

# ASK ANNE

## Proposed 2012 Charter Changes – Elections & Power

“...the property tax collection authorized by this chapter (197.603) under 9(a), VII of the State Constitution be free from the influence or the appearance of influence of local governments that levy property taxes and receive property tax revenues.” Fla. Sess. Law Serv. Ch. 2011-151 (SB 478)

**Question:** What would be the immediate impact of the PBC Board of Commissioners’ proposal to change from our current system which elects Constitutional Officers to making the offices into departments of county government?

Anne: Palm Beach County voters will lose the right to elect Constitutional Officers (Constitutional Tax Collector and Supervisor of Elections). We lose the right to hold the head of an important Constitutional function directly accountable to the voters and the people they serve.

**Question:** County Administration’s Charter Review Presentation says that the change would be to an “Appointed” Constitutional Officer. Who would “Appoint” and to whom would they be accountable?

Anne: Along with Palm Beach County voters losing the right to elect important Constitutional Officers, voters will have no say in the selection and oversight of the so-called “Appointment”. To date County Administration has not brought forward clear information about the selection process they will propose. Presumably the Commissioners would approve the appointment of this new county department head and county staff would supervise. It is important to note that this change will completely remove important Constitutional functions from citizen/voter/taxpayer accountability and oversight. That’s because the elected Board of the County is prohibited under law from having any management role over county employees under their “non-interference” charter clause. The Constitutional function would be managed by the County Administrator who is not accountable to voters, citizens, residents and/or taxpayers.

**Question:** In addition to losing the right to vote for independent Constitutional Officers, what other impacts do you expect should the county take over these operations and functions?

Anne: The proposal will change a fundamental check on the abuse of power in our county. For the Tax Collector the change will give the county that sets your tax rates and decides how and when to spend your tax dollars (Board of County Commissioners) the additional power to collect tax and distribute dollars. This violates our democratic principle of “checks and balances” which means that no one branch can usurp or take enough power to become dominant over another branch. That power in government is “balanced” and “checked”.

(Continued on reverse...)



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**Question: Why is the principle of “checks and balances” important?**

Anne: The framers of the Florida Constitution intentionally created Constitutional Offices as separate and independent from the rest of County government. This separation ensures that those people that decide the tax rates, create the budgets, establish the fiscal priorities and spend your tax dollars (BCC) cannot also pay the County’s bills (Clerk & Comptroller), assess your property’s taxable value (Property Appraiser), collect your taxes (Constitutional Tax Collector), protect its citizens (Sheriff), or manage our elections process (Supervisor of Elections). Separating these powers provides citizens with a system of “checks and balances”. Our county charter is designed to stop the county from having too much power by balancing its potential abuse of power with independent Constitutional Officers.

Dismantling the county charter’s system of “checks and balances” will result in “the fox guarding the hen house” for county finances.

**Question: How will voters make sure that “the fox is not guarding the hen house” as it relates to the proposed county takeover of constitutional offices?**

Anne: By strongly opposing the efforts to end the election of Constitutional Officers and turn these offices into departments of county government.

Voters and residents must make the County Commissioners aware that it is important to maintain the separation of powers between the Constitutional Offices and County government. You can do this in a number of ways: participate in a charter review information session; complete a charter survey card online (<http://www.pbcgov.org/charter>) or send a completed survey card to Palm Beach County Office of Public Affairs stating your opposition. While commissioners represent separate districts, each constitutional officer is elected to represent citizens throughout the entire County.

**Question: Would county government be more responsive to the taxpayers than a directly elected Constitutional Official?**

Anne: No. The proposal to take over the functions and operations of the Constitutional Offices is a power grab. And setting up yet one more department in a huge bureaucracy is neither efficient nor responsive.

**Question: Is the proposed elimination of elected Constitutional Offices to establish a county department consistent with state law?**

Anne: It is not. The proposed charter change directly conflicts with Florida law, Chapter 197.603. The legislative intent language reads:

*“that the property tax collection authorized by this chapter (197.603) under 9(a), VII of the State Constitution be free from the influence or the appearance of influence of local governments that levy property taxes and receive property tax collection.”*