

Should Our Cities Worry that a Charter Government for Manatee County will Pre-empt their own Charters?

By Rosalie Shaffer, League of Women Voters of Manatee County

Some years ago, the idea of adopting a Charter for our county was being discussed, so I did some research about city-county relationships under charter. I found that county pre-empting of city charters was simply not happening. Chartering a county made things better--for the cities as well as the counties.

At present, our county has to ask the state legislature for permission to make a change in how they govern. Manatee got permission and made such a change years ago, when we went from a 5 member commission to a 7 member commission (5 district seats and 2 at large). The charter counties can make such changes themselves. All counties have their own needs. Manatee is not Hardee or Orange. Charter allows counties to tailor-make a set of codes that meet their needs, and work better for all.

Part of my research included some calling around to the various cities in charter counties. I asked them if they had problems due to the county charters. They all said no, they were fine with it. Some talked about the collaboration it allows. They work together well, they said. One such example was brought up by Virginia Delegal, General Counsel for the Florida Association of Counties, during a talk on charter here some years ago. It was about a beach area in N.E. Florida, that had cities adjacent, each with their own rules for the beach users. It was driving folks crazy, she said. The cities got together with the county, and they all decided to let one city's set of rules work for all. You can do that with charter.

It's exciting for a county to go charter. It opens up a whole new world of "How can we make our county work better?" I've read some of the county charters. Here's the preamble to the **Leon County charter**, adopted in 2002:

PREAMBLE: We, the citizens of Leon County, Florida, united in the belief that governmental decisions affecting local interests should be made locally, rather than by the State, and that County government should be reflective of the people of the County and should serve them in achieving a more responsive and efficient form of government and in order to empower the people of this County to make changes in their own government, do ordain and establish this Home Rule Charter for Leon County, Florida.

What would help take away the cities' fear and suspicion? This is not a new issue, and many of the charter counties have put into their charters something like Leon did:

Sec. 1.6. - Relation to municipal ordinances. Except as otherwise provided by law or this Charter, municipal ordinances shall prevail over County ordinances to the extent of any conflict within the boundaries of the municipality.

This provision precludes the county from enacting ordinances that override city ordinances. Our county could include a similar code in a charter.

Why wouldn't the county just delete that provision later, and feel free to override the cities? No, the county can't. After the charter is voted in by its citizens, any changes to the

charter must come before the citizens to vote yes or no. Given the number and populations of our cities, it would never pass.

How long will we hang onto a system that keeps us from becoming better, due to fear of something that can easily be resolved?