM 14A – FLAGLER COUNTY AD HOC ADVISORY COMMITTEE ON CHARTER GOVERNMENT – FLAGLER COUNTY AD HOC ADVISORY COMMITTEE ON CHARTER GOVERNMENT FINAL REPORT**

The following information was provided by Craig Coffey, County Administrator:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
GENERAL BUSINESS / AGENDA ITEM # 14a**

**SUBJECT:** Flagler County Ad Hoc Advisory Committee on Charter Government Final Report.

**DATE OF MEETING:** December 21, 2009

**OVERVIEW/SUMMARY:** On April 20, 2009, the Flagler County Board of County Commissioners passed resolution 2009-19 that established the Flagler County Ad Hoc Advisory Committee on Charter Government (Attachment 1). The Committee was charged with gathering information and performing a preliminary investigation into the charter form of County government. The nine member group met regularly and recently concluded their findings for presentation to the County Commissioners (Attachment 2).

It should be noted that the committee is not considered a Charter Commission as provided for in Chapter 125, Florida Statutes, nor is there a specific ballot measure for the Board to consider.

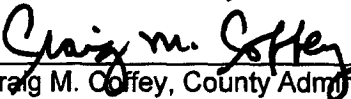
**FUNDING INFORMATION:** N/A at this time.

**DEPT./CONTACT/PHONE #:** County Administration/Craig M. Coffey, County Administrator/313-4094.

**RECOMMENDATIONS:** Request the Board take whatever action it deems appropriate regarding the information presented.

**ATTACHMENTS:**

1. Resolution 2009-19
2. Charter Advisory Committee Report
3. Appendix 1, 2 & 3 Binders as indicated in the Table of Contents are on file in the shared County Commissioners office.

  
Craig M. Coffey, County Administrator

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James O'Connell, Chairman of the Ad Hoc Advisory Committee on Charter Government, noted there were over 1,000 pages of information provided to the BCC and on the County's website. Thanked the BCC for the opportunity to serve on this committee and then delivered a very short presentation. Recommended a Charter Commission be named and take the issues and all the information provided and decide what should be done. Talked about rumors circulating as to what the Committee had decided and stated it had not decided anything other than to gather information. Stated the Committee put together pros and cons on a number of different items as directed by the BCC with information that had been gathered from the Florida Association of Counties. Noted this Committee would make a recommendation to a Charter Commission to look at the administration, constitutional officers, and the organizational structure of the County government. Mentioned most people thought County government was one homogeneous organization, but it was not. Stated County government was responsible for raising the money for the constitutional officers and once they received it, they spent it as they saw fit. Commented he believed they would spend it as they said they would for the most part, and maybe that was a caustic comment. Stated the BCC did not have as much control over the budget process and expenditures as he felt it should. Every dime the BCC spent was available to the citizens of the County and that was not true for the constitutional officers. Noted that was where he was, but he was not getting into his prejudices so was stepping back from that.

Stated the preliminary estimate of how much it would cost to develop and put a charter together was in the information provided to the BCC and that price would vary depending on what the charter would entail, if it were decided to do a charter. Explained the Charter Commission would be fifteen people who would listen to the citizens of the community and the citizens would then decide what they believed the government should look like and how it should be run. Noted every city and twenty counties in the state of Florida were run by a charter and those twenty counties represented 80% of the people in the state. Stated the BCC should give the citizens the opportunity to decide whether they wanted to be governed by the laws the state of Florida developed or have their own rules. Requested the BCC accept the Ad Hoc Advisory Committee's recommendation and appoint a Charter Commission with a target of November 2010 for the charter.

Thanked staff for all its help, especially Melissa Sheets, Special Projects Coordinator.

Commissioner Peterson stated he wanted the public to know with the governmental organization the County was currently under that the state told the County what it could do. If there was a charter government, the County could do everything it wanted to do, unless the state expressly prohibited it. Noted it was a very different concept. Believed the regulations this County currently operated under were dysfunctional. Stated it was very difficult to get coordination and cooperation. In his opinion, the residents of Flagler County would enjoy tax savings if they had a charter government. Continued to say the charter could be nothing more than having non-partisan elections and did not have to affect constitutional officers and their roles and responsibilities.

Recommended discussing this in detail in the fall of 2010 after the BCC discussed and voted on the Fiscal Year 2010/2011 budget because he anticipated further reductions in property values and continued hardships for the residents. Expressed concern this would cost \$90,000 to \$150,000 to present the pros and cons to the public. In his opinion, if there should be a Charter Commission, the BCC should not be involved. Felt the timing was not appropriate when there were significant hardships, but was firmly convinced a charter government was in the best interest of the residents of Flagler County.

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Commissioner Holland noted she had a different opinion on this issue. Thanked the Committee for its time and energy. Stated she read the entire packet provided to the BCC and learned a lot from that information, but did not find that any of the pros and cons provided would make it any closer to home rule. Commented the County was statutorily required to provide services in this community and the constitutional officers currently did that. If the County was to form a charter government, it would not eliminate those needs. Believed Flagler County did not need another layer of government and if the people were not pleased with their constitutional officers, they had the power to vote them out of office. Understood there were many “what ifs” and it was the “what ifs” that concerned her. Stated she was able to speak with the constitutional officers during budget time and mentioned how she understood the Sheriff’s operation more now than when she was first elected. Stated the people elected the Sheriff and felt the County should not take that right away from the people. Commented the County had enough to handle regarding its current form of government and did not need any further duties or roles. She would not be in favor of expending more money to add another layer of government that she thought was not needed. Noted everything that needed to be done could be done under the current form of government.

Commissioner Abbott agreed with both Commissioners Holland and Peterson and noted he discovered he did not have a right to his own personal opinions when elected to this position. Stated he had spoken to people all over the County and 99.9% were against a charter. Stated he currently would be against anything dealing with charter, but sometime in the future after the public was well informed as to what a charter government would mean, he might be amenable to it. Remarked that commissioners who were in charter counties advised him to be extremely careful of what was put in a charter because it would be ten years before it could be changed.

Commissioner Revels noted she studied everything that was available in the backup, spoke to many people and had numerous debates with committee members. Believed there might be a role for charter government in Flagler County, but not today. Noted most counties that had charter government generally had 500,000 plus people and had a stronger County Administrator role, such as in Volusia County. She would not want to see another layer of government in a charter. Stated the County government would be more efficient with control over its finances, the ability to find out what was being spent on a project at any given time, and have greater control over the budgetary areas. That was what was in her mind and could have nothing to do with what might be written into a charter, which was one of the problems. Stated the devil was in the details. Noted she would not get to say one word about what would be in a charter. Commented the biggest reason she did not want to move forward with this at this time was not only the initial expense, but the implementation expense. Felt there would be a savings from a charter in the future.

Chairman Hanns stated he had researched and knew about other areas in the state of Florida that had charter forms of government. Noted they had a good thing going in Flagler County, but in these economic times, were trying to make the best with what they had because of money. Remarked the County was trying to maintain services to the public. Stated all the commissioners had received numerous e-mails from the public on this issue.

Requested public comments.

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Jane Mealy, Flagler Beach Commissioner, hoped the BCC would be very careful in considering this. Noted she had spoken to many people in the City of Flagler Beach and they were extremely nervous about it. Stated it was very important to Flagler Beach as a small city to maintain its home rule. Remarked at the joint meeting there were several times when Commissioner Peterson had asked why the City did not have the County do this or that and she started to see the County trying to take over things in Flagler Beach. Continued to say when Mr. O'Connell gave his very bias approach, it may have been a Freudian slip, but he called Duval County, Jacksonville. Noted if she lived in Atlantic Beach or Jacksonville Beach, she might not be too happy about that. It made her very nervous as a commissioner in a very small city. Commented she knew the BCC was concerned about the constitutional officers, but should not change the entire way Flagler County was run. Stated she would not want the County running the growth management plan in Flagler Beach and stated its comp plan was very personal to the City.

Mark Langello, businessman in Flagler County, noted the study looked at five counties and the smallest was 253,000 people and the others were 400,000 to plus 500,000. Stated Flagler County had 95,000 to 100,000 people. Spoke about what was in the information packet regarding the cost savings. Mentioned Flagler County had a recall of a constitutional officer years ago and it was quickly and efficiently done at no cost to the citizens. Stated when a constitutional officer was elected, the citizens expected that person to run the office and be held accountable until the end of his or her term. Spoke about a large county having control over smaller cities.

A. Alford, Flagler County resident, noted he read this document, read all the minutes of the meetings and attended three of the last four meetings where he heard Mr. O'Connell say several times that he had a three-minute presentation where he could convince anyone the charter procedure was the way to go. Noted he was not convinced. Stated the Committee's study did not address the main issue, which was what form of government would serve the people best. Commented the Committee did not have an answer on that and this document did not provide more information on that. Felt the committee wanted a change in the power structure. Noted the present form of government had served the County well and since the committee had not addressed the change with respect to how it might be improved by a charter government, he felt it should not be done. Also noted he attended the meeting where the members discussed what the cost would be and stated there was no research done on this whatsoever; they just went back and forth asking each other what they thought the figure should be.

Ralph Campton, resident of Flagler Beach for over twelve years, noted this County had capable, responsible and creative government and all the cities had competent city governments. Noted they had a terrific Sheriff's Office and very good Motor Vehicle Department. Suggested other counties should start looking at Flagler County. Asked the BCC not to appoint the Charter Commission and immediately drop the issue.

Patrick Kelley, Palm Coast, commended the members of the committee for their time and believed they had the best interest of the County in mind. Noted the two best arguments that came against this were from two of its strongest proponents, Commissioner Peterson and Mr. O'Connell. When asked what the charter was, Mr. O'Connell held up a blank piece of paper and waved it and Commissioner Peterson stated once the BCC appointed the Commission, it could not control it. Felt currently the right thing to do was to do nothing.

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Kimble Medley, Palm Coast, agreed with Commissioner Peterson that the current form of government was dysfunctional and stated she was looking at this from a personal aspect. Noted her concern was the human resources aspect. Stated each constitutional officer had its own human resources department, as did the County. Felt that could be incorporated into one to provide a more uniform selection process, more uniform application and to give the employees recourse if they were having difficulty with a certain constitutional officer. Spoke about a state audit, the ballot box and the length of constitutional officers' terms. Understood the monetary considerations and what the County was facing, and strongly urged the BCC to consider naming a Charter Commission.

Mick Cuthbertson, City of Bunnell, spoke on behalf of Bunnell City Commissioner Elbert Tucker stating they did not need a charter.

Jack Carall, Palm Coast, understood in a charter the government would be controlled by the County Administrator giving one man an extreme amount of power and would take away the power of the vote. Spoke about the recall process. Advised the BCC to leave things the way they were and watch the power.

Peter Petrosky, Bunnell, recommended the BCC turn this down. Felt the two commissioners with the least amount of experience were the ones pushing for this. Thought it was a power grab and felt the elected officials of the County did a very good job with their budgets and for their people. Most of the constitutionals had given money back to the County from their budgets for the BCC to do whatever it wanted and to say they were not doing their budgets well or running their offices well was disrespectful. The people voted those individuals in office to do their jobs. Urged the BCC to immediately drop it. Mentioned the unemployment and lack of money.

Catherine Robinson, City of Bunnell Mayor, stated she appreciated the comment about dysfunctional government, but in her mind, the local government of Flagler County with the municipalities was actually more functional then they had been in a long time. Noted they spent more time communicating with each other, felt there were more efforts made to negotiate with each other and more compromising with each other than in the past. Spoke about how each municipality was different. Mentioned another layer of government was not what they were looking for. Thanked the BCC for doing a good job looking out for all the municipalities while allowing independence and encouraged the BCC to consider the needs of the whole County.

Ken DeFiore, Vice Chair of the Ad Hoc Advisory Committee, thanked the BCC for the opportunity to serve and reiterated the appreciation the members had for County staff. Thanked the constitutional officers for their timely response in supplying information. Pointed out it would not necessarily ten years before a charter could be reviewed; it would be whatever the charter said and that varied from charter to charter. Concerning the comment made about the study not really addressing the main issues or concerns, he was confident the committee had done all the items it was charged to do in the resolution.

Chairman Hanns commented those individuals who volunteered to serve on this committee were not necessarily for or against it.

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Commissioner Peterson advised a charter would not add another layer of government, but it could change some of the duties and responsibilities. Pointed out it also did not mean the County Administrator would become “king of the hill” and noted those responsibilities could be totally unchanged. Stated he would not want to give more authority or responsibility to the County Administrator.

Commissioner Holland thanked the public for their comments. Extended her thanks to the committee members and stated her thoughts did not represent the fact they did not spend an extensive amount of time researching this. Stated all the information provided was invaluable to her. Noted in this report all the charter forms of government talked about the majority of the population being in the unincorporated county, but that did not exist in Flagler County.

**A motion was made by Commissioner Holland that the BCC not move forward with forming a Charter Commission. Seconded by Commissioner Abbott.**

Commissioner Revels commented on the public participation. Remarked Mr. Petrosky seemed to think she was a proponent of this along with Commissioner Peterson, and that she pushed this. Pointed out she had nothing to do with it and her comments were she did not think this was the right time to do this it, but might be right in the future. Secondly, all of the cities that had spoken about their worry the County would tell them what to do, but in her mind a charter would not be written where the County would overrule a city’s ordinances, land use map, or anything along those lines. Noted that was not anything she, as a county commissioner, wanted to do or saw the role of County government doing. Lastly, she spoke of the committee and how much work it did. Felt the members took what they were charged with to heart and she thought they carried that out. Noted she learned about what a charter form of government could mean and what it meant in other areas where it had been passed.

**An amendment to the motion was made by Commissioner Peterson to accept this report from the Ad Hoc Advisory Commission with the BCC’s thanks and not to move forward in establishing a Charter Commission at this time.**

**The amendment to the motion failed for lack of second.**

**Chairman Hanns called the question. Motion carried unanimously.**

*The BCC recessed the meeting for five minutes at 7:17 p.m.*

*(At this point in the meeting the Board Secretary tried to obtain the written presentation used at the meeting from Mr. Jim O’Connell, but he refused to submit the document.)*