

**Board of County Commissioners  
Leon County, FL**

**Workshop on Establishment of a Citizen Charter Review  
Committee**

**March 26, 2009  
12 – 3:00 p.m.**

**Leon County Board of County Commission Chambers  
Leon County Courthouse, 5<sup>th</sup> Floor**

## Board of County Commissioners Workshop Item

Date of Meeting: March 26, 2009

Date Submitted: March 20, 2009

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator   
Vincent S. Long, Deputy County Administrator 

Subject: Workshop on Establishment of a Citizen Charter Review Committee

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**Statement of Issue:**

The Leon County Charter requires the Board to establish the first Charter Review Committee in November 2009. This workshop item provides an overview of the charter review process and presents options and recommendations regarding the establishment of a Citizen Charter Review Committee.

**Background:**

On November 5, 2002, the residents of Leon County adopted a Home Rule Charter with 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 and serve them in achieving a more responsive and efficient form of government (Attachment #1).

The Leon County Charter provides three opportunities in which amendments may be proposed. One of these opportunities is through a Citizen Charter Review Committee. The Charter provides that the Board shall establish a Citizen Charter Review Committee at least 12 months prior to the general election occurring every eight years which requires the Committee to be convened by November 2009.

At the Board's Annual Retreat on December 8, 2008, staff provided a brief presentation on the Leon County Charter and the Citizen Charter Review Committee process. At that time, the Board directed staff to schedule a workshop on the establishment of the Citizen Charter Review Committee. In addition, the Board identified a number of issues to be considered for discussion by the Citizen Charter Review Committee. On January 15, 2009, the Board scheduled the workshop for March 26, 2009 from 12 - 3 p.m.

**Analysis:**

**Charter Counties**

A county charter is a local “home rule constitution” approved by the local electorate which specifies the structure, organization, and authority of a county government. In contrast, the structure, organization and authority of a non-charter county are predetermined as specifically enumerated in the Florida Constitution and Florida Statutes. Charter counties are obligated to provide the same state mandated functions as non-charter counties, but may have more flexibility in fulfilling state mandates and improved powers over the local concerns. Of Florida’s 67 counties, 20 are currently charter counties. However, these 20 counties represent over 75% of the state’s population.

**Leon County Charter**

*Historical Background*

In 1999, the Board began actively evaluating charter county government as a long term means to most effectively prepare Leon County for the issues facing growing and urbanizing county governments in Florida including responsiveness to the future needs of the County’s citizenry. Several workshops and meetings were held with citizen groups and constitutional officers to fully evaluate becoming a charter county.

On January 18, 2000, the Board approved the establishment of the Leon County Citizen Charter Advisory Committee to review and make recommendations on a proposed charter. The Advisory Committee consisted of one member appointed by each of the County Commissioners, one member appointed by each of the Constitutional Officers and one member appointed by the Mayor of the City of Tallahassee, for a total committee membership of thirteen. The Advisory Committee convened for the first meeting on February 28, 2000, met nine times, and concluded its review on May 10, 2000. On May 16, 2000, the Advisory Committee presented its final report to the Board (Attachment #2).

In January 2002, the Board adopted a charter ordinance reflecting the Advisory Committee’s recommendations and directed staff to pursue a charter county referendum. On September 10, 2002, the Board held the first and only public hearing to place the proposed Leon County Home Rule Charter on the November 2002 General Election ballot. The Leon Charter was adopted by the citizens on November 5, 2002. The Leon County Charter became effective on November 12, 2002.

*Starter Charter*

The Leon Charter could be described as a “starter” charter. This term refers to “new” charters, most of which do not generally seek to affect significant change in their initial form. As this is the first charter review process and whereas no charter amendments have been initiated by the Board or by the citizenry through the petition process provided for in the charter, the Leon County charter remains unchanged from its initial form upon adoption. Like most new charters, Leon County’s charter did not initially seek to affect significant change, but generally reflects the structure of county government which was in place at the time of the initial charter adoption. While starter charters do

not make significant structural changes, they put in place a “living document” which is intended to be amended later to reflect changing conditions of the County and preferences of the citizenry.

#### *Current Charter Provisions*

As previously mentioned, the Leon County Charter is similar to most starter charters. It explicitly outlines the roles and responsibilities of the constitutional officers, the County’s relationship with its municipalities, and provides for a separate executive and legislative branch under the council-manager form of government. These three broad areas are the most common issues addressed in proposed county charter amendments throughout the State of Florida. As such, the following provides detailed information on how each of these major provisions are addressed in the Leon County Charter. This information is presented to familiarize the Board with the existing provisions of the Leon County Charter so that the Board may provide any additional direction they deem appropriate to the Citizen Charter Review Committee for their guidance and consideration.

#### Constitutional Officers

Article III of the Leon County Charter preserves the functions and responsibilities of the offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of Court, and Supervisor of Elections. The Florida Constitution provides charter counties the ability to amend or abolish the offices of constitutional officers. However, it is required that the statutorily mandated functions of the constitutional offices be provided by the County. Article VIII, Section 1(d) of the Constitution states:

“There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office.”

In several charter counties the functions of constitutional officers have either been modified or abolished and their statutory responsibilities provided by the county government (Attachment #3). For example, the Clay County Charter specifies that the responsibilities of clerk to the Board of County Commissioners and auditor/custodian of all county funds be vested in the County Manager, rather than the Clerk of the Circuit Court. In Broward and Volusia Counties, the Tax Collector’s office was abolished and its functions were transferred to the County Manager. The Leon County Charter currently mirrors general law for non-charter counties with respect to the duties and functions of the Constitutional Officers. However, the initial charter made one exception by making the Office of the Supervisor of Elections non-partisan. Section 3.1 of the Charter reads:

ARTICLE III SECTION 3.1 PRESERVATION OF CONSTITUTIONAL OFFICERS

*"The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independently elected constitutional offices, and the status, powers, duties, and functions, of such offices, shall not be altered by this Home Rule Charter, or any revisions or hereto, except as provided in Sec. 5.2 below. The constitutional officers shall perform their executive and administrative functions as provided by law."*

Section 3.2 (1) of the Leon County Charter states:

ARTICLE III SECTION 3.2 NON-PARTISAN ELECTIONS

*"The Supervisor of Elections shall be non-partisan."*

Relationship to Municipalities

The Charter also addresses the relationship of the County and its municipalities. Article III, Sec. 1 (g) of the Florida Constitution states: "Charter government. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances."

The Leon County Charter currently reflects general law for non-charter counties in specifying that municipal ordinances prevail over County ordinances to the extent of any conflict within the municipalities' boundaries. Section 1.6 of the Leon County Charter states:

ARTICLE I SECTION 1.6 RELATION TO MUNICIPAL ORDINANCES

*"Except as otherwise provided by law or this Charter, municipal ordinance shall prevail over County ordinances to the extent of any conflict within the boundaries of the municipality. To the extent that a county ordinance and a municipal ordinance shall cover the same subject without conflict, then the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other."*

A number of county charters provide for the counties' ordinances to prevail over municipalities' ordinances in particular regulatory areas (Attachment #4). The most common instances involve environmental regulations. Broward, Charlotte, Columbia, Orange, Pinellas and Volusia Counties all have charter provisions which clarify that specific county environmental ordinances prevail over municipal ordinances which cover the same subject.

Over the last several years, the Board has expressed a growing interest in establishing countywide environmental standards. In fact, in every year since 2000, the Board has elevated pursuing countywide stormwater regulations as a Board retreat priority. Specifically, in 2003 and 2006 this

issue was identified for a charter amendment (Attachment #5). As a result, the County and City in 2006 developed the Watershed Management Policy Board; however, this effort has not been successful in establishing uniform policy in this area.

In more general terms, this provision of the county charter figures importantly in areas that the Board has placed significant priority, including functional consolidation. It is an important, but often overlooked fact in all of the deliberations regarding functional consolidation, that County and City services are most often not duplicative. The duplication resides most often at the policy level creating different regulatory standards based on jurisdictional boundaries, and thus creating the need to have different regulatory functions provided by the jurisdictions. This issue takes on increased importance given the current economic recession and the Board's commitment to eliminate regulatory duplication, improve efficiency and expedite local economic development activity.

This is an area that many charter reviews devote considerable time and attention and one in which the committee may be well served by receiving any direction and guidance that the Board deems appropriate. Once the policy objectives are decided by the Board, then charter language can be crafted to achieve these objectives. Of course, any charter amendment will become effective upon approval of the local electorate in the November 2010 General Election. Given the importance of this issue and that the Board may wish to provide additional guidance to the Committee, this relationship is explained in more detail below by providing examples of the countywide regulatory policy objectives achieved by other county charters and legal authority vested in the charter county for doing so.

As previously stated, the Florida Constitution provides that a county charter shall provide which shall prevail in the event of conflict between county and municipal ordinances. Thus, charter counties have a direct constitutional grant of broad powers of self-government, which include the power of county citizens to enable their county to enact regulations of county-wide effect which preempt conflicting municipal ordinances. Like charter counties, municipalities are granted broad home-rule powers by the Constitution. For municipalities in charter counties, however, these powers are limited by the constitutional right of citizens to opt for county preemption of municipal regulatory power [Article VIII, s. 1(g), Fla. Const.; *Broward County v. City of Ft. Lauderdale*, 480 So.2d 631(Fla.1985)].

A recent appellate case, *Seminole County v. City of Winter Springs*, provides an excellent example. Seminole County, a charter county, adopted a comprehensive plan to protect the rural areas of the county from urban sprawl. However, because the county charter did not provide for county preemption of conflicting municipal land use regulations, the City of Winter Springs was able to continue annexation and encroachment in rural areas of the county. The county adopted a charter amendment giving the county preemptive rights and assuring that the land use designations of the county's comprehensive plan would control the density and intensity of development in the rural area regardless of whether the land was subsequently annexed into a municipality. This amendment was

challenged and the trial court entered a final judgment declaring the county charter amendment invalid.

Seminole County sought review and the Fifth District Court of Appeal reversed the portion of the trial court's judgment that invalidated the charter amendment. The Court discussed the preemption issue at length and addressed the implications of Article VIII, section 1(g) of the Constitution and the voting requirements necessary for this type of charter amendment:

"The electorate of a charter county may preempt a city's land use regulation by charter, without a dual vote of the city's electorate. As held by our Supreme Court in *Broward County (v. City of Fort Lauderdale)*, 480 So. 2d at 635 '[Article VIII], section 1(g) permits *regulatory* preemption by counties, while [Article VIII], section 4 requires dual referenda to transfer functions or powers relating to *services*.' Land use regulation is just that – regulation. Therefore, dual referenda are not required. This obvious conclusion is also memorialized in the Act itself, which expressly recognizes that: 'In the case of chartered counties, the county may exercise such authority over municipalities or districts within its boundaries as is provided for in its charter.'"

The Court further noted: "Florida's Constitution recognizes that: 'All political power is inherent in the people.' Art. I s. 1, Fla. Const. When it comes to charter counties and municipalities within those counties, the Constitution expressly grants the electorate a right to determine by charter which government they desire to vest with preemptive regulatory power."

It should be noted that while Leon County is located outside the jurisdiction of the Fifth District Court of Appeal, it is the rule that decisions of the District Courts of Appeal represent the law of Florida unless and until they are overruled by the Supreme Court. A trial court is obligated to follow the decisions of other District Courts of Appeal in the state in the absence of conflicting authority and where an appellate court in its own district has not decided the issue.

A related provision in the Leon County Charter which is appropriate to note here is the Transfer of Powers provision (Article I, Section 1.7 Leon County Charter). This provision is common to most charters and authorizes the Board of County Commissioners by majority vote to assume and perform the functions and obligations of a municipality, special district, or agency, when requested by a majority vote of the governing body of the municipality, special district, or agency. This provision, and the law which controls this issue, speaks to "services" rather than the aforementioned regulatory authority of charter counties. Article VIII, Section 4 of the Florida Constitution, requires that the electors of the transferring local entity and County must approve such action. This is often known as a dual referendum. The County Charter specifically states:

ARTLICE I SECTION 1.7 TRANSFER OF POWER

*“Whenever a municipality, special district or agency shall request by a majority vote of the governing body the performance or transfer of a function to the County, the County is so authorized by a majority vote of the Board of County Commissioners to have the power and authority to assume and perform such functions and obligations. This section does not authorize a transfer in violation of Article VIII, § 4 of the Constitution of Florida.”*

It should be noted that the objectives of a transfer of powers are often accomplished through interlocal agreement which, of course, do not require a charter amendment.

Organization of County Government

Article II of the County Charter outlines the organization of the County government. The County operates under an elected County Commission and an appointed County Administrator form of government with separation of legislative and executive functions. The legislative responsibilities and powers of the County are vested to the Board of County Commissioners. The executive responsibilities and powers are vested to the County Administrator and to the County Attorney for legal services.

Section 2.2 of the County Charter provides a description of the composition of the County Commission. It states that the Board is to be composed of seven members that serve staggered four year terms. Each of the five County Commission districts is represented by one commissioner and elected within their respective district. Two members of the Commission are elected countywide. The composition and district frame of the County Commission reflects the scheme which was in place prior to the adoption of the charter. However, similar to the Supervisor of Elections office, the Leon County Charter provides that elections of the seven members of the County Commission be non-partisan. This charter provision is unique to our county. Most county charters in Florida are silent on the issue of partisan or nonpartisan Commission elections. Candidates for district Commission seats are required to reside within the district which they seek to represent. Section 2.2(1) reads:

ARTICLE II SECTION 2.2 LEGISLATIVE BRANCH

*“The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered term of four (4) years. There shall be one (1) Commissioner elected for each of the five (5) County Commission districts, established pursuant to general law or by ordinance, and they shall be elected by the electors of that district. There shall be two (2) At-large Commissioners elected on a countywide basis by the electors of the County. Elections for all seven (7) members of the County Commission shall be non-partisan. Each candidate for the office of district County Commissioner shall reside within the district from which such candidates seeks election at the time of qualifying to run for office each Commissioner shall reside in the district from which such Commissioner ran*

*for office, provided that any Commissioner whose residence is removed from a district by redistricting may continue to serve during the balance of the term of office.”*

Section 2.2 also provides guidance on redistricting, salaries and other compensation, the Commissions authority, vacancies, and administrative code.

#### Amending the Charter

Section 5.2 of the Charter provides three ways in which amendments may be proposed: (1) Petition, (2) Board of County Commissioners, or (3) Citizen Charter Review Committee. All three opportunities would require a referendum approved by the Leon County electorate in order to be enacted in the Charter. In each case the County Commission plays a vital role in placing charter amendments on the ballot.

#### *Petition*

The citizens of Leon County may propose amendments to the Charter by petition. A proposed amendment via petition must collect 10% of the total number of electors qualified to vote in the County and reflect 10% of the total number of electors qualified to vote within each of the five commission districts. The total number of qualified electors is based on the total number of electors qualified to vote in Leon County in the immediate past general election. The Supervisor of Elections Office reports that there were 174,417 qualified electors for the 2008 general election (Attachment #6). Once a proposed amendment receives the required number of signatures and has been verified by the Supervisor of Elections, it must then be placed on the ballot by resolution of the Board of County Commissioners for the next general election that will take place at least 90 days prior to the adoption of the resolution. If approved by majority of the Leon County electorate, the amendment would be effective on January 1 of the following year.

#### *Board of County Commissioners*

Amendments to the Charter may be proposed by the Board of County Commissioners by ordinance. An affirmative vote of a majority plus one of the membership of the Board is required for placement on the general election ballot to be approved by the electorate. The public hearing to adopt the ordinance must be held 90 days prior to the general election in order to be place on the ballot.

#### *Citizens Charter Review Committee*

As previously mentioned, the Charter requires that the Board appoint a Citizen Charter Review Committee at least 12 months prior to the general election occurring every eight years. The Citizen Charter Review Committee is charged with reviewing the County Charter and proposing any amendments or revisions for placement on the general election ballot. The Charter Review Committee must submit proposed amendments, if any, to the Board of County Commissioners at least 90 days prior to the general election for consideration. The Board has the discretion to place an amendment onto the general election ballot submitted by the Charter Review Committee by simple

majority vote. The Board may also make changes or edits to the amendments submitted by the Committee; however the placement of an amendment of the Committee revised by the Board would require an affirmative vote of a majority plus one of the membership of the Board.

Since its adoption, there has not been a formal attempt to amend the Charter by placing a proposed amendment on the ballot through any of the processes described above. The establishment of the Citizen Charter Review Committee will provide the first formal attempt to propose amendments to County Charter. As required by the County Charter, the Committee must be established by November 2, 2009.

The following sections provide a brief overview and recommendations on the structure/composition, and the timeline/process regarding the Leon County Citizen Charter Review Committee. In addition, a list of issues which have been raised by Commissioners in the past are presented as potential issues that the Board may wish to request the Charter Review Committee to address. Of course, this list is neither exhaustive nor compulsory, but is simply intended to assist the Board.

#### Citizens Charter Review Committee

Nearly all charters contain a provision for a citizen charter review committee or commission. The majority of citizen charter committees or commissions are appointed; only Sarasota County has an elected charter review commission. The frequencies in which charter review commissions or committees are established vary, ranging from every four years to every 10 years. The common issues that are addressed during the establishment of a citizen charter review committee are its size, composition, duration and scope.

It is important to note that the City of Tallahassee recently established a Citizen Charter Review Committee. The City's Charter Review Committee is tasked with specifically reviewing the roles, duties, and functions of the Mayor and City Commissioners. It is composed of 10 city residents which were appointed by the Mayor and City Commission; two appointments per member (Attachment #7).

The City's Charter Review Committee is required to complete its review process within 90 days of its appointment and to prepare a formal written report for the city commission's consideration. The City's Charter Committee meets weekly on Mondays at City Hall. Once the City's Charter Review Committee submits its recommendations, the City Commission must conduct at least one public hearing for consideration. The Committee is scheduled to submit its report to the City Commission on April 22, 2009.

#### *Structure/Composition*

The Leon County Charter states that the Citizen Charter Review Committee is "...to be composed and organized in a manner determined by the Board of County Commissioners..." {Sec. 5.2 (2)(A)}. Unlike charter commissions, which are commonly utilized during the initial charter adoption

process, citizen charter review committees are not governed by Florida Statutes. Neither Florida Statutes nor the County Charter specifies the number of members or the composition of the Citizen Charter Review Committee. The membership of charter review committees around the state of Florida vary. The majority of charter counties have a maximum number of 15 members on their Committee. The composition also varies; however, citizens from each county district are commonly represented on the Committee.

The Board has the option of including additional requirements on the composition of the Committee such as ethnicity, gender, and industry representation (i.e. business, not-for-profit, education, etc.). However, the Board may also choose to appoint individuals that represent a broad cross section of the community. In addition, the Board has the option to establish bylaws, rules, and appoint the chairperson for the Committee. It is common that the governing body enact bylaws and rules for the Committee. A small Committee size that represents a broad cross section of the community may best have the opportunity to address the issues that are presented later in this item as well as any issues presented by the public in an efficient and effective manner.

*Recommendation:*

- Direct staff to prepare an agenda item for a Commission meeting in October to include the appointment of a seven member committee (1 appointment per commissioner) and proposed by-laws, or amend this recommendation as deemed appropriate by the Board.

*Timeline/Process/Scope*

The Board must appoint a Citizen Charter Review Committee by November 2, 2009 (12 months prior 2010 general election). The County Charter states that the Citizen Charter Review Committee is “to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot” {Sec. 5.2(2)(A)}. The Board may direct the Committee to consider any issues it may deem appropriate.

Prior to submitting amendments to the Board, the Committee is required to hold at least three public hearings. Proposed amendments by the Committee must be submitted to the Board by August 5, 2010 (90 days prior to the 2010 general election); if the Committee does not submit amendments and/or revision by this date, it will automatically dissolve. If the Committee submits proposed charter amendments and revisions for recommendation, the Board has the discretion to place the amendments onto the general election ballot. The placement of a charter amendment proposed by the Committee requires a simple majority vote. The Board has the option to make changes and edits to the amendments presented by the Committee, however, amendments revised by the Board would require majority plus one of the full Commission to be placed on the ballot. Florida Statutes requires that the Board adopt proposed revisions to the Charter by August 24, 2010 in order to place the amendment on the 2010 general election ballot.

The scope of the Committee's work is broadly provided in the County Charter and is "...to review the Home Rule Charter and propose any amendments to be determined by the Board of County Commissioners."

The Board may appoint the Citizen Charter Review Committee in advance of the November 2, 2009 deadline, establish a shorter timeframe, and/or provide a focus for the Committee. In addition, the Board may require that the Committee submit proposed amendments and adopt the amendments prior to the dates identified above. It is recommended that the Board convene the Committee on November 2, 2009 for 120 days. This will require the Committee to submit its report including any charter amendments by March 1, 2010. This time frame will provide ample time for the citizen committee and will give the Board up to five months prior to the time that the Board is required to adopt proposed charter amendments. In addition, this will provide an up to eight month time frame for the local electorate to become educated on any proposed charter amendments.

Recommendation:

- Convene the Leon County Citizen Charter Committee Review Committee on November 2, 2009 for 120 days to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the 2010 general election ballot, or amend as deemed as appropriate by the Board (Attachment #8).

Consideration of Charter Issues

In addition to the composition and process of the Citizen Charter Review Committee, as previously mentioned the Board may wish to request that the committee address specific issues and consider any guidance that the Board deems appropriate. This will provide the committee direction and will indicate policy areas which the Board considers important and wishes to receive the committee's recommendations, potentially as proposed charter amendments.

As previously noted, individual Commissioners and the Board collectively in the past have identified a number of issues which the Board may wish to request the Citizen Charter Review Committee to consider in their review. The issues previously identified include the following:

- *Citizen utility board.* The Board may direct the Citizen Charter Review Committee to address and review the issue of a citizen utility board. However it is important to note that the County Attorney provided a memorandum on the complexity of this issue (Attachment #9).
- *County/city consolidation and/or functional consolidation.* County/City consolidation and functional consolidation has been a top priority of the County for over 20 years. The charter review process provides an opportunity to expand and elevate the discussion beyond the County and City Commission to review additional consolidation opportunities.

- *Countywide stormwater standards.* The issue of countywide stormwater standards has been another top priority of the County which may be addressed by the Citizen Charter Review Committee, such as the transfer of powers clause provided in the Charter.
- *Tourist Development Council.* The Board has made significant changes to the administrative and organizational structure of the Tourist Development Council since the inception of the Charter. The Committee may address this issue to reflect the changes that have occurred.
- *Non-partisan elections.* The Charter currently provides for non-partisan elections for the County Commission and the Supervisor of Elections offices; however it is silent on the remaining elected County offices.

Again, this list is simply provided to assist the Board in developing a list of issues that the Board may deem appropriate for the charter review committee's consideration. It is neither exhaustive nor compulsory.

*Recommendation:*

- Direct the Leon County Citizen Review Committee to address any or all of the issues presented above and any additional issues identified by the Board, or amend as deemed as appropriate by the Board.

*Staff Support*

The work of the Committee will require a thorough review of the County Charter. The County Administrator and County Attorney have the resources to provide staff support to the Committee; however the process will require an extensive amount of staff time. The Board may choose to utilize a consultant to assist the Committee. During the initial charter adoption process, the Board hired the consulting firm of Kurt Spitzer & Associates, Inc. (KSA) to provide professional staffing to the Citizen Charter Study Committee. The consulting fee for services provided by KSA was \$10,000. Below are some examples of some of the tasks that were performed by the consultant:

- Facilitated all meetings of the Citizen Study Committee
- Assisted the Charter Study Committee in preparing a work program and a schedule of tasks to be accomplished
- Prepared and presented issue papers identifying and analyzing the positive and negative aspects of potential policy options for inclusion in the charter
- Researched issues identified by the Chairman and the Committee
- Prepared the final report on the Charter and the Committee's work
- Prepared preliminary information materials for educating the public on the final charter, including assistance in development of brochures, bulletins, news, and other public information vehicles

Although consultant service was provided to the Study Committee, County staff, both administrative and legal, continued to provide significant assistance in the process and recommendations presented to the Board. The County Administrator and County Attorney are well prepared to provide the necessary staff support that may be required during the charter review process and has considerable expertise to assist the Committee in its efforts; however should the Board choose to utilize a consultant; the County Administrator and County Attorney would continue to participate and support the consultant during the process.

Recommendation:

- Utilize County staff to provide staff support to the Citizen Charter Review Committee, or amend as deemed as appropriate by the Board.

*Meetings*

The Citizen Charter Review Committee is a decision-making body as defined in County Policy 03-15 (Attachment #10). Its meetings will be governed by the State's Sunshine Laws and Section 286.011, Florida Statutes. The meetings must be noticed and open to the public. Minutes and attendance must be recorded for each meeting. The Board may determine the frequency (weekly, bi-weekly), and schedule in which the Committee meets or allow it the flexibility to set its meetings.

The Board of County Commissioners meetings are currently held on the second and fourth Thursdays and broadcast live on Comcast Channel 16. As directed by the Board on February 26, 2009, Commission meetings will be held on second and fourth Tuesdays, beginning in May. This provides an opportunity in which the Citizen Charter Review Committee meetings may be held on weekly Thursdays.

The Board may choose to broadcast the meetings of the Committee through the County's Comcast Channel and the County website to enhance public access. The County has access to the channel for programming each week on Thursdays for a 24-hour period (12 a.m. to 11:59 p.m.) which will be transferred to Tuesdays beginning in May. Staff is working with Comcast to determine whether live broadcasts can be continued for Thursdays in order to broadcast the meetings of the Citizen Charter Review Committee. However, if it is not possible, the Committee meetings could be recorded and televised Tuesdays on Comcast Channel 16, prior to the Board meetings. Notwithstanding the television broadcast, the Committee meetings could be broadcasted on the County's website.

Should the Board choose to broadcast the Citizen Charter Review Committee meetings, it is important to note that additional County staff as well as potentially Comcast staff would be necessary for technical support.

The Board may want to provide the Committee the flexibility to set its meeting times in order to accommodate any conflicting schedules of the members and/or the public. The Board may also

desire to allow the Committee to determine the extent of public input and solicitation of recommendations from community groups in order to complete its work.

Recommendation:

- Establish the meetings of the Citizen Charter Review Committee weekly on Thursdays and direct staff to broadcast Citizen Charter Review Committee meetings on the County website and to continue to work with Comcast to broadcast the Citizen Charter Review Committee meetings on Comcast Channel 16, or amend as deemed as appropriate by the Board.

Options:

1. Direct staff to prepare an agenda item for a Commission meeting in October to include the appointment of a seven member committee (1 appointment per commissioner) and proposed by-laws, or amend this recommendation as deemed appropriate by the Board.
2. Convene the Leon County Citizen Charter Committee Review Committee on November 2, 2009 for 120 days to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the 2010 general election ballot, or amend as deemed as appropriate by the Board.
3. Direct the Leon County Citizen Review Committee to address any or all of the issues presented above and any additional issues identified by the Board, or amend as deemed as appropriate by the Board.
4. Utilize County staff to provide staff support to the Citizen Charter Review Committee, or amend as deemed as appropriate by the Board.
5. Establish the meetings of the Citizen Charter Review Committee weekly on Thursdays and direct staff to broadcast Citizen Charter Review Committee meetings on the County website and to continue to work with Comcast to broadcast the Citizen Charter Review Committee meetings on Comcast Channel 16, or amend as deemed as appropriate by the Board.
6. Board Direction.

Recommendation:

Options #1-#5.

Attachments:

1. Leon County Home Rule Charter
2. Leon County Citizen Charter Advisory Committee's Final Report
3. Charter Counties' Relationship with Constitutional Officers
4. Charter Counties' Relationship with Municipalities
5. Leon County Six-Year Board Retreat Priority Table

6. The Supervisor of Elections Office on 2008 Qualified Leon County Electors
7. City of Tallahassee Citizen Charter Review Committee Membership
8. Proposed Leon County Citizen Charter Timeline
9. County Attorney's April 12, 2004 Memorandum on the Citizen Utility Review Board Charter Amendment
10. Leon County Policy 03-15 Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution

ORDINANCE NO. 2002- 17

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA; PROVIDING FOR THE ADOPTION OF A HOME RULE CHARTER; PROVIDING FOR THE PREAMBLE; PROVIDING FOR THE CREATION AND POWERS OF HOME RULE CHARTER GOVERNMENT; PROVIDING FOR THE RELATIONSHIP OF COUNTY ORDINANCES TO MUNICIPAL ORDINANCES; PROVIDING FOR AN ELECTED COMMISSION AND APPOINTED COUNTY ADMINISTRATOR FORM OF GOVERNMENT; PROVIDING FOR NON-PARTISAN ELECTIONS OF COUNTY COMMISSIONERS; PROVIDING FOR THE LEGISLATIVE AND EXECUTIVE BRANCHES OF GOVERNMENT; PROVIDING FOR THE APPOINTMENT OF A COUNTY ADMINISTRATOR AND COUNTY ATTORNEY; PROVIDING FOR THE PRESERVATION OF ELECTED COUNTY CONSTITUTIONAL OFFICERS; PROVIDING THAT THE SUPERVISOR OF ELECTIONS SHALL BE NON-PARTISAN; PROVIDING THAT THE LEON COUNTY CLERK OF COURT SHALL SERVE AS AUDITOR TO THE COMMISSION; PROVIDING FOR AN AUDIT COMMITTEE; PROVIDING FOR CITIZEN INITIATIVES FOR COUNTY ORDINANCES AND CHARTER AMENDMENTS; PROVIDING FOR THE RECALL OF COMMISSIONERS; PROVIDING FOR TRANSITION PROCEDURES; PROVIDING FOR CHARTER AMENDMENT PROCEDURES; PROVIDING FOR A CHARTER REVIEW COMMISSION; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON NOVEMBER 5, 2002; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Leon County, Florida, is presently a non-charter county government as established under Article VIII, Section 1(f), Florida Constitution; and  
  
WHEREAS, Article VIII, Sections 1(c) and 1(g), Florida Constitution, provide that a county government may be established by charter, which shall be adopted upon a majority vote of the electors of the county; and



1           **Sec. 1.2.       Body corporate, name and boundaries.**

2           Leon County shall be a body corporate and politic. The corporate name shall be Leon  
3           County, Florida. The County seat and boundaries shall be those designated by law on the effective  
4           date of this Home Rule Charter.

5           **Sec. 1.3.       Construction.**

6           The powers granted by this Home Rule Charter shall be construed broadly in favor of the  
7           charter government. The specified powers in this Charter shall not be construed as limiting, in any  
8           way, the general or specific power of the government as stated in this article. It is the intent of this  
9           article to grant to the charter government full power and authority to exercise all governmental  
10          powers necessary for the effective operation and conduct of the affairs of the charter government.

11          **Sec. 1.4.       County Purposes.**

12          The County, operating under this Charter, shall have all special powers and duties which are  
13          not inconsistent with this Charter, heretofore granted by law to the Board of County Commissioners,  
14          and shall have such additional county and municipal powers as may be required to fulfill the intent  
15          of this Charter.

16          **Sec. 1.5.       Municipal Purposes.**

17          The County shall have all necessary municipal powers to accomplish municipal purposes  
18          within the County.

19          In the event the Board of County Commissioners levies the Municipal Public Services Tax  
20          on utilities, any additional recurring or non-recurring fee or charge imposed on a utility relating to  
21          the use or occupation of the public rights-of-way shall not exceed what is reasonably necessary to

1 properly monitor and enforce compliance with the County's rules and regulations concerning  
2 placement and maintenance of utility facilities in the public rights-of-way.

3 **Sec. 1.6. Relation to Municipal Ordinances.**

4 Except as otherwise provided by law or this Charter, municipal ordinances shall prevail over  
5 County ordinances to the extent of any conflict within the boundaries of the municipality. To the  
6 extent that a county ordinance and a municipal ordinance shall cover the same subject without  
7 conflict, then both the municipal ordinance and the county ordinance shall be effective, each being  
8 deemed supplemental to the other.

9 **Sec. 1.7. Transfer of Power.**

10 Whenever a municipality, special district or agency shall request by a majority vote of the  
11 governing body the performance or transfer of a function to the County, the County is so authorized  
12 by a majority vote of the Board of County Commissioners to have the power and authority to assume  
13 and perform such functions and obligations. This section does not authorize a transfer in violation  
14 of Article VIII, § 4 of the Constitution of Florida.

15 **Sec. 1.8. Division of Powers.**

16 This Charter establishes the separation between legislative and administrative functions of  
17 this government. The establishment and adoption of policy shall be the responsibility of the Board  
18 of County Commissioners and the execution of that policy shall be the responsibility of the County  
19 Administrator.

20 **Sec. 1.9. Relation to State Law.**

21 Special laws of the state legislature relating to or affecting Leon County and general laws of  
22 local application which apply only to Leon County, except those laws relating exclusively to a

1 municipality, the school board, or a special district, shall be subject to approval by local referendum  
2 to the extent that they are not in conflict with this Charter. All special laws so approved shall  
3 become ordinances, and may be subject to amendment or repeal by the Board of County  
4 Commissioners.

5 **ARTICLE II. ORGANIZATION OF COUNTY GOVERNMENT**

6 **Sec. 2.1. Elected Commission and appointed County Administrator form of**  
7 **government.**

8 Leon County shall operate under an elected County Commission and an appointed County  
9 Administrator form of government with separation of legislative and executive functions in  
10 accordance with the provisions of this Home Rule Charter. The legislative responsibilities and  
11 powers of the County shall be assigned to, and vested in, the Board of County Commissioners. The  
12 executive responsibilities and power of the County shall be assigned to, and vested in, the County  
13 Administrator, who shall carry out the directives and policies of the Board of County Commissioners  
14 and enforce all orders, resolutions, ordinances and regulations of the Board, the Charter and all  
15 applicable general law to assure that they be faithfully executed.

16 **Sec. 2.2. Legislative Branch.**

17 **(1) The County Commission.**

18 The governing body of the County shall be a Board of County Commissioners composed of  
19 seven (7) members serving staggered terms of four (4) years. There shall be one (1) Commissioner  
20 elected for each of the five (5) County Commission districts, established pursuant to general law or  
21 by ordinance, and they shall be elected by the electors of that district. There shall be two (2) At-large  
22 Commissioners elected on a countywide basis by the electors of the County. Elections for all seven

1 (7) members of the County Commission shall be non-partisan. Each candidate for the office of  
2 district County Commissioner shall reside within the district from which such candidate seeks  
3 election at the time of qualifying to run for that office, and during the term of office each  
4 Commissioner shall reside in the district from which such Commissioner ran for office, provided that  
5 any Commissioner whose residence is removed from a district by redistricting may continue to serve  
6 during the balance of the term of office.

7 **(2) Redistricting.**

8 Redistricting of County Commission district boundaries shall be in accordance with general  
9 law, changed only after notice and a public hearing as provided by general law.

10 **(3) Salaries and Other Compensation.**

11 Salaries and other compensation of the County Commissioners shall be established by  
12 ordinance, and salary shall not be lowered during an officer's term in office.

13 **(4) Authority.**

14 The Board of County Commissioners shall exercise all legislative authority provided by this  
15 Home Rule Charter in addition to all other powers and duties authorized by general law or special  
16 law approved by a vote of the electorate.

17 **(5) Vacancies.**

18 A vacancy in the office of County Commissioner shall be defined and filled as provided by  
19 general law.

20 **(6) Administrative Code.**

21 The County Commission shall adopt an administrative code in accordance with general law.  
22

1           **Sec. 2.3.       Executive Branch.**

2           **(1)     The County Administrator.**

3           (A)     The County Administrator shall be appointed by, and serve at the pleasure of, the  
4     Board of County Commissioners. The County Administrator shall be the chief executive officer of  
5     the County and all executive responsibilities and powers shall be assigned to, and vested in, the  
6     County Administrator. The County Administrator shall exercise all executive authority provided by  
7     this Home Rule Charter and all other powers and duties authorized by general or special law.

8           (B)     The County Administrator shall be chosen on the basis of his/her professional  
9     qualifications, administrative and executive experience, and ability to serve as the chief administrator  
10    of the County. The County Administrator shall reside within the County during his/her tenure as  
11    County Administrator.

12          (C)     The compensation of the County Administrator shall be fixed by the Board of County  
13    Commissioners at a level commensurate with the responsibilities of the position, with performance  
14    appraisals conducted by the Board of County Commissioners at least annually.

15          (D)     A vacancy in the office shall be filled in the same manner as the original appointment.  
16    The County Administrator may appoint an Acting County Administrator in the case of his/her  
17    temporary vacancy.

18          **(2)     Senior Management.**

19                 The County's senior management employees, with the exception of the County Attorney's  
20    and Tourist Development Council (TDC) staff, shall serve at the pleasure of the County  
21    Administrator, who may suspend or discharge senior management personnel with or without cause.  
22

1           **Sec. 2.4.       County Attorney.**

2           (1)     There shall be a County Attorney selected by the Board of County Commissioners  
3     who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and  
4     shall reside within the County during his/her tenure as County Attorney.

5           (A)     The County Attorney shall provide legal services to the Board of County  
6     Commissioners, the County Administrator, and County departments, boards and agencies organized  
7     under the Board of County Commissioners.

8           (B)     The compensation of the County Attorney shall be fixed by the Board of County  
9     Commissioners at a level commensurate with the responsibilities of the position with performance  
10    appraisals conducted by the Board of County Commissioners at least annually.

11                   **ARTICLE III. ELECTED COUNTY CONSTITUTIONAL OFFICERS**

12           **Sec. 3.1.       Preservation of Constitutional Offices.**

13           The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and  
14    Supervisor of Elections shall remain as independently elected constitutional offices, and the status,  
15    powers, duties and functions of such offices, shall not be altered by this Home Rule Charter, or any  
16    revisions or amendments hereto, except as provided in Section 5.2 below. The constitutional officers  
17    shall perform their executive and administrative functions as provided by law.

18           **Sec. 3.2.       Non-Partisan Elections.**

19           (1)     **Non-Partisan Offices.**

20           The Supervisor of Elections shall be non-partisan.

21

22

1           **(A) Non-Partisan Election Procedures.**

2           If three or more candidates, none of whom is a write-in candidate, qualify for such office, the  
3 names of those candidates shall be placed on a non-partisan ballot at the first primary election. If  
4 no candidate for such office receives a majority of the votes cast for such office in the first primary  
5 election, the names of the two candidates receiving the highest number of votes for such office shall  
6 be placed on the general election ballot.

7           **(B) Qualification by Petition.**

8           A candidate for non-partisan office may qualify for election to such office by means of the  
9 petitioning process provided in general law.

10          **Sec. 3.3. Clerk Auditor.**

11          (1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission  
12 as specified by law. The Clerk shall employ a Certified Internal Auditor, Certified Public  
13 Accountant, or such other person qualified by education or experience in governmental accounting,  
14 internal auditing practices and fiscal controls, which shall include at least five (5) years experience  
15 in professional accounting, auditing, governmental fiscal administration or related experience, unless  
16 the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit  
17 function of the Clerk.

18          (2) **Audit Committee.**

19          There shall be a five member Audit Committee of which two members shall be appointed  
20 by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan  
21 of work for the Auditor and shall oversee the work of the Auditor. The Audit Committee members  
22 shall be residents of Leon County, none of whom may be an employee or officer of County

1 government, and who have experience as a public accountant, internal auditor, or as a financial  
2 manager for a public, private or not for profit institution. The purpose of the Committee is to  
3 promote, maintain, and enhance the independence and objectivity of the internal audit function by  
4 ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on  
5 recommendations. Clerk shall provide for the organization and duties of the audit committee,  
6 including membership terms, voting procedures, officers, sub-committees, meeting schedules and  
7 staff support.

8 **ARTICLE IV. POWERS RESERVED TO THE PEOPLE:**  
9 **INITIATIVE AND RECALL**

10  
11 **Sec. 4.1. Citizen Initiative.**

12 **(1) Right to Initiate.**

13 The electors of Leon County shall have the right to initiate County ordinances in order to  
14 establish new ordinances and to amend or repeal existing ordinances, not in conflict with the Florida  
15 Constitution, general law or this Charter, upon petition signed by at least ten percent (10%) of the  
16 total number of electors qualified to vote in the County reflecting ten percent (10%) of the total  
17 number of electors qualified to vote within each of the five (5) commission districts. The total  
18 number of electors qualified shall mean the total number of electors qualified to vote in the last  
19 preceding general election.

20 **(2) Procedure for Petition.**

21 The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a  
22 proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form  
23 on which signatures will be affixed and obtain a dated receipt therefor. Any such ordinances shall

1 embrace but one (1) subject and matter directly connected therewith. The sponsor shall cause a  
2 notice of such submission to be published within fourteen (14) days thereof in a newspaper of  
3 general circulation in the County. The allowable period for obtaining signatures on the petition shall  
4 be completed not later than one (1) year after initial receipt of the petition by the Supervisor of  
5 Elections. The sponsor shall comply with all requirements of general law for political committees,  
6 and shall file quarterly reports with the Supervisor of Elections stating, to the best of the sponsor's  
7 information and belief, the number of signatures procured. The time and form of such reports may  
8 be prescribed by ordinance. When a sufficient number of signatures is obtained, the sponsor shall  
9 thereupon submit signed and dated forms to the Supervisor of Elections, and upon submission, shall  
10 pay all fees required by general law. The Supervisor of Elections shall, within sixty (60) days after  
11 submission of signatures, verify the signatures thereon, or specify a reason for the invalidity of each  
12 rejected signature, if the petition is rejected for insufficiency of the number of valid signatures. If the  
13 petition is rejected for insufficiency of the number of signatures, the sponsor shall have an additional  
14 thirty (30) days within which to submit additional signatures for verification. The Supervisor of  
15 Elections shall, within thirty (30) days of submission of additional signatures, verify the additional  
16 signatures. In the event sufficient signatures are still not acquired, the Supervisor of Elections shall  
17 declare the petition null and void and none of the signatures may be carried over onto another  
18 identical or similar petition.

19 **(3) Consideration by Board of County Commissioners.**

20 Within sixty (60) days after the requisite number of signatures has been verified by the  
21 Supervisor of Elections and reported to the Board of County Commissioners, the Board of County  
22 Commissioners shall give notice and hold public hearing(s) as required by general law on the

1 proposed ordinance and vote on it. If the Board fails to enact the proposed ordinance it shall, by  
2 resolution, call a referendum on the question of the adoption of the proposed ordinance to be held  
3 at the next general election occurring at least forty-five (45) days after the adoption of such  
4 resolution. If the question of the adoption of the proposed ordinance is approved by a majority of  
5 those registered electors voting on the question, the proposed ordinance shall be declared, by  
6 resolution of the Board of County Commissioners, to be enacted and shall become effective on the  
7 date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The  
8 Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior  
9 to the next succeeding general election, without the approval of a majority of the electors voting at  
10 a referendum called for that purpose.

11 **(4) Limitation on Ordinances by Initiative.**

12 The power to enact, amend or repeal an ordinance by initiative shall not include ordinances  
13 or provisions related to County budget, debt obligations, capital improvement programs, salaries of  
14 County officers and employees, the assessment or collection of taxes, or the zoning of land.

15 **Sec. 4.2. Recall.**

16 All members of the Board of County Commissioners shall be subject to recall as provided  
17 by general law.

18

**ARTICLE V. HOME RULE CHARTER  
TRANSITION, AMENDMENTS, REVIEW,  
SEVERANCE, EFFECTIVE DATE**

**Sec. 5.1. Home Rule Charter Transition.**

**(1) General Provisions.**

Unless expressly provided otherwise in this Home Rule Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Leon County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected County officer, whose term shall continue as if this charter had not been adopted.

**(2) Initial County Commissioners.**

The persons comprising the Leon County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the Charter government and shall perform the functions thereof until the normal expiration of their terms or until the election and qualification of their successors as provided by law.

**(3) Outstanding Bonds.**

All outstanding bonds, revenue certificates, and other financial obligations of the County outstanding on the effective date of this Charter shall be obligations of the Charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from, and charged solely against, funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

1           **(4) Employees Continuation.**

2           All employees of the former County government shall, on the effective date of this Charter,  
3           become employees of the County government created by this Charter. All existing wages, benefits,  
4           and agreements, and conditions of employment shall continue, until modified by lawful action of the  
5           County Commission.

6           **Sec. 5.2. Home Rule Charter Amendments.**

7           **(1) Amendments Proposed by Petition.**

8           **(A)** The electors of Leon County shall have the right to amend this Home Rule Charter  
9           in accordance with Sec. 4.1 of this Charter.

10          **(B)** Each proposed amendment shall embrace but one (1) subject and matter directly  
11          connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot  
12          by resolution of the Board of County Commissioners for the general election occurring in excess of  
13          ninety (90) days from the certification by the Supervisor of Elections that the requisite number of  
14          signatures has been verified. If approved by a majority of those electors voting on the amendment  
15          at the general election, the amendment shall become effective on the date specified in the  
16          amendment, or, if not so specified, on January 1 of the succeeding year.

17          **(2) Amendments and Revisions by Citizen Charter Review Committee.**

18          **(A)** A Citizen Charter Review Committee shall be appointed by the Board of County  
19          Commissioners at least twelve (12) months before the general election occurring every eight (8)  
20          years thereafter, to be composed and organized in a manner to be determined by the Board of County  
21          Commissioners, to review the Home Rule Charter and propose any amendments or revisions which  
22          may be advisable for placement on the general election ballot. Public hearings shall be conducted

1 as provided by Section 125.63, Florida Statutes.

2 (B) No later than ninety (90) days prior to the general election, the Citizen Charter  
3 Review Committee shall deliver to the Board of County Commissioners the proposed amendments  
4 or revisions, if any, to the Home Rule Charter, and the Board of County Commissioners shall  
5 consider such amendments or revisions to be placed on the general election ballot, in accordance  
6 with Section 125.64, Florida Statutes.

7 (C) If the Citizen Charter Review Committee does not submit any proposed Charter  
8 amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to  
9 the general election, the Citizen Charter Review Committee shall be automatically dissolved.

10 (3) **Amendments Proposed by the Board of County Commissioners.**

11 (A) Amendments to this Home Rule Charter may be proposed by ordinance adopted by  
12 the Board of County Commissioners by an affirmative vote of a majority plus one (1) of the  
13 membership of the Board. Each proposed amendment shall embrace but one (1) subject and matter  
14 directly connected therewith. Each proposed amendment shall only become effective upon approval  
15 by a majority of the electors of Leon County voting in a referendum at the next general election. The  
16 Board of County Commissioners shall give public notice of such referendum election at least ninety  
17 (90) days prior to the general election referendum date.

18 (B) If approved by a majority of those electors voting on the amendment at the general  
19 election, the amendment shall become effective on the date specified in the amendment, or, if not  
20 so specified, on January 1 of the succeeding year.

21 **Sec. 5.3. Severance.**

22 If any provision of this Charter or the application thereof to any person or circumstance is

1 held invalid, the invalidity shall not affect other provisions or applications of the Charter which can  
2 be given effect without the invalid provision or application, and to this end the provisions of the  
3 Charter are declared severable.

4 **Sec. 5.4. Home Rule Charter effective date.**

5 This Charter shall become effective November 12, 2002.

6  
7 **SECTION 2. BALLOT QUESTION TO BE PRESENTED TO ELECTORATE.**

8 The proposed Charter of Leon County, Florida, shall be presented to the qualified Leon  
9 County electorate by placing the question of whether to adopt same on the ballot at the special  
10 election to be held on November 5, 2002.

11  
12 **SECTION 3. BALLOT QUESTION FORM.**

13 The question on the ballot shall be substantially in the following form:

14 **CHARTER FOR LEON COUNTY, FLORIDA**  
15 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2002-\_\_\_**

16  
17 **Question**

18  
19 Shall there be a Home Rule Charter for Leon County, Florida, establishing all rights  
20 and powers of local self government; authorizing the proposal and adoption of  
21 ordinances by voter initiative and referendum; preserving elected constitutional  
22 county officers; providing a non-partisan Supervisor of Elections; providing for non-  
23 partisan elections of county commissioners; allowing recall of commissioners by  
24 citizen referendum; and providing a method of amendment, which shall take effect  
25 November 12, 2002?

26  
27 Yes for Approval \_\_\_\_\_

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29 No for Rejection \_\_\_\_\_

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**SECTION 4. FURTHER AUTHORIZATION.**

The Board of County Commissioners of Leon County, Florida, is authorized to adopt all resolutions and take all actions necessary in order for this Charter referendum proposition and those propositions referenced in the Preamble and Articles of the proposed Charter herein to be properly placed on the ballot for the special election of November 5, 2002. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

**SECTION 5. SEVERABILITY.**

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

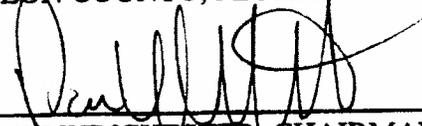
**SECTION 6. EFFECTIVE DATE.**

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed Charter is not duly approved at the November 5, 2002, special election. The Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective November 12, 2002,

1 if the Charter is approved by a "yes" vote by a majority of those duly qualified electors voting on the  
2 question posed at the November 5, 2002, referendum.

3  
4 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,  
5 Florida, this 10<sup>th</sup> day of September, 2002.

6 LEON COUNTY, FLORIDA

7  
8  
9 BY:   
10 DAN WINCHESTER, CHAIRMAN  
11 BOARD OF COUNTY COMMISSIONERS  
12

13  
14 ATTESTED BY:  
15 BOB INZER, CLERK OF THE COURT  
16

17 BY:   
18 CLERK **John Stott, Chief Deputy Clerk**



19  
20  
21 APPROVED AS TO FORM:  
22 COUNTY ATTORNEY'S OFFICE  
23 LEON COUNTY, FLORIDA

24  
25  
26 BY:   
27 HERBERT W.A. THIELE, ESQ.  
28 COUNTY ATTORNEY  
29

# **FINAL REPORT**

Leon County

Citizen's Charter Advisory Committee

May 16, 2000

## Introduction and Committee Membership

This Report is submitted at the request of the Leon County Board of County Commissioners (the "Commission") and is presented to the Board for their consideration.

There are 17 charter counties in Florida. Over 80% of the population in the state now live in a charter county. Adopting a charter form of government permits a county to modernize its structure pursuant to policies adopted by the public. Leon County is one of the largest counties in Florida where the electorate has not adopted a charter form of government.

Absent a charter, the structure and service delivery mechanisms of the county government are fixed by the State of Florida, no matter how complex the problems confronting a county may be to resolve. The local community is (to a great extent) prohibited from making changes that can result in more efficient and effective governance.

With a charter form of government, the public – through the exercise of their rights as provided in the Florida Constitution – are able to fully realize the principles of Home Rule: Structure, service delivery mechanisms and intergovernmental relationships can be tailored to address local problems in the county.

The question of a charter form of government for the County has been discussed by the Commission and within the community for many years. Various forms of charter government for the county, and charters to consolidate the County and the City of Tallahassee, have been reviewed and rejected.

The current examination of charter government began with a Commission workshop in August of 1997. Active discussions by the Commission began in March of 1999, with the question of charter government being discussed by the Commission during at least three subsequent meetings or workshops.

A draft charter was prepared by staff of the County Administrator and given preliminary approval by the Board of County Commissioners for the purposes of being forwarded to a citizens committee for their review. The Citizens Charter Study Advisory Committee was appointed January 18, 2000 and met nine times over the past several weeks.

Members of the Leon County Charter Review Committee were:

<u>Appointee</u>	<u>Appointed By</u>
Lee Vause, Chairman	Chairman Sauls
Kathy Garner, Vice Chair	Commissioner Proctor
Jennifer Bowers	Commissioner Maloy
Will Butler	Clerk of the Court
Stella Furjanic	Commissioner Rackleff
William Hanley	Commissioner Host
Mark Logan	Property Appraiser
Fred McCord	Tax Collector
Karen Moore	Commissioner Thael
John Newton	Supervisor of Elections
Frank Shaw	Sheriff
Frank Visconti	Mayor
Mike Wallace	Commissioner Winchester

Kurt Spitzer of Kurt Spitzer and Associates, Inc. provided consulting services to the Committee.

The Committee used Robert's Rules of Order to govern their deliberations but decided that a vote of a majority-plus-one of those present would be necessary to forward any document back to the County Commission.

## Recommendations for Amendments to the Draft Charter

The Committee has made several technical changes to the draft charter that serve to improve its operation but do not change the policies previously adopted by the County Commission. However, the Committee did adopt six suggested revisions to the draft charter that are of a policy nature.

### 1. Non-Partisan Elections for Members of the County Commission

*The Committee recommends that the draft Charter be amended to provide that the members of the Board of County Commissioners are elected on a non-partisan basis but that each candidate's party affiliation is indicated on the ballot.*

The Committee believes that party affiliation is a more important and relevant indicator of future job performance of candidates for the Legislature or Congress than it is for local government officials. Virtually all municipal officials are elected on a non-partisan basis in Florida. Electing Commissioners on a non-partisan basis saves the cost of that part of a filing fee that is allocated to the party and may save the cost of a primary election.

While the Committee believes that all county officials should be elected on a non-partisan basis, it recognizes that party affiliation may be a more important criteria to voters as relates to elections for members of the legislative body than it is for the

County "Constitutional" Officers. Therefore, the Committee recommends that the party affiliation of each candidate for County Commission be indicated on the ballot immediately adjacent to the candidate's last name.

Jacksonville uses this system. It still permits "Democrats" to vote for "Republicans" (or "Republicans" to vote for "Democrats") but allows each voter to be aware of the party affiliation of each candidate.

## 2. Employment of the County Administrator

*The Committee recommends that the draft Charter be amended to provide that the County Administrator be employed by a majority vote of the entire Commission and that the Administrator be terminated by a majority vote of the entire Commission that is taken during two successive meetings separated by at least three days. An interim or Acting County Administrator could be retained by a simple majority vote of the members present.*

The Committee discussed alternative mechanisms to retain and terminate the County Administrator. There was some sentiment for requiring an extraordinary measure on the part of the County Commission to terminate the manager. While some members believed that the charter should require an extraordinary vote to terminate the Administrator, there was not majority support for this measure.

The recommended policy provides that the Administrator could not be terminated in a hurried fashion but still allows the Commission's majority to take such action. The Commission's power to suspend the Administrator by a single, simple majority vote remains unchanged.

Also, the amendment specifically recognizes the County Commission's authority to employ an acting or interim Administrator by simple majority vote of those members present.

3. Non-Interference with Employees of Appointed Charter Officers

*The Committee recommends that the draft Charter be amended to provide that a standard "non-interference" clause is added that prohibits members of the County Commission from directing the work of employees of the County Administrator, County Attorney or County Auditor.*

The recommended language provides that Commissioners and committees of the County Commission are specifically prohibited from interfering with the work of employees who are under the direct or indirect supervision of the County Administrator.

Such clauses are common in all county and municipal charters, and serve to more clearly separate the legislative (policy-setting) responsibilities of the County Commission from the County Administrator's duties as manager and head of the executive branch. Violations of this section constitute malfeasance, although enforcement of such may be difficult.

4. Commission Auditor

*The Committee recommends that the draft Charter be amended to provide that the position of Commission Auditor be established as an appointed charter officer, that the Auditor be employed by the Board of County Commissioners and that an Audit Committee be appointed to oversee the work of the Commission Auditor.*

The recommended revision establishes the charter office of Commission Auditor and requires the County Commission to appoint a qualified person to fill the position. The Auditor is given unrestricted access, consistent with general law, to the records, reports and files of all programs and departments of the Board of County Commissioners. The Auditor's reports are provided directly to the County Commission and County Administrator.

The County Commission is also required to appoint an Audit Committee. The Committee develops an annual plan of work for the Auditor and generally oversees his

or her work. The Audit Committee is composed of One County Commissioner and four citizens who have qualifications suitable for such service.

The recommended amendment does not infringe on the duties of the Clerk of the Court that are prescribed by the Constitution or general law as relates to that office's functions as auditor. The Commission Auditor should supplement but not duplicate the work of the Clerk as auditor. The recommended amendment will, however, serve to insure that a more active audit program is established for Leon County.

5. Non-Partisan Elections for Constitutional Officers

*The Committee recommends that the draft Charter be amended to provide that all of the County "Constitutional" Officers' positions are elected on a non-partisan basis.*

The Committee reviewed the roles and responsibilities of the independent County Officers. After discussion and debate, the Committee recommends that the offices of the Sheriff, Tax Collector, Supervisor of Elections, Property Appraiser and Clerk of the Court continue to function as independent offices but that they are elected by the voters on a non-partisan basis.

As with the recommended amendment concerning elections for the Board of County Commissioners, the Committee believes that party affiliation is a more important

indicator of future job performance for candidates for state or federal office. The Committee believes that this is truer for a position that is primarily administrative in nature and has no legislative functions whatsoever.

The recommended amendment embodies the policy already adopted in the draft charter for the Supervisor of Elections and extends it to all of the other County Officers. A "severance clause" has been added that provides that the requirement for election on a non-partisan basis is automatically repealed if it in any way effects the independent "constitutional" status of a county officer.

#### 6. Charter Review Commission

*The Committee recommends that the draft Charter be amended to provide that a Charter Review Commission is appointed on a regular basis and that the first Charter Review Commission be appointed in 2001.*

Almost all Florida county charters provide for Charter Review Commissions (CRC) to be appointed by the County Commission on a regular basis. The Committee believes that the CRC should be mandatory and that the first CRC should be constituted in 2001, so that there will be an early review of the documents. The suggested amendment provides that future CRCs will eventually transition into an eight-year cycle.

Other changes provided by the amendment require that any recommendations must be passed by a positive vote of at least seven (out of 11) members and prohibit elected officials or their staff from serving on the CRC.

The amendment provides that the BCC appoints nine members, that the City Commission appoints one member, and that the County "Constitutional" Officers, by majority vote, appoint one.

The amendment also includes a policy requiring the BCC to consider diversity when making appointments to the CRC.

Charter Review and Consolidation Commissions

DRAFT

SUMMARY - This alternative accomplished two objectives:

1. It keeps the same language for the CRC as was attached to the Memo of May 7<sup>th</sup> except that the first CRC is constituted in 2003 instead of 2001, allowing a Consolidation Commission to be appointed in 2001 and to make recommendations for the 2002 ballot. See subsection "(B)" on page 2.
  2. It provides for the creation, membership, duties, etc., of a Consolidation Commission. If consolidation passes, the County (and City) charter is repealed. If consolidation does not pass, the first Charter Review Commission begins its work in 2003. See page 4.
- 

Replace Existing Subsection 5.2(2):

(2) Amendments and Revisions by Charter Review Commission.

(A) The Board of County Commissioners shall establish a Charter Review Commission to review the Charter of the county as provided by this section. Each Charter Review Commission shall consist of eleven electors of the County, appointed in the following manner: The Board of County Commissioners shall appoint nine members; the county constitutional officers, by majority vote, shall appoint one member; and, the City Commission of the City of Tallahassee shall appoint one member. No elected official or employees of an elected county officer or a local government may serve on the Charter Review Commission. When making appointments to the Charter Review Commission, the Board of County Commissioners shall endeavor to include citizens

from all segments of society in the County, reflecting the differing professions, gender, age, life experiences, geography, races and ethnic backgrounds of the citizens of the County. Nevertheless, each individual appointment shall be based on the competence, expertise and merit of the appointee, and nothing in this section shall give any person standing to enforce this provision or to contest any appointment. Upon the death, resignation or removal of any member of the Charter Review Commission, the entity that made the initial appointment shall appoint a successor.

*(B) The initial Charter Review Commission shall be appointed not later than July 1 of 2003. Subsequent Charter Review Commissions shall be appointed no later than July 1 of the years 2007 and 2015, and of every eighth year thereafter. The Charter Review Commission shall meet for the purpose of organization within thirty (30) days after the appointments have been made.*

(C) The Charter Review Commission shall elect a chairman and vice chairman from among its membership. Meetings of the Charter Review Commission shall be held upon the call of the chairman or a majority of the members of the Charter Review Commission. All meetings shall be open to the public. A majority of the members of the Charter Review Commission shall constitute a quorum. The Charter Review Commission may adopt such other rules for its operations and proceedings as it deems desirable that are consistent with this subsection. Members of the Charter Review Commission shall receive no compensation but may be reimbursed for necessary expenses pursuant to general law.

(D) The Charter Review Commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable. Reasonable expenses of the Charter Review Commission shall be verified by a majority vote of the Charter Review Commission forwarded to the Board of County Commissioners for payment from the general fund of the county. The Board of County Commissioners may accept funds, grants, gifts, and services for the Charter Review Commission from the state, the Government of the United States, or other sources, public or private. Upon the dissolution of the Charter Review Commission, all equipment, records, files and assets shall be turned over to the Board of County Commissioners.

(E) Not later than ninety (90) days prior to the next general election, the Charter Review Commission shall present to the Board of County Commissioners its recommendations for amendment or revision of the Charter, if any, and a report of its work. If an amendment or revision to the charter is recommended, the Charter Review Commission shall conduct at least three (3) public hearings, at intervals of not less than ten (10) nor more than twenty (20) days, immediately prior to the transmittal of its recommendations to the Board of County Commissioners. The Board of County Commissioners shall promptly schedule a referendum on the proposed charter amendments or revisions concurrent with the next general election. If an amendment or revision to the charter is recommended, the Charter Review Commission shall remain in existence until the general election for purposes of

conducting and supervising public education and informational programs on the proposed amendments or revisions. No charter amendment or revision shall be submitted to the County Commission for placement on the ballot unless favorably acted upon by an affirmative vote of seven members of the Charter Review Commission. The Charter Review Commission shall be dissolved and will cease to exist no later than the date of the general election.

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Add a new subsection "5.2(x)"

- (x) Consolidation Commission.
- (a) A Consolidation Commission shall be established pursuant to this subsection no later than January 1, 2001. The Consolidation Commission shall consist of eleven electors of the county, appointed in the following manner: The Board of County Commissioners shall appoint four members; the county constitutional officers, by majority vote, shall appoint two members; the City Commission of the City of Tallahassee shall appoint four members; and, the Leon County School Board shall appoint one member. No elected official or employees of an elected county officer, school district or a local government may serve on the Consolidation Commission. When making appointments to the Consolidation Commission, the appointing authorities shall endeavor to include citizens from all segments of society in the County, reflecting the differing professions, gender, age, life experiences, geography,

racess and ethnic backgrounds of the citizens of the County. Nevertheless, each individual appointment shall be based on the competence, expertise and merit of the appointee, and nothing in this section shall give any person standing to enforce this provision or to contest any appointment. Upon the death, resignation or removal of any member of the Consolidation Commission, the entity that made the initial appointment shall appoint a successor.

(b) The Consolidation Commission shall meet for the purpose of organization within thirty (30) days after the appointments have been made. The Consolidation Commission shall elect a chairman and vice chairman from among its membership. Meetings of the Consolidation Commission shall be held upon the call of the chairman or a majority of the members of the Consolidation Commission. All meetings shall be open to the public. A majority of the members of the Consolidation Commission shall constitute a quorum. The Consolidation Commission may adopt such other rules for its operations and proceedings as it deems desirable that are consistent with this subsection. Members of the Consolidation Commission shall receive no compensation but may be reimbursed for necessary expenses pursuant to general law.

(c) The Consolidation Commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable. Reasonable expenses of the Consolidation Commission shall be verified by a majority vote of the Consolidation

Commission forwarded to the Board of County Commissioners and City of Tallahassee for payment. Expenses of the Consolidation Commission shall be shared equally by the City of Tallahassee and Leon County. The Board of County Commissioners and City Commission may accept funds, grants, gifts, and services for the Consolidation Commission from the state, the Government of the United States, or other sources, public or private.

- (d) The Consolidation Commission shall examine, review and study the operations, structure, financing mechanisms and programs of the City of Tallahassee and Leon County governments and shall recommend a charter that consolidates the jurisdictions into a single government.
  
- (e) Not later than November 1, 2001 the Consolidation Commission shall present its final report and recommendations for consolidation of the City of Tallahassee and Leon County governments to the county legislative delegation for consideration and introduction as a special act of the Legislature during the 2002 legislative session. The Consolidation Commission shall conduct at least three (3) public hearings, at intervals of not less than ten (10) nor more than twenty (20) days, immediately prior to the transmittal of its recommendations to the county legislative delegation. Upon submission of its report and recommendations to the legislative delegation, the Consolidation Commission shall be dissolved and will cease to exist.

## Charter Counties' Relationships with its Constitutional Officers

County	Relationship with Constitutional Officers
Alachua	All constitutional and statutory functions of Constitutional Officers preserved in County Charter
Brevard	All constitutional and statutory functions of Constitutional Officers preserved in County Charter
Broward	Responsibilities and duties of the Tax Collector are vested to the County Manager; the duties as the custodian of all County funds, auditor and recordation of public documents that were originally prescribed to the Clerk of Courts are under the responsibility of the county manager
Charlotte	All constitutional and statutory functions of Constitutional Officers preserved in County Charter
Clay	The County Manager serves as the clerk of the Board of County Commissioners, auditor and custodian of all county funds originally reserved for the Clerk; the remaining constitutional officers powers remain the same as non-charter counties
Columbia	All constitutional and statutory functions preserved in County Charter , however all constitutional officers elections are non-partisan
Duval/Jacksonville	The functions of the clerk of the City Council and auditor were transferred from the Clerk; the City Council determines the compensation of Constitutional Officers although they are elected
Hillsborough	All constitutional and statutory functions of Constitutional Officers preserved in County Charter
Lee	All constitutional and statutory functions of Constitutional Officers preserved in County Charter
Leon	All constitutional and statutory functions of Constitutional Officers preserved in County Charter, however non-partisan elections are held for the Supervisor of Elections
Miami-Dade	All constitutional officers duties and responsibilities are vested under the Mayor's office
Orange	All constitutional and statutory functions of Constitutional Officers preserved in County Charter and has an elected Comptroller
Osceola	The functions of the ex officio clerk and accountant of the Board of County Commissioners, auditor, and custodian of all county funds are vested in the office of the County Manager.
Palm Beach	All constitutional and statutory functions of Constitutional Officers preserved in County Charter, however non-partisan elections are held for Property Appraiser, Sheriff, and Supervisor of Elections
Pinellas	All constitutional and statutory functions of Constitutional Officers preserved in County Charter
Polk	All constitutional and statutory functions of Constitutional Officers preserved in County Charter, however all constitutional officers' elections are non-partisan
Sarasota	All constitutional and statutory functions of Constitutional Officers preserved in County Charter
Seminole	All constitutional and statutory functions of Constitutional Officers preserved in County Charter
Volusia	Tax collectors office was abolished and its functions transferred to the Department of Finance under the County Manager. In addition Finance also was given the functions and duties of the Clerk of Courts as it relates to clerk's duties as ex officio to the Board of County Commissioners and auditor and custodian of all county funds. The Clerk's duties as ex-officio clerk and keeper of the official minutes to the board of county commissioners were transferred to the Department of Central Services under the County Manager. In addition Central Services is responsible for control and operation of personnel, motor pool, clerical and records, purchasing data processing and building maintenance divisions for all county departments including those department lead by elected official (i.e. Sheriff, Supervisor of Elections, and Property Appraiser)

## Charter Counties' Relationships with its Municipalities

County	Relationship with Municipalities
Alachua	The most stringent standards prevail in issues regarding air and water pollution countywide
Brevard	All Municipal ordinances prevail over County ordinances
Broward	The Broward County charter requires its County Commission to adopt a countywide ordinance on handgun purchases which applies within the incorporated and unincorporated areas of the county. The Broward charter also states that the County ordinance will prevail in the establishment of minimum standards for environmental protection and land use planning.
Charlotte	County ordinances prevail municipal ordinances in issues relating to (1) impact fees on new development to pay the cost of providing county public facilities required by such developments and (2) county-wide comprehensive plan or county-wide elements of a county comprehensive plan and county-wide land development regulations as defined by Chapter 163, Part II, Florida Statutes
Clay	All Municipal ordinances prevail over County ordinances
Columbia	The County may adopt minimum countywide standards for regulating adult entertainment, protecting the environment by regulating air or pollution, outdoor burning, hours of sale of alcoholic beverages, animal control, firearms and weapons, and protection of level of service standards for county-maintained roads.
Duval/Jacksonville	N/A Consolidated Government
Hillsborough	All Municipal ordinances prevail over County ordinances
Lee	All Municipal ordinances prevail over County ordinances
Leon	All Municipal ordinances prevail over County ordinances
Miami-Dade	County Commission has the sole authority to create new municipalities in the unincorporated area; municipalities may provide for <u>higher</u> standards of zoning, service, and regulation than those of the County
Orange	County is required to set minimum standards countywide for regulating adult entertainment and protecting the environment by prohibiting or regulating air or water pollution
Osceola	All Municipal ordinances prevails over County ordinances
Palm Beach	County ordinances prevail in matters related to the protection of wells and wellfields
Pinellas	County ordinances prevail in a number of circumstances including the design, construction and maintenance of major drainage systems in both the incorporated and unincorporated area, implementation of animal control regulations and programs, implementation of regulations and programs for protection of consumers.
Polk	All Municipal ordinances prevail over County ordinances
Sarasota	The County must approve all changes to the future land use designations of all lands lying outside of the Urban Service Area regardless of whether some or all of the lands are located within a municipality.
Seminole	All Municipal ordinances prevail over County ordinances
Volusia	The County is required to establish minimum standards for the protection of the environment. This includes minimum standards, requirements, procedures and regulations for tree protection, aquifer protection, storm water management, waste water management, river and waterway protection, hazardous waste disposal, wetlands protection, beach and dune protection, and air pollution.

SIX YEAR HISTORY OF RETREAT PRIORITIES

Priority	FY 01/02	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07
#1	Stormwater Issues	Emergency Medical Services	Water Quality/TMDL Standards	Economic Development	Address Consolidation of Law Enforcement and Emergency Response Dispatch	Economic Development
#2	Economic Development	Economic Development	Joint Dispatch/Emergency Operations Center (EOC)	Leon County Jail Issues	Enhance Primary Healthcare for the Uninsured	Performing Arts Center
#3	Jail Population Management	Consolidation City/County Government	Leon County Charter Amendment (Stormwater)	Health Care	Develop a Comprehensive Community Energy Policy	Jail Diversion Programs
#4	State Funding Cutbacks	Stormwater Regional Solutions	Protection of North Florida Water Resources	Total Maximum Daily Load (TMDL) Standards	Implement a County-wide Lake Protection Program	Functional Consolidation
#5	Southern Strategy	Resolution of City/County issues (Tram Road, Sprayfield, CRA, Gum Road Transfer Stations)	Economic Development	Joint Dispatch/Emergency Operations Center	Construct a Library branch in the Woodville Community	Southside Senior Center
#6	Code of Ethics	Eliminate Fire MSTU	Elimination of EMS MSTU	Charter Amendment regarding Countywide stormwater	Address Impacts from Sprayfield Irrigation and other Pollutants on Wakulla Springs	Carry-over: Joint Dispatch Facility

SIX YEAR HISTORY OF RETREAT PRIORITIES

Priority	FY 01/02	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07
#7	Joint Dispatch and Emergency Operations Center	Create Youth Centers	Women's Health Center on Southside	North Florida Water Resources	Pursue Redevelopment of North Florida Fairgrounds Property	Carry-over: Woodville Branch Library
#8	Charter Government	Jail Population Management	Community/Teen Centers	Women's Health Center	N/A	Carry-over: Redevelopment of North Florida Fairgrounds
#9	Comprehensive Plan Reform	Southern Strategy	Funding for 90 East (Mahan Drive) to I-10	Community and Teen Centers/Programs	N/A	Carry-over: County-wide Lake Protection Program
#10	Children's Issues	Comprehensive Plan Reform	Southern Strategy	Funding for Hwy. 90E. to I-10	N/A	N/A
#11				Southern Strategy	N/A	N/A

**Ion Sancho**

Supervisor of Elections

LEON COUNTY, FLORIDA

Date 11/17/2008

Time 10:02 AM

**District Voter Turnout Analysis for 2008 General Election  
 Nov/04/2008**

Totals exclude provisional ballots and include only one vote for voters with multiple-vote entries. See Voting Irregularities Report to identify multiple- vote entries.

District	Total	DEM	REP	NPA	Other	White	Black	Hispanic	Other	Male	Female	Unkwn
<b>All County</b>												
Eligible	177,417	102,012	47,796	20,624	6,985	112,073	48,746	5,075	11,523	76,990	95,411	5,016
Voted at Polls	73,824	40,754	22,216	8,055	2,799	49,757	17,624	2,171	4,272	32,201	39,795	1,828
Absentee Voted	29,255	15,494	10,234	2,690	837	20,994	6,078	622	1,561	11,834	16,836	585
Early Voted	42,459	29,016	7,987	4,002	1,454	23,293	15,584	1,246	2,336	17,880	23,672	907
Total Voted	145,538	85,264	40,437	14,747	5,090	94,044	39,286	4,039	8,169	61,915	80,303	3,320
% Turnout	82.0	83.6	84.6	71.5	72.9	83.9	80.6	79.6	70.9	80.4	84.2	66.2
<b>County Commission 1</b>												
Eligible	32,086	23,505	3,459	3,667	1,455	8,785	19,726	915	2,660	12,828	17,774	1,484
Voted at Polls	12,436	9,138	1,434	1,291	573	3,591	7,504	376	965	4,867	7,013	556
Absentee Voted	3,943	2,988	484	361	110	1,192	2,382	92	277	1,403	2,413	127
Early Voted	8,247	6,538	585	780	344	1,851	5,601	243	552	3,106	4,846	295
Total Voted	24,626	18,664	2,503	2,432	1,027	6,634	15,487	711	1,794	9,376	14,272	978
% Turnout	76.7	79.4	72.4	66.3	70.6	75.5	78.5	77.7	67.4	73.1	80.3	65.9
<b>County Commission 2</b>												
Eligible	30,013	17,331	6,328	4,793	1,561	16,427	9,318	1,543	2,725	12,974	15,541	1,498
Voted at Polls	11,263	6,336	2,598	1,680	649	6,455	3,194	716	898	4,872	5,924	467
Absentee Voted	3,318	1,867	910	431	110	1,996	930	115	277	1,308	1,874	136
Early Voted	7,364	5,198	1,071	811	284	3,494	3,023	345	502	3,020	4,119	225
Total Voted	21,945	13,401	4,579	2,922	1,043	11,945	7,147	1,176	1,677	9,200	11,917	828
% Turnout	73.1	77.3	72.4	61.0	66.8	72.7	76.7	76.2	61.5	70.9	76.7	55.3
<b>County Commission 3</b>												
Eligible	34,822	20,245	9,789	3,622	1,166	24,545	7,534	862	1,881	15,277	18,834	711
Voted at Polls	15,554	8,658	4,872	1,528	496	11,500	2,936	386	732	6,852	8,428	274
Absentee Voted	6,286	3,429	2,217	485	155	4,984	921	105	276	2,560	3,636	90
Early Voted	7,430	5,265	1,326	629	210	4,482	2,384	195	369	3,176	4,126	128
Total Voted	29,270	17,352	8,415	2,642	861	20,966	6,241	686	1,377	12,588	16,190	492
% Turnout	84.1	85.7	86.0	72.9	73.8	85.4	82.8	79.6	73.2	82.4	86.0	69.2
<b>County Commission 4</b>												
Eligible	39,442	17,768	16,495	3,972	1,207	32,491	4,279	755	1,917	17,941	20,951	550
Voted at Polls	16,549	6,817	7,651	1,647	434	14,244	1,257	280	768	7,653	8,679	217
Absentee Voted	7,475	3,022	3,686	572	195	6,472	596	119	288	3,156	4,235	84
Early Voted	10,481	5,842	3,407	929	303	8,003	1,814	225	439	4,752	5,602	127
Total Voted	34,505	15,681	14,744	3,148	932	28,719	3,667	624	1,495	15,561	18,516	428
% Turnout	87.5	88.3	89.4	79.3	77.2	88.4	85.7	82.6	78.0	86.7	88.4	77.8
<b>County Commission 5</b>												
Eligible	40,787	23,040	11,675	4,494	1,578	29,653	7,845	990	2,299	17,862	22,170	755
Voted at Polls	18,022	9,805	5,661	1,909	647	13,967	2,733	413	909	7,957	9,751	314
Absentee Voted	8,019	4,090	2,900	778	251	6,210	1,216	184	409	3,318	4,567	134
Early Voted	8,937	6,173	1,598	853	313	5,463	2,762	238	474	3,826	4,979	132
Total Voted	34,978	20,068	10,159	3,540	1,211	25,640	6,711	835	1,792	15,101	19,297	580
% Turnout	85.8	87.1	87.0	78.8	76.7	86.5	85.5	84.3	77.9	84.5	87.0	76.8

## City of Tallahassee 2009 Charter Review Committee

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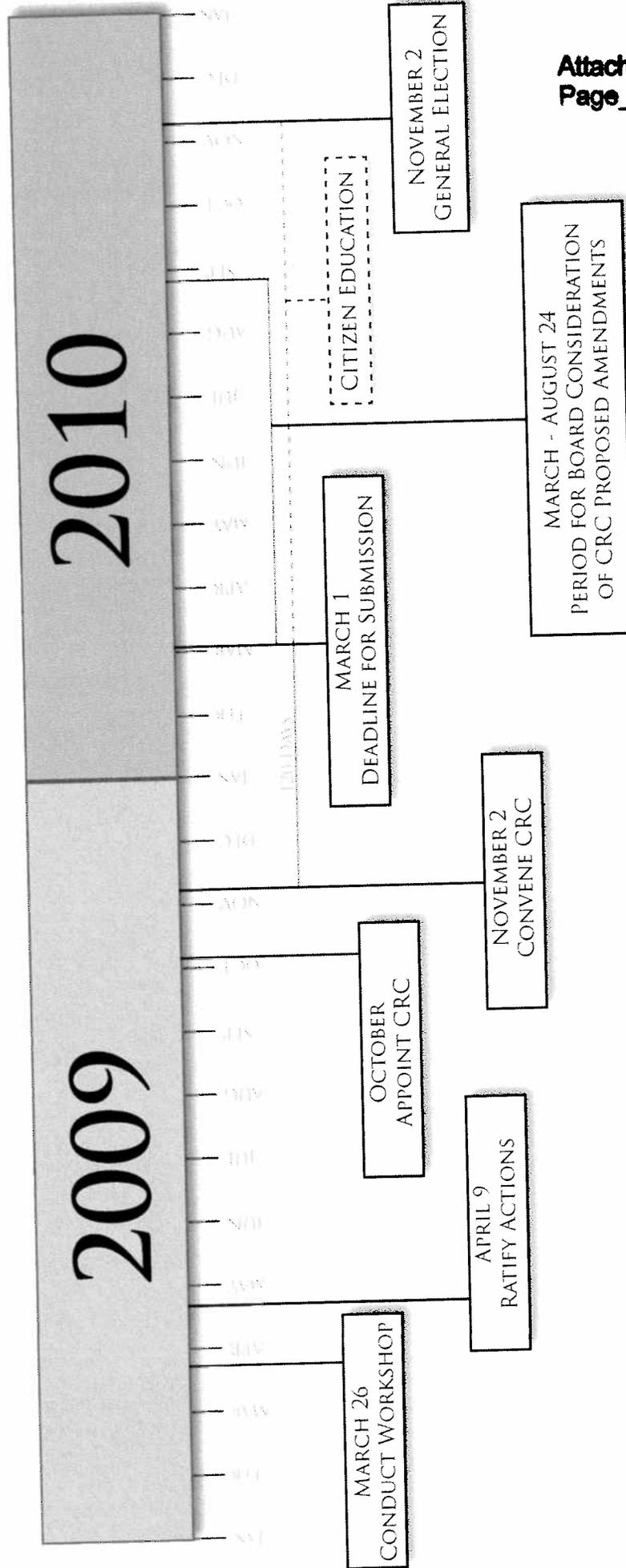
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# PROPOSED CITIZEN CHARTER REVIEW COMMITTEE TIMELINE



# BOARD OF COUNTY COMMISSIONERS

## INTER-OFFICE MEMORANDUM

To: Commissioner Bill Proctor

From: Herbert W.A. Thiele, Esq.  
County Attorney's Office

Date: April 12, 2004

Subject: Citizen Utility Review Board Charter Amendment

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This memorandum will acknowledge receipt of your memorandum dated April 5, 2004, concerning the above referenced subject. In response to that memorandum concerning the process by which citizen's of the City of Tallahassee may, by charter amendment, create a Citizen's Utility Review Board for the purposes of overseeing the City of Tallahassee's utility operations, we provide the following for your review.

Without providing an exhaustive list of the methods upon which a Citizen's Review Board could be created, including by municipal ordinance adopted by the City Commission itself, we will focus on the two methods upon which a citizen's review board may, through the charter amendment process, be created. The first process by which such a board could be created by charter amendment would be in accordance with Section 166.031(1), Florida Statutes (2003), wherein the City Commission by ordinance may submit to the electors of the City a proposed amendment to its Charter. The City Commission would thereafter be required to place the proposed amendment contained in the ordinance to a vote of the city electors at the next general election held within the City, presently set for November 2, 2004.

The second method upon which a Citizen Utility Review Board could be created by charter amendment also involves Section 166.031, Florida Statutes (2003). Such provisions provide that the electors in a municipality may, by petition signed by ten percent of the registered electors as of the last preceding municipal general election, propose an amendment to the city charter. The amendment is permitted to amend any part or section of the charter, except those describing the boundaries of the specific municipality. If such a petition as described above is presented, the City Commission is required under law to place the proposed amendment contained in the petition to a vote of the electors at the next general election held within the municipality.

Section 2-2 of the Code of Laws, City of Tallahassee, provides that petitions for amendments to the City Charter as provided in Section 166.031, Florida Statutes, shall be received only if accompanied by a certificate of the Supervisor of Elections, which verifies the signatures according to law, indicating that such signatures are of registered

Memorandum to Commissioner Proctor  
Re: Citizen Utility Review Board Charter Amendment  
April 9, 2004  
Page 2

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Attachment # 9  
Page 2 of 2

city electors and equal to at least ten percent of the total number of registered city electors. The ordinance also provides that the cost of such verification shall be paid by the parties submitting the petition.

Based upon information that we have been able to gather, it appears that a charter amendment petition would require approximately 8,400 valid signatures, and though the law is silent on Municipal Charter Amendments, State Constitutional Amendment petition items must be presented to the Supervisor of Elections at least 90 days prior to the general election, which is scheduled to occur on November 2, 2004. Therefore, it appears that such a petition would need to be submitted prior to August 4, 2004, in order to provide the Supervisor sufficient time in which to verify the signatures as provided in Section 2-2 of the Code of Laws, City of Tallahassee.

We hope this brief overview of the city charter amendment process meets your needs. Should you need additional information please contact our office at your earliest convenience.

HWAT/PTK/cc

cc: Honorable Chairman and Members of the Board of County Commissioners  
Parwez Alam, County Administrator  
Vince Long, Assistant County Administrator

## Board of County Commissioners Leon County, Florida

### Policy No. 03-15

- Title: Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution
- Date Adopted: September 23, 2003
- Effective Date: September 23, 2003
- Reference:
- Florida Statute Chap. 112, Part III, Code of Ethics for Public Officers and Employees
  - Florida Statute Chap 119, Public Records
  - Florida Statute §286.011, Government-in-the-Sunshine Law
  - Leon County Board of County Commissioners (LCBCC) Policy No. 03-05, Code of Ethics
- Policy Superseded:
- No. 00-5, "Volunteer Boards and Committees"
  - No. 97-9, "Voting Conflicts on Boards, Committees, Councils, and Authorities"

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It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a new policy entitled "Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution" be hereby adopted, to wit:

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## POLICY

### 1) **Authority, Purpose, Intent, and Scope**

- a) Authority: to the extent the Policy delegates any authority, it is so delegated to the County Administrator.
- b) Purpose: to establish a policy and procedure to govern the establishment, appointment, function, operation, and dissolution of all Advisory Committees appointed by the Board.
- c) Intent:
  - i) to efficiently manage the resources available to Leon County by assuring that all Advisory Committees function in the most fiscally responsible manner and, when no longer needed, are dissolved as soon as practicable;
  - ii) to assure that all Advisory Committees appointed by the Board comply with all applicable Government-in-the-Sunshine, Public Records and Code of Ethics Laws; and
  - iii) to assure that all citizens, who volunteer their time to serve on an Advisory Committee, are protected from unknowingly committing an unlawful act by appointing them only to appropriate committees and providing them with a thorough Orientation.
- d) Scope: governs all Board-appointed Advisory Committees in existence on the Effective Date of the Policy and to any Board-appointed Advisory Committees thereafter established; and shall not apply to any committees or groups appointed by, or under the delegation of, the County Administrator under his/her executive powers, duties, or responsibilities as provided under the Administrative Code of Leon County, as may be amended from time to time, or any other executive power provided under any other statute, ordinance, or rule promulgated by federal, state, or local law.

### 2) **Definitions**

The following terms, when used in the Policy in their capitalized form, shall be defined as follows:

- a) **Advisory Committee:** any board, Committee, or group previously or hereafter established by the Board to provide input, advice, and/or recommendations regarding matters to be brought before the Board for approval, and which is identified in its Enabling Resolution as either a Decision Making Committee or a Focus Group.

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- b) Applicant: a person who is interested in serving on an Advisory Committee and who is required to submit an Application, completed in accordance with the Policy.
- c) Applicant Pool: the group of Applicants whose Applications have been reviewed by Staff for completeness, confirmation of residency, and absence of any conflict, unable to be waived by the Board, are considered eligible for appointment to Advisory Committees.
- d) Application: the form to be completed and submitted by those persons interested in serving on an Advisory Committee, other than those persons whose public positions are specifically identified by statute, code, rule, policy, or other state, federal, or local law as a required member of the Advisory Committee as identified in such law. For example, the Chairman of the Board of County Commissioners, the Secretary of the Department of Transportation, or the President of Florida State University, provided, however, that persons who are identified in such laws only through their occupation, for example a building contractor or a real estate broker, are not exempt from the application process.
- e) Board: the Leon County Board of County Commissioners.
- f) Committee Request Form: the form to be submitted by a member of the Board interested in establishing an Advisory Committee.
- g) County: Leon County, Florida.
- h) Decision Making Committee: an Advisory Committee intended to become part of the Board's decision-making process by virtue of direction in its Enabling Resolution to provide to the Board recommendations regarding matters to be considered for Board approval. A Decision Making Committee conducts its meetings under the direction of a Chairperson, with Staff acting only in a role of facilitator; operates under Bylaws approved by the County Administrator and the County Attorney; considers alternatives and narrows or eliminates options for Board consideration; and conducts a vote to either make its final recommendations to the Board as directed in its Bylaws, or make a final binding decision without returning to the Board, based on authority delegated by statute, code, rule, policy, or other state, federal, or local law - because of the voting requirement strongly discourages the appointment of Stakeholders as members.
- i) Enabling Resolution: the Resolution adopted by the Board, pursuant to the procedures set forth herein, which authorizes the creation of an Advisory Committee and which establishes the Advisory Committee as either a Decision Making Committee or a Focus Group.

- j) Focus Group: an Advisory Committee *not* intended to become part of the Board's decision-making process, but rather is intended, by virtue of its Enabling Resolution, to merely provide a fact-finding source of community input and technical resources for use by Staff in developing a Staff recommendation regarding a matter to be considered for Board approval. A Focus Group conducts its meetings under the direction of Staff, provides collective input to Staff through individual comments of the Focus Group members, has no need for Bylaws, takes no vote as a group and, therefore, appointment of Stakeholders as members does not present a conflict of interest.
- k) Lobbying: influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication, or an attempt to obtain the goodwill of a member of the Board, a member of a quasi-judicial board, a member of an Advisory Committee, a County Commission aide, the County Administrator, the County Attorney, the Assistant County Administrator, a Group Director, the Director of Purchasing, the Chief Building Inspector, or other employees who have binding administrative authority.
- l) Lobbyist: any of the following persons:
  - i) any natural person who, for compensation, seeks, or sought during the preceding twelve months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency;
  - ii) any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of Lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity for the purpose of Lobbying on behalf of that other person or governmental entity; or
  - iii) a person who registers with the Clerk to the Board as a Lobbyist pursuant to Section 8 of LCBCC Policy No. 03-05, Code of Ethics.
- m) Model Bylaws: the Board-approved Bylaws template which includes the provisions applicable to every Decision Making Committee, and which is used as the basis for drafting the Bylaws to govern the function and operation of a Decision Making Committee.
- n) Model Rules of Procedure: the Board-approved Rules of Procedure template which includes the provisions applicable to every Focus Group and which is used as the basis for drafting the Rules of Procedures to govern the function and operation of a Focus Group.

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- o) Orientation: the Board-approved program intended to educate Applicants, Board members, and Staff about the applicability of the Government-In-The-Sunshine Laws, Code of Ethics Laws, and Public Records Laws to Advisory Committees.
- p) Staff: any individual(s) employed by the Leon County Board of County Commissioners.
- q) Staff Support Person: the member of Staff assigned by the County Administrator to assist an Advisory Committee in carrying out the Board direction as set forth in the Enabling Resolution.
- r) Stakeholder: an Applicant that would be potentially subject to an unusually high number of voting conflicts under Fla. Stat. §112.3143, including any of the following persons:
  - i) a person to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established;
  - ii) a person with a relative to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established; for purposes of this subsection, the term "relative" includes any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law;
  - iii) a person with a business associate to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established;
  - iv) a person who is retained by any principal to whom he or she knows would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established; or
  - v) a person who is retained by any parent organization or subsidiary of a corporate principal, other than an agency as defined in Fla. Stat. §112.312(2), to which he or she knows would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established.

3) **Responsible Departments**

- a) County Administrator: shall be responsible for the implementation and compliance of the Policy, and shall be charged with the following responsibilities to be carried out in accordance with the Policy:
  - i) developing and implementing the application process;
  - ii) developing and implementing a process for the selection and appointment of members to Advisory Committees;
  - iii) developing and implementing an Orientation program;
  - iv) assuring that all Advisory Committees are properly functioning and operating; and
  - v) developing and implementing a centralized custodial system for retaining minutes and bylaws of Advisory Committees.
- b) County Attorney: shall be responsible for providing any legal guidance necessary for the County Administrator to carry out his/her responsibilities under the Policy.

4) **Creation of Applicant Pool for Advisory Committees**

- a) Application Form
  - i) The County Administrator shall develop and maintain an Application in a form to be approved by the Board.
  - ii) The Application shall include, but not be limited to:
    - (1) an inquiry sufficient to establish the Applicant's experience, qualifications, and interests for the purpose of determining for which Advisory Committees the Applicant would be best suited;
    - (2) an inquiry sufficient to establish whether the Applicant would be a potential Stakeholder on any Advisory Committee or would otherwise be subject to an unusually high number of voting conflicts on any Advisory Committee;

- (3) an inquiry sufficient to establish whether the Applicant, if appointed to an Advisory Committee, would be subject to the requirements of the Code of Ethics for "doing business with one's agency" under Fla. Stat. §112.313(3) and LCBCC Policy No. 03-05 §6(II) and/or having a "conflicting employment or contractual relationship" under Fla. Stat. §112.313(7) and LCBCC Policy No. 03-05 §6(VI);
  - (4) an inquiry sufficient to establish whether the Applicant is a Lobbyist;
  - (5) an inquiry sufficient to confirm that the Applicant has completed Orientation;
  - (6) an inquiry sufficient to confirm that the Applicant is a resident of Leon County;
  - (7) a notice to the Applicant, set off in bold typeface in a font size slightly larger than the surrounding text, which will inform the Applicant of his/her obligation, if appointed to an Advisory Committee, to follow the applicable Sunshine Laws, Code of Ethics, and Public Records Laws, and of the consequences of violating the applicable law including criminal penalties, civil fines, and the voiding of any subsequent Board action; and
  - (8) a space designated for written comments by Staff sufficient in size to make notations in accordance with Sections 4.b and 6.b herein.
- b) Preliminary Application Review
- i) the County Administrator, or his/her designee, shall review all Applications and note in the designated space on the Application the following:
    - (1) the printed name and signature of the Staff person reviewing the Application;
    - (2) confirmation that the Applicant has completed all applicable sections of the Application;
    - (3) confirmation that the Applicant is a resident of Leon County; and
  - ii) in the event that any Application is found to be incomplete, or that any Applicant is found to not be a resident of Leon County, the Application shall be returned to the Applicant notifying him/her of such deficiency in the Application.

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- iii) upon confirmation that the Application is complete and that the Applicant is a resident of Leon County, the Application shall be legibly stamped "Preliminary Review Approved."
- iv) upon being stamped "Preliminary Review Approved," a copy of the Application may be forwarded to other departments for further review if the information on the Application indicates that the Applicant would be a candidate for a specific Advisory Committee requiring more information than that provided on the Application.
- c) Applicant Pool: Applications shall be included in the Applicant Pool only upon being stamped "Preliminary Review Approved" in accordance with Section 4.b.iii herein.

5) **Establishment of Advisory Committees**

Any and all Advisory Committees to be formed on or after the Effective Date of the Policy shall be established only as follows:

- a) Who May Request: an Advisory Committee may be established only upon the request of any member of the Board, the County Administrator, or the County Attorney.
- b) How Request is Made: a request to establish an Advisory Committee shall be made only as follows:
  - i) the requesting Board member shall, when time permits, complete a Committee Request Form and submit it to the Chairperson of the Board in time for the request to be placed on the agenda for the next regularly scheduled meeting of the Board; or
  - ii) when time does not permit, the requesting Board member shall, no later than two days after the Board approves the establishment of the requested Advisory Committee, complete a Committee Request Form and deliver it to the County Administrator.
- c) How Request is Approved: upon review and consideration by the Board of the request to establish an Advisory Committee, such request may be approved only by a majority vote of the Board;
- d) When Appointments are Made: upon Board approval for the establishment of the requested Advisory Committee, the County Administrator shall, as soon as reasonably possible, coordinate a Board agenda item for the appointment of the selected Applicants to the approved Advisory Committee in accordance with Section 6 herein; such Board appointments shall be selected only from the Applicants included in the Applicant Pool.

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- e) Enabling Resolution: upon Board approval for the establishment of the requested Advisory Committee, the County Administrator shall, as soon as reasonably possible, coordinate an agenda item for the Board's adoption of the Enabling Resolution establishing the approved Advisory Committee; the Enabling Resolution shall, to the extent possible, be based on the information provided in the Committee Request Form and shall include, but not be limited to, the following:
  - i) identification of the Advisory Committee as either a Decision Making Committee or a Focus Group;
  - ii) a statement of the purpose, function, goals, and responsibilities of the Advisory Committee;
  - iii) the configuration of the membership of the Advisory Committee which, unless precluded by state, federal, or local law, shall be determined by the Board, at its discretion;
  - iv) a statement indicating whether the members of the Advisory Committee shall be subject to full and public disclosure of financial interests;
  - v) identification of the Staff assigned to assist the Advisory Committee, as needed; and
  - vi) identification of a date, or an occurrence of an event, after which the Advisory Committee will dissolve unless otherwise continued with Board approval prior to the date of dissolution.
  
- 6) **Appointment of Members to Advisory Committees**
  - a) Assignment of Staff Support Person: each Advisory Committee shall have a Staff Support Person assigned by the County Administrator;
  
  - b) Review of Applicant Pool: In the event of a need for appointments of members to an Advisory Committee, the County Administrator and the County Attorney shall each designate a member of their Staff to work with the Staff Support Person to collectively review the Applications in the Applicant Pool and make notations on the Applications of the following information for the Board's consideration in making selections for appointments:
    - i) any indications of experience or qualifications that would be well-suited for this particular Advisory Committee or any specific desire to serve on this particular, or similar type, Advisory Committee;
  
    - ii) any indications that would preclude the Applicant from serving on this particular Advisory Committee under any statute, code, rule, policy, or other state, federal, or local law;

- iii) any indications that the Applicant would be considered a Stakeholder with regard to the matter for which this particular Advisory Committee was established, or any other indications that would potentially result in the Applicant having an unusually high number of voting conflicts under Fla. Stat. §112.3143;
  - iv) any indications under which the Applicant would be considered as “doing business with one’s agency” under Fla. Stat. §112.313(3) and LCBCC Policy No. 03-05 §6(II) and/or having a “conflicting employment or contractual relationship” under Fla. Stat. §112.313(7) and LCBCC Policy No. 03-05 §6(VI); in the event either of these circumstances is found, it shall be noted that these conflicts may be waived by a two-thirds vote of the Board pursuant to Fla. Stat. §112.313(12);
  - v) any indications that the Applicant would be considered a Lobbyist, with regard to the matter for which this particular Advisory Committee was established; and
  - vi) any other comments deemed appropriate to bring to the Board's attention.
- c) Selection of Applicants by Each Board Member: upon review of the Applicant Pool in accordance with Section 6.b herein, the County Administrator shall coordinate the selection of Applicants as follows:
- i) the list of names in the Applicant Pool available for selection shall be provided to each Board member along with a deadline for the selection; the list of names shall contain the information compiled in accordance with Section 6.b herein;
  - ii) upon receipt of each of the Board members' selections, the matter shall be placed, as soon as reasonably possible, on the Board's agenda for appointment of each selection to the Advisory Committee; and
  - iii) no selection shall be made other than from the list of names provided by the County Administrator in accordance with the Policy.
- d) Appointment of Members by Full Board: the selection of Applicants by each Board member, in accordance with Section 6.c herein, shall be approved by a majority vote of the Board.

7) **Orientation**

- a) Preliminary Matters: the Staff Support Person shall be responsible to assure that, prior to any participation by a newly appointed Advisory Committee member, the member has completed Orientation.
- b) Availability to Applicants: the County Administrator shall assure that the Orientation program is made available to all Applicants in an easily accessible manner; formats of the Orientation may include a live presentation format, an internet format, a hard copy booklet format, an audio or video format, or any other means deemed appropriate by the County Administrator.
- c) Substance of Orientation: the County Administrator, in conjunction with the County Attorney, or their designees, shall develop, implement, and maintain an orientation program which shall include, but not be limited to, the following subject matter:
  - i) basic introduction to the following applicable laws:
    - (1) Government-In-The-Sunshine Law; Fla. Stat. §286.011
    - (2) Code of Ethics for Public Officers and Employees; Fla. Stat. Chapter 112, Part III
    - (3) Public Records Law; Fla. Stat. Chapter 119
  - ii) an explanation of how the applicable laws will generally affect the members of an Advisory Committee;
  - iii) an explanation distinguishing the responsibilities and legal obligations of a member of a Decision Making Committee as opposed to a member of a Focus Group;
  - iv) an explanation of the consequences of violating the applicable laws including, but not limited to, the following:
    - (1) criminal penalties, including imprisonment and fines, for knowingly violating the Government-In-The-Sunshine Laws;
    - (2) civil fines and removal from the Advisory Committee for violating the Code of Ethics Laws; and
    - (3) nullification of work of an Advisory Committee, resulting from potential voiding of Board action, after violations of either the Government-In-The-Sunshine Laws or Code of Ethics Laws.

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- v) a brief question and answer portion intended only to give typical examples of various violations of the applicable laws; although the question and answer portion shall be completed, it shall not be intended as a pass or fail mechanism.
  - d) **Persons Required to Complete Orientation:** within a reasonably possible time after the Effective Date of the Policy, the following persons shall have completed Orientation:
    - i) all Applicants and/or any newly appointed Advisory Committee member who has not completed Orientation within the past year;
    - ii) all members of Advisory Committees in existence on the Effective Date of the Policy;
    - iii) all Board members;
    - iv) the County Administrator and all Senior Management Staff;
    - v) the County Attorney and all Assistant County Attorneys;
    - vi) all members of Staff appointed as a Staff Support Person.
  - e) **Updates and Revisions to Orientation:** the County Administrator, in conjunction with the County Attorney, or their designees, shall be responsible for updating and revising the Orientation, as necessary, to reflect any changes in the applicable laws.
- 8) **Focus Groups - Function and Operation**
- a) **Model Rules of Procedure:** the County Administrator, in conjunction with the County Attorney, or their designees, shall develop and maintain a Model Rules of Procedure which shall govern the function and operation of a Focus Group.
  - b) **Staff Responsibility:** upon the adoption of an Enabling Resolution identifying the Advisory Committee as a Focus Group, the Staff Support Person shall be responsible for the following:
    - i) drafting Rules of Procedure for the Focus Group, using the Model Rules of Procedure as a basis, and assuring that the Rules of Procedure are approved by the County Administrator and County Attorney for procedural consistency before the first meeting of the Focus Group; the Rules of Procedure for the Focus Group shall not deviate from the provisions of the Model Rules of Procedure unless such deviations are approved by the County Administrator and the County Attorney;

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- ii) at or before the first meeting, providing a copy of the Rules of Procedure to all members of the Focus Group;
  - iii) coordinating and providing Staff assistance, as necessary, for the meetings of the Focus Group;
  - iv) conducting, on behalf of the Board, each meeting of the Focus Group;
  - v) assuring that all members of the Focus Group have completed Orientation before being allowed to participate in any meeting of the Focus Group;
  - vi) assuring that the Focus Group functions and operates in accordance with the Rules of Procedure for the Focus Group and the Enabling Resolution;
  - vii) notifying the County Administrator and the County Attorney, as soon as reasonably possible, of any violations of any law applicable to the Focus Group;
  - viii) notifying the County Administrator of any other problems encountered with the function and operation of the Focus Group;
  - ix) preparing an agenda item, as necessary, to advise the Board of the collective input from the individual members of the Focus Group with regard to the matter for which the Focus Group was established; and
  - x) assuring that the Focus Group is dissolved in accordance with Section 10 herein.
- 9) **Decision Making Committees - Function and Operation**
- a) Model Bylaws: the County Administrator, in conjunction with the County Attorney, or their designees, shall develop and maintain a Model Bylaws which shall govern the function and operation of a Decision Making Committee to include, but not be limited to, attendance requirements and procedures for replacement of members when appropriate.
  - b) Staff Responsibility: upon the adoption of an Enabling Resolution identifying the Advisory Committee as a Decision Making Committee, the Staff Support Person shall be responsible for the following:

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- i) drafting Bylaws for the Decision Making Committee, using the Model Bylaws as a basis, and assuring that the Bylaws are approved by the County Administrator and County Attorney for procedural consistency before the first meeting of the Decision Making Committee; the Bylaws for the Decision Making Committee shall not deviate from the provisions of the Model Bylaws unless such deviations are approved by the County Administrator and the County Attorney;
- ii) at or before the first meeting, providing a copy of the Bylaws to all members of the Decision Making Committee;
- iii) coordinating and providing Staff assistance, as necessary, for the meetings of the Decision Making Committee;
- iv) assuring that all members of the Decision Making Committee have completed Orientation before being allowed to participate in any meeting of the Decision Making Committee;
- v) assuring that reasonable notice to the public is given for each meeting of the Decision Making Committee;
- vi) assuring that, at the first meeting of the Decision Making Committee, a Chairperson is elected and that the Bylaws are adopted by the Decision Making Committee;
- vii) assuring that a copy of the adopted Bylaws is provided to the Bylaws custodian as designated by the County Administrator;
- viii) assuring that minutes of each meeting of the Decision Making Committee are prepared as soon as reasonably possible after each meeting, and copies of such minutes are provided to the minutes custodian as designated by the County Administrator;
- ix) assuring that the Decision Making Committee functions and operates in accordance with the Bylaws for the Decision Making Committee and the Enabling Resolution;
- x) notifying the County Administrator and the County Attorney as soon as reasonably possible of any violations of any law applicable to the Decision Making Committee;
- xi) notifying the County Administrator of any other problems encountered with the function and operation of the Decision Making Committee;

- xii) preparing an agenda item, as necessary, to advise the Board of the recommendations of the Decision Making Committee with regard to the matter for which the Decision Making Committee was established; and
- xiii) assuring that the Decision Making Committee is dissolved in accordance with Section 10 herein.

10) **Dissolution of Advisory Committees**

No later than thirty (30) days prior to the date, or the occurrence of the event, after which the Advisory Committee is directed to be dissolved as directed in the Enabling Resolution, the Staff Support Person shall inform the County Administrator, by e-mail or written memorandum, as to whether the Advisory Committee will require additional time in which to accomplish the goals and directives set forth in the Enabling Resolution. In the event additional time is required, the Staff Support Person will be responsible for seeking the Board's approval for additional time. If additional time is not required, the Staff Support Person shall, upon the completion of the goals and directives in the Enabling Resolution, notify the County Administrator, by e-mail or written memorandum, of such completion and the Advisory Committee shall thereupon be dissolved.