

QC

QUALITY CITIES

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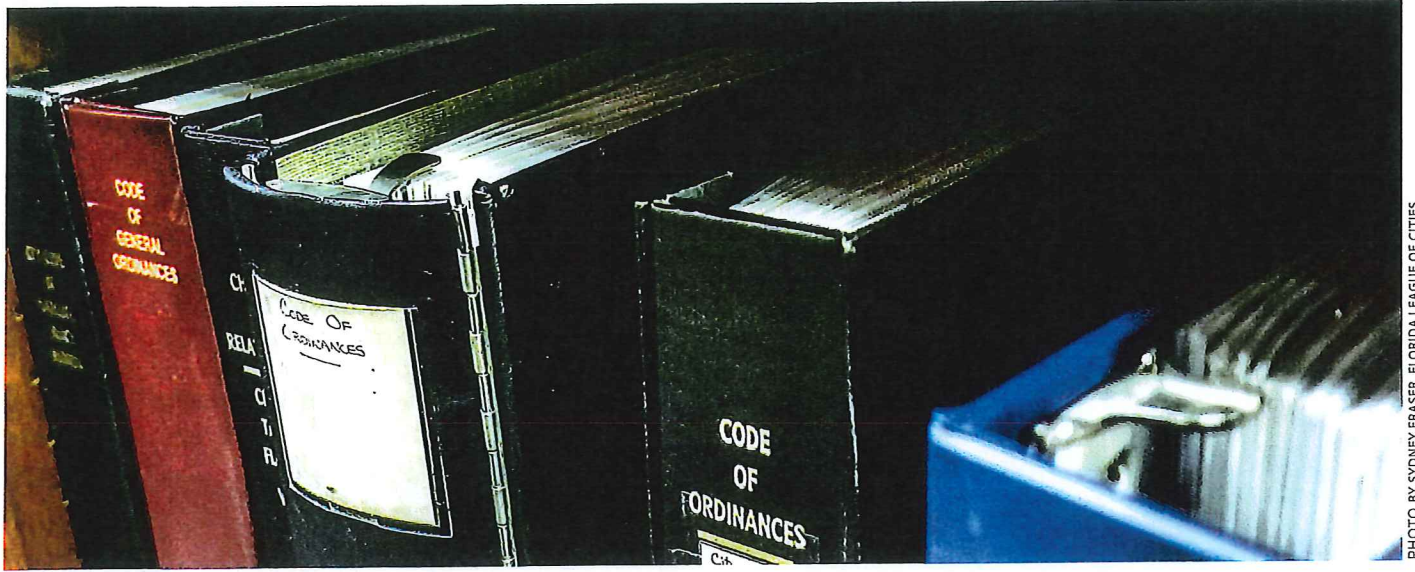


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FRAMEWORK

City Charter Review

Is it time to amend your document?

by Lynn Tipton
Florida League of Cities

Just as governmental services evolve over time based upon population changes, service delivery issues and other factors, a city charter needs periodic reviews so that it is truly a reflection of the population and government being served.

In Florida, all municipalities have a governing document called the charter, and under the state's Home Rule powers, it's the residents of each city who vote to adopt, amend or dissolve it.

Derived from the Latin word for contract, charters function today as a social contract between citizens and the officials whom they elect to represent them and to provide self-governance.

The charter outlines the organizational structure of the city to ensure it meets the city's needs.

Charters are broad frameworks, of course, and not the best document in which to include specifics that are better placed in ordinances and administrative codes. Even broad frameworks, however, need to keep pace with changes in state and federal laws and other factors. In a high-growth state like Florida, the 10-year to 20-year charter review period is

common among municipalities. Florida cities that have recently undergone this process include **Crestview, Gainesville and North Port.**

Some cities have built-in charter review timelines, such as every decade or every 20 years. Other cities leave that timing to the discretion of the council or commission, or they have provisions that allow for a charter review to be activated by petition.

In non-election years, cities may choose to convene a charter review committee so that the timing will align with an election year in the event amendments are necessary. If the timing of amendments doesn't line up with an election year, a city may choose to hold a special election for its amendments.

WHERE TO START

To begin a charter review process, many cities have adopted a procedure in their administrative codes or through an ordinance that establishes the details. It usually includes the timing of the committee and its work, the appointment of the committee members and their procedures for noticing their work, such as compliance with public meeting laws and

sharing minutes on the city website. It also outlines how the recommendations of the committee will be considered.

Each city determines through its Home Rule powers whether it will place any recommended changes onto the ballot or have the council make that determination after the committee concludes its work. Some charter review committees have no changes to recommend because the charter is already up to date.

As the committee begins its work, it is common to start with a review of the entire charter with the city attorney and to then break the charter into its articles (charter sections) for individual discussion, comparison and possible revision. The citizen-based committee might determine that one or more articles don't need review at this time, which would limit the committee's scope of work.

Under Florida's open meeting laws, each public meeting includes a review and adoption of minutes from the prior meeting as well as an opportunity for the public to be heard. As the articles are reviewed, comparisons might be made to peer city charters topically or might be used to help the committee understand alternatives.

CHARTER REVIEWS: BEST PRACTICES

by **Robert E. Lee**
Florida Gulf Coast University

As a public administration academic and retired city manager, I have managed many charter reviews and assisted with them as a facilitator. The following are offered as best practices:

» **Use a facilitator when a substantial review is planned.**

If your city is looking at major revisions to its charter, an external facilitator can be the best choice. Bring in an experienced facilitator to take the committee through the lengthy and detailed process, which will take the pressure off city staff. If the charter review process is minimal, the city attorney and staff can often manage without a facilitator.

» **Use peer reviews when there is a lack of institutional history.**

Some cities find that no current staff have been through a charter review when it has been 20 or more years since the last review. Other than minutes from past reviews, there may be a lack of institutional knowledge and history about the city's reasons, rationale and justifications on the current charter. This is when peer reviews with just a few other cities can be helpful so that a city isn't starting from scratch. The Municipal Code Corporation's charter library is helpful with those comparisons.

» **Keep it simple.**

Remember that the charter is your framework, not your laws. As details are proposed, have your chairperson keep a tight rein on what is appropriate for the committee to discuss and research (with staff) and what should be referred to the attorney for consideration as ordinance(s).

» **Keep the committee size manageable.**

Charter review committees with more than 15 members can be tough. The larger a committee, the harder it is to find dates for the meetings and to hold effective sessions. Ideally, for a five-person city council/commission, if each member appoints two representatives and the mayor appoints three, you'll have an 11-member committee. This size works well together. It can also be helpful to have an alternate appointed in the event someone must resign from the committee.


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Staff is often asked to bring back research-related information to the committee. For example, changing the size of the city council from five seats to seven would require additional funding for the elected officials, as well as have other budgetary impacts, so staff would determine that cost. The attorney might also be asked to bring back sample ballot language for a proposed change so the committee members can better understand how voters would view and take action on any changes. This review is usually several months, which varies greatly depending upon the committee's availability.

Should any recommendations come from the committee to the council/commission, then the process begins for review and consideration of ballot measures by the council.

FROM TAMMANY HALL TO CITIZEN-BASED POWER

Historically, the idea of charters as the right way to establish a proper

balance of power between the council, the mayor (if applicable) and the staff is well-documented.

In the 1890s, **Teddy Roosevelt** helped dismantle New York City's political "machine" called Tammany Hall through a national civic organization whose purpose was encouraging charter reforms to reign in corruption, nepotism and other political wrongdoings. The future president was a police commissioner and actively involved in the city government at the time.

Citizens recognized and embraced that the document for the level of government closest to them could be changed only by them – *local decisions, locally made*. They knew that citizen-based power made the most substantial difference in how their municipalities would and should represent them and govern.

That fledgeling civic organization helped to birth two prominent associations: the **National League of Cities** and the **National Civic League**. Both associations were critically important to

the Reform Era (1880s to 1920s) and its merit-based, ethically focused revisions in federal, state and local government.

Governments evolve as their communities, citizens and services evolve, and an effective charter must reflect the characteristics, goals and vision of its citizens.



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RESOURCES

National Civic League: *Model City Charter* (Eighth edition) and *Guide for Charter Commissions*. ncl.org. Please note: The questions and processes outlined in the model are very helpful; however, do not use their actual charter language as it doesn't conform to Florida law.

Municipal Code Corporation's charter library. Many cities have their codified charters listed here: library.municode.com/fl.