



**Town of Surfside  
Town Commission Workshop  
AGENDA**

**April 30, 2012**

**2 p.m.**

**Community Center #9301 Collins avenue  
Surfside, FL 33154**

**1. Opening**

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**

**2. Discussion Items**

- A. Commission Priorities, Mayor Daniel Dietch Page 1**
- B. Charter Review, Vice Mayor Michael Karukin Page 3**

**4. Adjournment**

Respectfully submitted,

Roger M. Carlton  
Town Manager

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THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.010 5, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANY ONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT [www.townofsurfsidefl.gov](http://www.townofsurfsidefl.gov)

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**Town of Surfside  
Town Commission Meeting  
April 10, 2012  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**DISCUSSION ITEM MEMORANDUM**

**Title:** Commission Priorities

**Objective:** To direct the Town Manager to convene a priority-setting workshop as part of the annual budgeting process.

**Consideration:** During the past two years we have seen extraordinary progress in all elements of the Town's operations. The credit for this must be shared by the Town Commission, the Administration, and our citizens who contribute their time and energy to various advisory committees and initiatives that contribute to our shared sense of community.

We have all discussed the need for prioritization to help focus and balance the incredible amount of work needed of staff, while allowing for meaningful stakeholder engagement as we develop appropriate policies that address the many challenges and opportunities over the next two years and beyond.

To that end, I requested the Town Manager to develop a preliminary list of Level One Priorities. Level one is defined as those activities which should be decided or completed during the next twelve months. Attached is a list of 25 items that are currently viewed as Level One Priorities by the Town Administration based on reactions to the Points of Light as well as numerous interactions with the Town Commission members, the various advisory groups and citizens. These 25 items are certainly not all-inclusive and are listed without any judgment as to priority from the Commission and without any consensus reaction from the Town.

It is our collective responsibility to review and amend this list as well as set Level Two Priorities (12 to 24 months) and Level Three Priorities (24+ months) priorities as soon as the new Town Commission is fully seated. I suggest that this is best accomplished through a public workshop so that we can appropriately engage the community in this discussion.

## **LEVEL ONE PRIORITIES**

1. Complete the Water/Sewer/Storm/Drainage project
2. Go/No-Go decision on undergrounding power lines and related utilities
3. Go/No-Go decision on parking structure
4. Go/No-Go decision on Downtown Business Improvement District
5. Go/No-Go decision on Community Center second story
6. Upgrade the website/content/options, including opt-in subscription services
7. Upgrade the existing parking lots
8. Complete the Town-wide signage program
9. Enhance the code enforcement program
10. Charter reform
11. Reassess the Zoning Code
12. Continue to reduce the tax burden of residential property owners
13. Protect Town from Bal Harbour Shops expansion
14. Develop an effective beach management program in cooperation with Miami-Dade County and State of Florida (no concessions)
15. Determine the appropriate level of service and cost for solid waste/recycling program
16. Develop a succession plan for key positions
17. Enhance financial transparency – budget, clerk records
18. Continue to elevate the level of service and accountability at Town Hall (platinum-level service for citizen response)
19. Improve inter-governmental cooperation
20. Secure County commitment for the sewer force main north
21. Develop a Tourism and Economic Development Advisory Committee strategic plan
22. Restore the FEMA flood insurance discount
23. Build General Fund reserve to \$5 million
24. Build Water/Sewer/Storm Drainage reserves to avoid rate increases when possible
25. Continue to beautify Surfside's physical appearance

## Sandra Novoa

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**From:** Michael Karukin  
**Sent:** Saturday, March 31, 2012 7:50 PM  
**To:** Roger Carlton; Lynn Dannheisser  
**Cc:** Sandra Novoa  
**Subject:** Charter Review  
**Attachments:** Charter Review Report - No Attachments 3-9-2010.pdf; reviewing a charter by wendy hassett.pdf

For Discussion

Ask the commission to direct the Town Manager and Town Attorney to reconvene the Charter Review Board (CRB).

The CRB issued a report March 9, 2010 (see attached) but no action was taken. Events over the past 2 years point to a sustained need to resurrect the effort. The goals would remain the same: update, streamline, modernize, eliminate superseded provisions, and identify specific issues to be placed on a ballot.

If direction to move forward is approved, to help prioritize the effort, the commission should also decide on a target date for the ballot questions (e.g., November 2012, March 2013).

**Thank you,**

**Michael Karukin**

Commissioner

Town of Surfside

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**TOWN OF SURFSIDE**  
**Office of the Town Attorney**  
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**REPORT**

**TO: TOWN COMMISSION**

**FROM: CHARTER REVIEW BOARD**

**VIA: LYNN M. DANNHEISSER, TOWN ATTORNEY**

**CC: GARY L. WORD, TOWN MANAGER**  
**DEBRA E. EASTMAN, TOWN CLERK**

**DATE: MARCH 9, 2010**

**SUBJECT: RECOMMENDATIONS FOR AMENDMENTS TO CHARTER**

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**Background:**

By Resolution 2008-1840, the Town Commission established the Town of Surfside Charter Review Board. The following members were appointed: Ken Arnold, Michael Karukin, Lou Cohen, Barbara McLaughlin subsequently replaced by Shoshana Feingold, and Marta Olchyck. The Board convened seven (7) separate occasions at publicly noticed meetings:

October 6, 2008  
November 24, 2008  
January 5, 2009  
February 23, 2009  
June 1, 2009  
November 2, 2009  
February 16, 2010

(Minutes are attached to this report.)

All meetings were facilitated and documentation prepared by the Town Attorney. The Town Manager and Town Clerk also attended and participated in these meetings. Members of the public were invited to speak at the televised, public meetings. At the initial meeting of the Board, Ken Arnold was selected as the Chair, Lou Cohen was nominated as the Vice-Chair, and the Board discussed its mission.

**Goals and Objectives:**

1. To review the Town Charter in order to update, modernize, and streamline the document with the goal being to make the document more readable and easier to understand by the lay public.
2. Once the Charter was streamlined, to review and analyze all remaining provisions and to recommend to the Town Commission for adoption and for placement on the ballot for only those changes which would affirmatively add value and benefit to the Town.

**Process:**

The Board engaged in the following process:

1. The Charter Review Board considered the applicable Florida Statutes and Home Rule Charter provisions, the Model City Charter produced by the National League of Cities, several existing Charters from municipalities in the State of Florida. In addition, on Mr. Karukin's initiative, Robert E. Lee, Ph.D., the Executive Director of Florida Local Government for Excellence, spoke to the Board and offered his opinions and views on issues relating to method of election of officials, staggered terms, direction of mayor, voting by district vs. at-large, and other topics.
2. At each meeting, the Board reviewed and debated each section of the Charter after being provided with information on the rationale for each section. Subsequent to the debate and public hearing, the Town Attorney drafted and distributed a draft charter revised in accordance with the decisions of the Board at the prior meeting. Those changes were then re-reviewed once again and finally adopted or rejected. The Board then went on to consider a new set of charter sections or subjects.
3. Following each meeting, the Town Attorney drafted (and re-drafted) the changes proposed by the Committee for consideration at the next meeting and so on.

**General Substantive Issues Debated:**

The following issues were debated at length:

1. Form of municipal government (strong mayor vs. commissioner-manager form of government).
2. Elected officials and their boards (number of officials, qualifications, roles of officials, boards and committees, effect of retaining personnel appeals board on good management practices, salaries and expenses for officials).

3. Charter officers (Duties, roles and responsibilities of the Town Manager and Town Attorney including the Town Clerk and (whether the Clerk should be a Charter Officer rather than a Town employee under the employ of the Manager).
4. Voting issues i.e., requiring supermajority votes on certain issues, elections, terms of office, staggering terms, at large vs. district representation. Elongation of the two (2) year terms of office was debated at several meetings. Ultimately, the final debate at the last meeting of the Board resulted in a motion to change the term to three (3) years. This motion failed on a tie (2-2) vote, since one member of the Board was absent. (The Town Commission may wish to revisit this issue.)
5. Ethics issues including the addition of language and restrictions on campaign finances, restrictions on lobbyists, limitation on financial interests.
6. Addition of a Preamble and Citizen's Bill of Rights to set the tone and intention of the document as well as a recommendation for a formalized charter review process to be initiated every ten (10) years.
7. Retention of Height, Density, and Intensity Restriction: Due to evolving case law, an early draft *removed a reference to the Town's Comprehensive Plan and deleted the terms "intensities" and "densities"* from the text. It was posited that such changes can enhance the restrictions from a legal perspective. However, there was a concern that any change in the language could be perceived by the electorate as a lessening or relaxation of the limitations or other unintended consequences. This created reluctance on the part of the committee to make any substantial changes to this section. The committee agreed to retain the reference to the Town Comprehensive Plan and the words "intensities" and "densities". Alternative wording was adopted.
8. Of the approximately 175 provisions of the Charter, most all were discussed or debated, except those that were superseded and no longer in force or effect.
9. Miscellaneous issues such as charitable contributions by the Town.

**Summary of Recommended Changes and Action:**

The following changes were adopted by the Charter Review Board and are recommended to the Town Commission for consideration:

1. Re-organize and Streamline the Charter.
  - A. The current Surfside Charter is a cumbersome, antiquated document that has been superseded in large part by the Home Rule Powers established by the Florida Legislature and other laws in 1973. The first act of the Charter Review Board was to eliminate all provisions of the current charter that have been updated and superseded and are no longer valid under the law. This reduced the size of the Charter document from **83** pages to **27** pages. This one revision alone produced a more manageable, readable document.



- B. The second thing the Charter Review Board did was to simplify, re-number and re-organize the Charter so that all provisions followed logically and are easy to follow. They appear as follows:

Article I.	Incorporation; Form of Government; Powers
Article II.	Town Commission
Article III.	Administration
Article IV.	Annual Budget and Tax Levy
Article V.	Elections
Article VI.	Initiatives; Referendum and Recall
Article VII.	Miscellaneous Provisions

2. Propose the following seven (7) material or substantive changes:

- A. **Bill of Rights.** Include a new Preamble expressing the intent of the drafters and a Bill of Rights which provides for greater rights of citizens to access/ participate in government.
- B. **Salary of Commissioners.** The Charter Board is recommending that the Commission have the ability to vote for a salary not to exceed six hundred (\$600) dollars but in no event be given to the Board that actually enacts the change. Receipted expenses approved by the Manager will be reimbursable.
- C. **Regular Charter Review.** A regular Charter Review Board shall be convened every ten (10) years. This does not inhibit the Town Commission from requesting charter review and changes prior to that time. If that occurs, the mandated charter review is deferred for ten (10) years.
- D. **Elimination of Personnel Review Board.** Effective and responsive management is impaired by this Board's existence and many other remedies are now available to employees who believe they are aggrieved.
- E. **No charitable Contributions.** There shall be no charitable contributions made except as approved by a supermajority of the Commission.
- F. **Ethics.** No Commissioner shall have a financial interest direct or indirect in any contract or in any sale to the Town or contractor or supplier to the Town or any land or rights or interest whatsoever.
- G. **Campaign Finance Reform.** The Town Commission shall adopt an ordinance relating to campaign financing to, among other things, mandate a limitation on both the amount of campaign contributions allowable as well as limit total spending by any candidate for Town Commission.

The Charter Review Board recommends the attached Proposed Charter be adopted by the Town Commission for transmission to the electorate.

As a final note, the Charter Review Board wishes to acknowledge the diligence, time, effort, and expertise offered by the Town Attorney in assisting this Board. The Town Attorney also wishes to acknowledge and thank the Manager and Clerk for their effort and input.

# Reviewing a City Charter

BY WENDY L. HASSETT

During the early 1900s, many cities faced serious challenges to effective governing. As a result, they became actively involved in charter reform. Since charter reform provides a way to redefine the basic rules of governmental operation, cities looked to their charters as a way of reducing corruption, enhancing local autonomy beyond what was granted by state governments, improving government efficiency, and strengthening control over municipal finances. Over the twentieth century, more than eight cities in ten over ten thousand in population changed their form from the traditional weak mayor-council form or chose one of the new approaches as newly created cities.

Today's local governments also face challenges and often look to their charters for solutions. A well-functioning local government relies on established rules, regulations, practices, and precedent, and its charter is a large part of this. Sometimes a local "crisis" or series of public debacles bring into question some aspect of the charter. In other cases, a local government might be required to conduct a charter review every ten years, for example, to assess whether any changes should be considered. When a routine charter review is mandated, the review is necessary even if there is not a specific reason for it. It is important to note that a charter review commission does not single-handedly have the power to change the charter. Instead, this body has the ability to draft charter amendments or a new and presumably improved charter to be considered by local voters at the polls.

While a charter contains the enduring guiding principles for governmental operations, it also must be able to be adapted and changed. Although many good charters stand the test of time, they are documents crafted by flawed human beings who are unable to see into the future. Therefore, charters need to be revised and updated from time to time—in good times and in bad.

Charter review starts with the appointment of a commission made up of local residents who are tasked with methodically and objectively reviewing

the existing charter and various aspects of local government operations. The scope of work assigned to charter commissions varies widely. As a result of the review, the group determines what (if any) changes should be considered for formal adoption. Because each community is different, there is not one "right" way to do this. Each charter review process will be unique to the community conducting it.

Although writing or amending a charter requires the involvement of local residents, it is interesting to note that only a handful of people have ever had any experience drafting a charter or changes to one. For most people involved in the process, it is their first and only experience with such a task. Without a doubt, this body is challenged with an uncommon and significant civic duty.

## Commission Membership

Opportunities for direct citizen involvement in local government often garner a healthy amount of attention. While citizen involvement in committees, advisory groups, public hearings, and the like is a significant and valuable part of local government operations, membership on a charter commission offers an uncommon opportunity for public service to one's community. Participation in the charter process is citizen involvement at a higher level and with greater potential impact.

A charter commission is a body authorized by law and established for the single purpose of drafting and submitting to the voters a newly created local government charter or revisions to an existing charter. The appointment of this group of individuals, typically between fifteen to twenty registered voters, often is governed by laws and regulations that deal specifically with charter creation and revision. For example, in some cases, commission members might be required to be appointed by the mayor. In other cases, it may be the council that appoints the members. In still other situations, these individuals are elected by the voters. In any case, this independent commission of citizens is empowered to organize its review within the assigned scope and establish its

schedule in order to facilitate its study of the charter and certain aspects of the government.

Given the importance of the charter commission's task, its membership is worthy of careful consideration. Individuals chosen to serve on the commission have a special opportunity for local statesmanship. If voters ultimately approve the work of the commission, the efforts of this group will have lasting impact on the future of the community and the local government. Therefore, selection of the individuals to serve in the charter process is a crucial decision.

All participants should be eager to work hard and willing to share their talents and expertise. It is important to understand that participants bring with them unique value systems, biases, differing opinions on what "good government" is, good and bad life experiences living in different communities, and (in some cases) personal agendas. As a result, deeply held beliefs and viewpoints set the stage for complex committee dynamics, passionate discussions, and heated debates.

At the heart of this process is the active and focused engagement of a diverse and representative group of community members. Diversity is important for several reasons. The involvement of diverse groups and perspectives will not only contribute to a better final product but also lend credibility to the validity of the final outcome. Therefore, no group should be left out. All segments of the community should be represented, and no one should be excluded based on race, creed, color, ethnicity, national origin, religion, sex, sexual orientation, gender expression, age, height, weight, disability status, veteran status, military obligations, or marital status.

When the commission is composed of community residents who are not involved in day-to-day governmental operations, the commission is able to be detached, objective, and impartial. The most effective charter commissions are not dominated by lawyers, scholars, and accountants but made up of civic-minded, intelligent laypeople with a commonsense approach to things. The members should (a) be in touch with the perspectives present in the community, (b) command respect from local residents, and (c) bolster the confidence of citizens in the process and the work of the commission.

Special mention should be made about the role of local elected officials. While in many cases the mayor and/or council plays a role in the appointment of commission members, the involvement of elected officials should end at that point. The charter process functions best when it is rooted in citizen involvement rather than being influenced (intentionally or unintentionally) by political officials directly serving as members. In some cases, the commission's recommendations go back to the council, which has the authority to decide whether the proposal will go to the people for a vote or may determine the final language of proposals. Still, the commission should do its work independently and give the council and the voters its best thinking about charter change.

### Key Commission Players

#### Chairperson

The chairperson of the commission has a vital role to play. Because commission members are respected and intelligent individuals in their own right, it follows that they should be led by someone who is widely regarded as a person of integrity and good judgment who is politically neutral, accomplished, and widely respected. The ability to collaborate is also valuable. This individual might be a former mayor or other well-known civic-minded individual who is level-headed and has a good sense of the work of a charter commission.

A number of real advantages come from the city council naming a chairperson and commission members simultaneously. However, if the council does not choose a chairperson, it is up to the commission to do so. Oftentimes a commission takes up the subject at its first meeting without much thought. Due to the significance of this position, the selection of the person to head the commission should not be taken lightly. The most successful charter commissions are led by a well-chosen chairperson. Unfortunately, instead of a thoughtful and deliberative decision, many times the selection of the chair is made quickly and relegated to a random selection from among those willing to be considered.

So, what makes for a good commission chair? A good chair is skilled at conducting well-run meetings. But there is much more to being a successful chair of a charter commission. A good chairperson

has a sincere passion for the work of the commission and is able to translate that passion to its members. A good chair motivates commission members and speaks personal words of support and encouragement when needed. A good chairperson connects ideas, challenges opinions, helps define problems, and ultimately assists the group in reaching consensus on the issues that must be addressed.

These qualities are found when the chairperson uses a participatory style over an autocratic one to encourage active involvement among the members. This kind of chair acts more as a facilitator than as the local expert with all the answers. The chair leads the meetings, focuses the work of the commission, and keeps the process organized and on track. The chair does not give up his or her right to participate in shaping the decisions of the commission but participates in a fair way. For example, the chair does not use the position to give advantage to some members or to discourage members who hold different views. Further, the fair chairperson does not forcefully express his or her views in order to discourage others from expressing their opinions.

It is a lot to ask for the chairperson to single-handedly address the myriad of issues that may arise during commission deliberations. Ideally, the commission chair will have the ability to call on competent advisors to assist when needed. A discussion of two such advisors follows.

#### **Resource Person**

The intensity and scope of the work of a charter commission make it ripe for conflict. The politically charged task for which this body is responsible can easily result in communication breakdowns and gridlock. For this reason, many chairs have found it valuable to have a substantive resource person, consultant, or other expert sit alongside them and serve as a "go-to" person when a complex or substantive question arises. This person may also make early presentations to the commission on forms of government alternatives and on other key issues as they arise. This person is not a member of the commission and does not have a vote.

A resource person might be educated in public affairs, political science, or public administration with experience in charter writing, such as a university

professor or a senior staff member at an institute of government. In other cases, this person may be a consultant with a favorable record of involvement with charter commissions. If a charter commission does not have the luxury of engaging a paid resource person, a pro bono volunteer from a university or governmental institute with charter experience may be an option to consider. Regardless, an outside resource person is often an extremely useful addition to the commission as a source of technical guidance, suggestions, and advice. The key is that this person has had experience with charter commissions and is willing to bring that experience to this commission.

#### **Legal Expert**

Every charter commission should have access to sound legal counsel. However, it is important to note that the study of law is by no means a study of local government, politics, and public administration. And not just any lawyer can provide the information the commission will need.

For charter writers, it is very important to be sensitive to the state-specific legal context in which the resulting charter must operate. A legal advisor can be invaluable in helping the group avoid potential conflicts with state provisions. Sometimes specific charter provisions must be included to allow a local government to take advantage of or to escape from laws established at the state level.

City or county attorneys are of particular value to the commission because they are familiar with the existing charter, the legal problems the local government may have had with it, and the applicable state laws. Furthermore, laws that govern the county, school districts, and other units may come into play. The detailed and sometimes complex arrangements that exist among a local government and its public sector components, quasi-governmental entities, and associations underscore the value of a knowledgeable, state-specific legal advisor who can address questions that arise.

However, not all legal experts are created equal when it comes to charter commissions. If the city attorney has experience drafting charters or charter revisions, that individual may be the choice to serve as the commission's legal expert because he or she will be affordable and responsive. However, if

the city attorney does *not* have this kind of experience, the commission needs the ability to hire outside legal counsel with state-specific experience drafting new or revised charters.

If an outside attorney is hired, the city's full-time attorney still should be involved in the process by providing testimony to the commission and reviewing and commenting on the final draft document. After all, long after the commission has dissolved, the city attorney will be the one to defend the charter if and when it is attacked. Therefore, ongoing involvement of the city's own legal advisor is a critical part of the process.

Finally, a commission should not refrain from claiming power or including a provision in the charter just because there is doubt about how it will stand up in court. The powers of many local governments have been unduly limited not by the laws or courts of the state but by the timidity of the charter commission or the commission's legal counsel.

### Funding

As a conscientious public body, the commission should make every attempt to minimize its financial obligations. However, every charter commission must have some money available to cover its necessary expenses.

As often as possible, the commission should use public buildings for its meetings. It is likely that the local government will make its office staff and equipment available to the commission so that secretarial services, stationery, copying, and postage can be handled in house. Even more technical matters, such as Web site updates and bulk e-mail messages, may be completed by local government staff. Instead of paying outside experts for their time, local government staff members (such as the finance director, for example) should be considered because they typically prove to be informative advisors willing to share their expertise with the commission at no cost.

Visits to other communities by commission members occasionally may be desirable, but junkets at public expense are not appropriate. A better alternative is to invite speakers from outside the community to speak to the group during its meetings.


No commission member should be paid a salary or honorarium. Furthermore, commission members should never assume that they will be reimbursed for expenses without first consulting the appropriate government staff member.

If a significant cost is identified and deemed necessary or appropriate, the commission should make a formal request to the local authorities for the needed funds. Only necessary expenses should be reimbursed—such as consulting fees or outside technical assistance. Accounts of all receipts and all expenditures should be carefully maintained.

### Public Outreach

The best charter is of little value if voters do not approve it. For this reason, a concerted effort to win public understanding and acceptance should begin the day the charter commission is selected and continue until the day the vote is taken on the proposed charter or amendments. This may mean a small work group is charged with this task.

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Many former charter commission members would likely agree that only half of their job was charter writing. The other half was sound public outreach. Many well-written charters have been defeated at the polls due to poor public relations and a lackluster voter education program.

Positive publicity and voter education can be achieved a number of ways. The most common and long-standing approach is through public hearings. Unfortunately, public hearings are notoriously poorly attended and are considered by many to be ineffective. Fortunately, there are a number of other ways to gather public input and share information. Neighborhood-based meetings and specially designed "dialogue" sessions can be organized. At the latter, participants discuss the qualities they would like to see promoted in their government and their community rather than suggesting specific charter provisions. Local government newsletters, speakers' bureaus (including commission members), brochures, local magazine and newspaper articles, television and radio ads, public access television channels, and updates sent via e-mail are other ways citizens can be informed of the process and invited to participate.

The local government Web site should include the most up-to-date information about commission meeting times, agendas, and minutes. Also through this site, residents should be able to sign up for charter-related e-mail alerts, press releases, and meeting reminders. Another useful idea is to make available well-written speeches, white papers, PowerPoint presentations, and talking points addressing the commission's work and related efforts. An online forum can be set up to collect views about the charter revision. In sum, extensive information about commission meetings should be easily accessible to the community, ideally published electronically and available online.

It is not unusual for the work of charter commissions to pique the attention of schools and civic groups. Such an exercise in democracy is worthy of attention and serves as an excellent real-life case study of government in action. For example, junior charter commissions may be used as a learning tool for students. Of more immediate importance is that the attention of students often indirectly invites the

Local residents can never have too much information concerning the vital charter-related issues being discussed in commission meetings.

attention of their parents who, of course, are part of the voting public who will be asked to support the new charter at the polls. Therefore, the commission should willingly work with schools and civic groups to plan activities or projects related to the charter commission's work.

Residents deserve the fullest opportunity to be informed and to participate in the process. To this end, charter commission members should encourage the involvement and attention of a variety of community groups. Local residents can never have too much information concerning the vital charter-related issues being discussed in commission meetings. That said, the information released to the public must be easily understood and clearly organized to avoid confusion often caused by information overload.

Public involvement has many benefits. One important benefit of an aggressive public outreach and education process is that it often results in a constructive and thorough review of the commission's work, which, if considered honestly, will improve the final product. Furthermore, when residents are afforded the opportunity to offer their opinions and suggestions in an environment in which ideas and input are taken seriously, they are more likely to support the commission's recommendations at the polls.

Therefore, it is not enough to rely on just a few avenues to educate and update the citizenry on the commission's work. Publicity and education efforts must be multipronged. In all cases, the message should be consistent: A charter commission is active; its members are hard at work; it is considering complex and substantive issues; citizens are encouraged to get involved and offer their ideas and opinions; and once the commission has completed its work, citizens will decide in an election whether to adopt the proposed charter or charter amendments. In sum, the message to the broader community should be that the commission is working

in good faith to make the best decisions possible about what is best for the community and its local government.

While communicating with the public is important, individual commission members should be wary of making any statements that are inconsistent with the overall public message endorsed by the whole commission. This includes taking a public stand prematurely on controversial matters which can undermine the progress of the group. When in the public eye, it is important for commission members to guard against untimely public comment on issues on which the commission might change its mind in light of further study. Oftentimes, the best answer to some questions is, "We are still studying the question."

Every local political situation is unique to a certain extent. Without a doubt, local leaders best understand local dynamics and can come up with the most effective public education strategies aimed at gaining the support of a majority of citizens. These efforts should become more intense during the final campaign. A good public outreach and voter education campaign allows the commission to keep in touch with what the public is thinking and saying about the commission's work. This is important throughout the process but is of particular importance as the election draws near.

### The "Charge"

The task of a charter commission is to prepare and present to the voters the most straightforward, clear, and forward-looking charter it can. Many times the specific "charge" for the commission's work comes from the city council. In particular, a commission may be authorized and empowered to:

1. Examine the existing local government charter.
2. Conduct a comprehensive or limited study of various aspects of the local government.
3. Examine the procedures and interrelations of the different parts of the government to determine the role the charter plays in the current state of affairs.
4. Research the experiences of other cities or counties under their respective charters and forms of government to discover better governmental arrangements and practices.

5. Determine from independent study and investigation the principles of local government that should be built into the proposed charter or proposed charter changes.
6. Draft the proposed charter or charter amendments in a clear, logical, and consistent way.
7. Conduct its affairs in such a manner as to win the respect of local residents.
8. Educate citizens about the process and the progress of the commission and encourage adoption of the charter or its amendments.

Sometimes a particular area of the charter is singled out for review. For example, a charter commission may be instructed to examine whether the mayor's term should stay the same or be lengthened, if a city administrator should be added to the mayor-council structure, or if the number of council members should be changed. Charter commissions are convened for a host of different reasons, from the mundane (such as a legal requirement to do so every ten years), to the politically charged (such as in reaction to municipal scandal and corruption). Identifying the factors that serve as the impetus for charter review is extremely helpful to organizing the early work of the commission and in setting the right tone for productive meetings.

In this vein, many questions may cross the minds of commission members:

- What are the expectations for the commission?
- To whom is the commission accountable?
- Is there a crisis in local government that gives clear purpose to the commission's work? If so, how might that situation influence the commission's work? Is the crisis related to conditions that can be affected by the charter?
- Were any members of the commission "instructed" by someone (such as the mayor or council) to promote a certain position or advocate specific changes to the charter?
- Will the commission's recommendations go directly to the voters or to the city council first for review and possible revision?

Once these kinds of issues are addressed, the real work can begin. One suggestion is to hold a kick-off meeting early in the process to bring everyone



together and work through any concerns, such as those just listed.

### Getting Started

Holding an initial kickoff meeting with the commission and local elected officials has dual purposes:

1. It officially conveys the reasons behind creation of the commission and offers a sense of purpose.
2. It provides an opportunity to address lingering concerns or questions and to dispel any uncertainty or doubt in the minds of commission members, local residents, and the media.

A useful exercise for the commission members themselves soon after the kickoff session is to create a “shared vision of government”—a statement aimed at drawing members together toward a shared purpose, motivating them when times get tough, and giving their work meaning. This vision should not specify particular charter provisions (such as an election method or form of government) but instead should describe the qualities of the government the community would like to have in the future. This is not a simple assignment. Creating such a statement requires an examination of the values held by the community and the unique characteristics of the population. It is an exercise in finding unity in the midst of diversity.

While the individuals serving on the commission have different backgrounds, priorities, and beliefs, their shared aspirations for good government will be a uniting force. Discussing the diverse perspectives represented on the commission will be time-consuming. Supportively listening to the ideas of others requires patience. However, the tangible achievement of common ground evidenced by a written shared vision statement can be a significant early milestone.

Another idea for the early meetings of the commission is to invite one or more members of previous charter review commissions to speak to the group. These individuals may be local residents who have participated in past charter efforts or individuals from other communities that have recently gone through the process. Those with charter-writing experience will likely have some words of wisdom to

share with the group that can prepare and inspire them to face what lies ahead.

The commission works together for only a limited period of time (generally no longer than twelve to eighteen months), since typically there is a time constraint placed on the group to complete its work. Working with a strict time constraint places a premium on the efficient use of time. For this reason, many charter commissions find it helpful to establish a calendar at an early meeting. This calendar should set forth the work of the commission, meeting times, and important dates, such as elections and other deadlines that are fixed and cannot be changed. It is not unusual for city councils to specify—or at least have in mind—when they want to hold the charter election. Other times there are legal restrictions on when an election may be held. For example, in Texas, cities have only two dates in a calendar year on which an election can be held. Knowing these kinds of deadlines up front is a key step to the success of any charter commission.

### The Commission at Work

The work of charter writing is not easy. The issues are complex. While writing or amending a charter is challenging, it is not impossible. Frankly, the charter process often stirs passion and controversy. It can be messy, noisy, and complicated.

Throughout the process, some members may feel that progress is not coming fast enough. Some will want to slow the process to allow for further study or public input. Others may want to move ahead without additional public comment. Some may become frustrated. Some may become angry. The challenge for the commission is to remain focused on the work at hand in spite of these obstacles.

As uncomfortable and contentious as commission discussions may become, the best commission members stay focused on what they are asked to do. They are not afraid of what is hard, even when success is uncertain. The greater the success of the commission in writing a charter that advances the public welfare of the community, the more honor and satisfaction will come to its members.

Typically, a commission holds many meetings and public hearings. Meetings should be held in a

simply amend the current version. The appropriate approach depends on a number of factors, including the quality of the existing charter and the extent and characteristics of the contemplated changes. If the charter requires a number of fundamental changes (such as changing the form of government), it is often better to submit the changes as a clean, new draft of a complete charter.

Charters have so many interlocking provisions that often it is difficult to produce a consistent, coherent result by submitting a series of separate amendments. Many local governments have been frustrated when attempts to produce a basic change with patchwork amendments have resulted in a disjointed, confusing document. If the entire charter is rewritten, it has the additional benefit of allowing the commission to clean up minor defects in the original document that, while needed, did not on their own warrant the convening of a charter commission.

One of the common arguments in support of charter amendments is that changing only certain parts of the charter is likely to encounter less opposition than presenting a completely new document to the voters. When voters are considering an entirely new document, opposition to one part might jeopardize public support of an otherwise acceptable charter. Such opposition typically is focused on just one or two sections. If this is a possibility, some states allow the commission to submit the charter to the voters with alternatives on the matter(s) in question. The burden, then, is on those who advocate the alternative option. They must convince the voting public that their alternative position is better than the one recommended by the commission. In many cases where this approach has been taken, citizens supported the charter as a whole *and* approved the choice preferred by the commission. It should be noted that when submitting a proposition with alternatives, care should be taken to make sure that the alternatives do not result in conflicting provisions.

### Dealing with Opposition

Opposition is often encountered with a good charter, so the commission should not be surprised or disheartened when it occurs. Strong opposition does not occur in all cases, however. Many char-

ter reforms are strongly supported by local officials and members of civic-minded community organizations who know from personal experience the need for improvements to the workings of the local government.

When they surface, opponents can and will come from very different places. Certain groups and individuals will be opposed to any departure from the status quo. Others will be opposed to changes because they do not go far enough. Elected officials often do not support changes to their offices, powers, duties, or salaries. It is not uncommon for leaders of political parties, influential community groups, or other factions with interests at stake to make their disapproval known.

It is important to understand the viewpoints and fears of such groups in order to win their support, or, if necessary, counteract their influence. Often the support of these individuals is lost because it is assumed they are unalterably opposed to charter change. However, sometimes a group can be won over by a meeting to discuss their concerns. Other times, a nonobjectionable provision in the proposed charter could be added to allay their concerns and win their support.

While the commission should be sympathetic and open to listening to the demands and views of all local residents, it must take the high ground by appealing directly to those in opposition to support sound principles of government first and foremost. It cannot do this by appeasing each pressure group and yielding to its demands. Making weak compromises often results in an inferior document. The dignity, independence, and effectiveness of the commission will be destroyed if it gives in to the demands of special interest groups in ways harmful to the public welfare.

The important thing to remember when compromises are suggested is that the essential features of a charter *must* be in harmony. More than one charter has failed at the polls or (worse yet) in implementation due to compromise provisions that are incompatible with its basic pattern. If enough broad support exists for the effort and the draft document as a whole, this support will override objections to small matters that are raised.

Evidence is overwhelming that the vast majority of citizens in any community want “good government.” That is, people desire a government that can be described as ethical, effective, and efficient. A useful by-product of discussions about good government is that often the opposition comes to the realization that, while they won’t agree with the majority on many things, common ground can be found when it comes to the underlying principles of good government.

The commission’s constant message of working for a better government coupled with a sincere interest in involving all citizens in a transparent and open process will do much to counteract the negative pressures of special interest groups that may surface in opposition to the work of the commission.

### The Election

The process for how and when the charter or charter amendments are considered by voters varies greatly by community. Upon completion of its work, the commission forwards its final recommendations either to the elected officials for their consideration or directly to the voters. Ultimately, the decision is in the hands of the local residents.

In many cases, recommendations of the charter commission are added to a scheduled upcoming election. In states that are covered by the Voting Rights Act, the Justice Department typically has to approve a charter election. In other cases, charter recommendations are a stand-alone issue, and the timing of the election can be determined by the local government. If the charter commission is able to weigh in on the timing of the election, it should consider the matter carefully in light of the political calendar, weather, holidays, and other local community dynamics in an attempt to time the election to encourage high voter turnout.

Regardless of the timing of the election, appropriate and sufficient time should be allowed between the completion of the commission’s work and the election to allow for ample public comment and feedback. Voter approval of the charter recommendations will be the test of the vision, courage,

statesmanship, and public outreach exercised by the commission’s members.

### Conclusion

All charter reviews are different. Most commissions enjoy substantial discretion in what they can recommend to address the areas within their purview—from sweeping changes to no changes at all. For example, following an evaluation of the government and its charter, a commission may recommend leaving the current charter basically intact. Or a group may recommend a far-reaching change, such as changing the city’s form of government. In the end, the best commission recommendations are those based on transparency, diversity, and widespread public involvement. Because a charter is the document that allows citizens to determine their own structure of government within state-prescribed legal limits, a charter is, in many ways, a manifestation of a particular community’s values. Each charter is built on a specific set of political and administrative choices that are determined by the values held by local residents.

The final product of this process should be a charter built on widespread agreement on how the local government should function to best serve its residents. However, the charter process can result in even more. The call to action that the charter process requires can awaken a community’s sensitivity to the importance and responsibility of civic involvement. If conducted successfully, the charter review process can result in a rebirth of widespread civic-mindedness—a quality that unfortunately is rarely seen in communities in a tangible way.

In the end, it is the community’s values that build, alter, or reaffirm the foundation of its local government. In vibrant communities, citizens continually seek out new ways to improve how they govern themselves guided by the constitutional principles incorporated in their city charter. Ongoing refinement of the charter as a tool for effective governance is what the charter review process is all about.

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