

Board of County Commissioners
Leon County, Florida

**Workshop on the Status Report of the Citizen Charter Review
Committee**

April 13, 2010
12:00 – 1:30 p.m.

Leon County Board of County Commission Chambers
Leon County Courthouse, 5th Floor

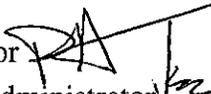
Board of County Commissioners

Workshop Item

Date of Meeting: April 13, 2010

Date Submitted: April 7, 2010

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator 
Vincent S. Long, Deputy County Administrator 
Shington Lamy, Special Projects Coordinator

Subject: Workshop on the Status Report of the Citizen Charter Review Committee

Statement of Issue:

This workshop item provides a status report on the work of the Leon County Citizen Charter Review Committee (Committee) and presents the final report of Kurt Spitzer and Associates (Attachment #1).

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 #2). The Leon County Charter requires the Board to establish a Citizen Charter Review Committee at least 12 months prior to the general election occurring every eight years.

On March 26, 2009, the Board held a workshop on the establishment of the first Citizen Charter Review Committee. At that time, the Board determined the composition of the Committee, its timeline, the frequency and public access of Committee meetings, staff support, and potential charter issues (Attachment #3). On April 21, 2009, the Board hired Kurt Spitzer and Associates (KSA) to provide consulting services to the Committee.

On May 26, 2009, the Board conducted a subsequent workshop to identify policy issues that may be addressed through the charter review process (Attachment #4). At that time, KSA provided a comprehensive presentation on charter counties and policy issues commonly addressed by county charter review committees.

On October 13, 2009, the Board appointed 15 Leon County residents to the Committee. Each commissioner appointed two individuals and the full Board appointed a college student representative. The individuals appointed by the Board were as follows:

- Lester Abberger
- Jon Ausman
- Rick Bateman
- Lance DeHaven-Smith
- Sue Dick
- Donna Harper
- Chuck Hobbs
- Christopher Holley
- David Jacobsen
- Catherine Jones
- Ralph Mason
- Tom Napier
- Linda Nichol森
- Larry Simmons
- Marilyn Wils

On November 3, 2009, the Committee held its first meeting at which time it elected Christopher Holley, chairman and Marilyn Wils, vice-chair of the Committee. During its review process, the Committee held 14 meetings, considered 24 issues, and adopted 7 proposed charter amendments. The proposed amendments will be transmitted to the Board on August 4, 2010. The following provides a status report of the Committee's efforts the past five months.

Analysis:

Duties of the Committee

As previously mentioned, Section 5.2 (2)(A) of the Leon County 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 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. The 2009-10 Committee final report provides a summary of the first effort to propose amendments to the County Charter.

Meetings of the Committee

The Committee placed a high emphasis on public involvement throughout its review process. The Committee held 14 meetings during its evaluation of the County Charter. The meetings were held on Thursdays in the County Commission Chambers. The Committee alternated between afternoon and evening meetings to provide greater accessibility for public participation. The meetings of the Committee were very inclusive and provided an opportunity for public comments on the each agenda without any time restriction.

A Committee website (www.leoncountyfl.gov/charter) was developed to provide the public with all materials and information pertaining to the charter review process including meeting agendas, meeting minutes, and meeting presentations. The website provided residents the ability to email any questions, concerns, and/or comments to the Committee (2010charter@leoncountyfl.gov). In addition, each meeting was broadcast live on the Committee's website and re-aired on Tuesdays on Comcast Channel 16. Several press releases were distributed to media partners to promote citizen participation and input (Attachment #5).

During the process the Committee received presentations from the County Administrator, each county commissioner, the five constitutional officers, and the Mayor and other elected officials of the City of Tallahassee. The Committee also received a large amount of comments and presentations from local residents via public testimonies at the meetings and by e-mail correspondences.

The Committee adopted its own By-Laws which established a formal structure for its meetings that incorporated a three-phase approach to evaluate the Charter and to address potential issues for amendment; the issues agendas, the decision agendas, and the final adoption/transmittal agendas. In its By-Laws the Committee also adopted voting thresholds in order to narrow the list of issues it would address at each phase. A simple majority of those members present were required to move issues forward to the decision agendas and the final adoption/transmittal agendas. A two-thirds vote of the entire body (10 affirmative votes) was required at the final adoption/transmittal phase to adopt proposed amendments as recommendations to the Board.

During the first phase (issues agendas) the Committee identified issues for revision or addition to the County Charter. Issues that were determined by a simple majority vote to be considered for potential charter amendments, were scheduled for the decision agenda. In the second phase (decision agendas), the Committee held meetings to consider ballot language for charter issues that had been identified in the issues agendas phase. At that time, the Committee heard public testimony, received additional presentations, and conducted further deliberation on the ballot language, which required a simple majority vote.

In its third phase (final adoption/transmittal agendas) of meetings the Committee adopted proposed charter amendments and formally transmitted those amendments to the Board. Pursuant to the Charter, the Committee held three public hearings during the final phase. In accordance with its By-Laws, each proposed amendment including its ballot title and summary, required a two-thirds vote of the entire Committee (10 affirmative votes) for passage.

Charter Issues

Throughout its process the Committee was presented with numerous issues for amendment consideration to the County Charter. Charter issues were provided by the Board, individual county commissioners, constitutional officers, Committee members and Leon County residents. Each of the following issues were discussed at some length by the Committee for revision or addition to the County Charter during its issues agenda phase:

- Codification of revised Tourist Development Council Structure
- County/city consolidation and/or functional consolidation
- Countywide stormwater standards/environmental ordinances
- Functional Consolidation of Growth Management
- Lower Charter Petition Threshold
- Protection of Water Supply
- Annexation Policy
- Charter officers/Constitutional Officers
- Commission Structure/Districting Schemes
- Revision to the Chairmanship of the Board of County Commissioners
- Campaign Finance Reform
- Intellectual property
- Petroleum Commission
- One house per ten acres
- Affordable housing
- Southside projects and sewer infrastructure
- Citizen Utility Advisory Board
- Nonpartisan Elections
- Employment Policy of the County Administrator
- Functions of the Clerk as Auditor
- Noninterference Clause
- Revision to the Citizen Charter Review Committee
- Human Rights Policy
- Economic Development

For its decision agenda, at which time the Committee considered potential ballot language for charter amendments, the list of issues were narrowed by a simple majority vote to the following:

- Codification of revised Tourist Development Council Structure
- Countywide stormwater standards/environmental ordinances
- Functional Consolidation of Growth Management
- Lower Charter Petition Threshold
- Campaign Finance Reform
- Citizen Utility Advisory Board

- Employment Policy of the County Administrator
- Functions of the Clerk as Auditor
- Noninterference Clause
- Revision to the Citizen Charter Review Committee
- Human Rights Policy

After a month long discussion on the issues presented above in its decision agenda, the Committee further narrowed the list of issues for potential recommendation for charter amendment to 9 items for its final phase, the final adoption/transmittal agendas. These issues required a simple majority vote of the Committee and were as follows:

- Codification of revised Tourist Development Council Structure
- Employment Policy of the County Administrator
- Non-interference Policy
- Petition Threshold/Petition Prohibition
- Citizen Charter Review Committee
- Limitation on Campaign Contribution
- Unified Environmental Standards (Countywide Stormwater Standards)
- Functions of the Clerk as Auditor
- Citizen Utility Advisory Board

Proposed Charter Amendments

On March 18, 2010, the Committee held its third and final public hearing. Following public testimony, the Committee considered the 9 proposed amendments for recommendation to the Board. In accordance with the its By-Laws, each amendment including its ballot title and summary, required a two-thirds vote of the entire Committee (10 affirmative votes) for passage. During its deliberation, the Committee adopted and/or significantly modified 7 of 9 the proposed charter amendments. Each adopted amendment included a date in which it would become effective if approved by the electorate.

The following provides a summary on each of the 7 proposed charter amendments as well as the Committee's vote. Each summary also provides the ballot title and ballot summary which was approved by the Committee. The ballot title and ballot summary are the language that would appear on the November 2, 2010 ballot.

Codification of revised Tourist Development Council Structure (Committee Vote Count: 15-0)
During its May 26, 2009 workshop, the Board identified the codification of the revision to the Tourist Development Council (TDC) structure as a policy issues it wish to be considered by the Committee as a proposed charter amendment. Currently the Sec. 2.3(2) exempts TDC staff as employees of the County Administrator and reports directly to the Board. On January 15, 2009, the Board delegated the tourist development program to the County Administrator. The Committee adopted an amendment that would reflect in the County Charter the current practice of TDC staff

reporting to County Administrator by deleting the exemption. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Tourist Development Structure

Ballot Summary: Whether the Leon County Home Rule Charter shall be amended to provide that the Tourist Development Council staff shall report to the County Administrator.

Employment Policy of the County Administrator (Committee Vote Count: 13-2)

During the review process KSA presented a number of issues to the Committee that are commonly addressed in other county charters in the state. The process in which the County Administrator is hired and/or terminated is one of the issues that was considered by the Committee. Currently, the County Administrator is hired/fired by a simple majority vote of the Board.

This amendment would provide that the County Administrator be employed by an affirmative vote of a majority plus one of the Board; and would also require an affirmative vote of a majority plus one of the Board to terminate the County Administrator. The consideration for termination would have to occur following the first regularly-scheduled meeting of the Board after a motion expressing intent to remove County Administrator was approved by a simple majority. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Employment Policy of the County Administrator

Ballot Summary: Whether the Leon County Home Charter shall be amended to provide the manner by which the County Administrator shall be employed and the manner by which the County Administrator is terminated.

Non-interference Policy (Committee Vote Count: 15-0)

KSA also stated that county charters commonly provide a non-interference provision which clarify the interaction of county commissions and county staff. This amendment would prohibit individual County Commissioners from giving instructions or directives to employees under the direct or indirect control of the County Administrator or County Attorney. A violation of the non-interference policy would be considered a malfeasance as cited in Article 4, Section 7(a) of the Florida Constitution. This section of the Constitution provides the Governor suspension authority of county officers. The charter amendment would not prohibit a county commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the County Administrator or County Attorney. If approved by the electorate, the amendment would take effect on January 1, 2011. Article II, Section 2.2 (6) of the County Charter provides "...that the Board shall adopt an administrative code in accordance with general law." The administrative code includes a non-interference provision.

Ballot Title: Non-interference Policy

Ballot Summary: Whether the Leon County Home Charter shall be amended to prohibit individual County Commissioners from giving instructions or directives to employees under the direct or indirect control of the County Attorney or County Administrator.

Petition Threshold/Petition Prohibition

(Committee Vote Count: 11-4)

Sections 4.1 and 5.2 of the County Charter requires signatures of not less than 10% of the total number of qualified County electors in each of the five County districts and must total at least 10% of the total number of qualified electors countywide, in order to establish or amend County ordinances or the County Charter by petition. The current petition threshold is considered to be one of the most stringent among charter counties. This amendment would lower the signatures required for petitions proposing ordinances or charter amendments to:

- o 7% countywide, and
- o 5% within each single-member district

It also would clarify that existing prohibited subjects apply to charter amendments, in addition to ordinances. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Ordinance and Charter Amendment Petition Thresholds and Petition Prohibited Subjects

Ballot Summary: Whether the Leon County Home Charter shall be amended to lower the number of signatures required for petitions proposing ordinances or charter amendments from 10% countywide, including at least 10% in each single-member district, to 7% countywide, including 5% within each single-member district; and clarify that existing prohibited subjects apply to charter amendments, in addition to ordinances.

Citizen Charter Review Committee

(Committee Vote Count: 15-0)

KSA presented several changes to the Committee to the current structure of the CRC outlined in the County Charter. During its process, the Committee discussed at length membership eligibility, the timeframe in which the CRC is established and the placement of proposed amendments directly on the amendment.

In regards to future CRCs, the Committee adopted an amendment that would require Committees be appointed 15 months prior to a general election, instead of 12 months. It would also require the Board to consider a wide variety of factors when appointing individuals to the Committee, so as to reflect diversity in the community. In addition, the amendment would require that charter amendment recommendations of future CRCs approved by 9 votes, go to the Board for its consideration, while proposed charter amendments approved by 12 votes go directly to the ballot. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Citizen Charter Review Committee

Ballot Summary: Whether the Leon County Home Charter shall be amended to provide that the Charter Review Committee shall be appointed 15 months prior to general election; require the Board consider a wide variety of factors when appointing Charter Review Committee members; and provide that recommendations of the Charter Review Committee approved by 9 votes go to Board for its consideration; and those 12 votes go directly to ballot.

Limitation on Campaign Contribution

(Committee Vote Count: 12-3)

During his presentation to the Committee, Commissioner Thael identified the single issue of campaign finance reform for review by the Committee. The Committee adopted an amendment that would limit campaign contributions for candidates for county office to \$250 per election from individuals and/or political committees. This amendment would only apply to candidates for county commission and constitutional office seats. The Florida Election Code currently sets the campaign contribution limit at \$500. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Limitation on Campaign Contribution

Ballot Summary: Whether the Leon County Home Charter shall be amended to limit campaign contributions for candidates for county office to \$250 per election from individuals or political committees.

Minimum Countywide Environmental Regulations

(Committee Vote Count: 11-4)

During its two workshops on the charter review process, the Board identified countywide stormwater standards and environmental ordinances as a potential charter issue. Since 2000, the Board has elevated pursuing countywide stormwater regulation as a County priority during its Board Retreat process. The County Charter currently states that all municipal ordinances prevail over County ordinances to the extent of any conflict within the municipalities' boundaries. This provision limits the establishment of countywide stormwater standards and environmental ordinances.

In addition, throughout the process the Committee expressed great interest in the functional consolidation of the County and City of Tallahassee Growth Management departments. During the Committee's evaluation, County staff provided documentation of the County's previous efforts to commence discussion on the consolidation of the two departments. The Committee was informed that the consolidation of the County and City of Tallahassee Growth Management departments could not be effectuated through charter review process; however countywide environmental standards could be accomplished and realized to provide uniform environmental regulations throughout the County. Subsequently, the Committee requested ballot language on countywide environmental standards for consideration on its decision agenda.

On February 4, 2010, staff provided a presentation to the Committee outlining the County past efforts to establish countywide environmental and stormwater standards based on science and not political boundaries as well as the legal directive of the Tallahassee-Leon County Comprehensive Plan to establish such standards. Following the presentation, the Committee voted to move to its final adoption/transmittal agendas a unified environmental standards proposed amendment which would permit County ordinances establishing standards, procedures, requirements, and regulation for the protection of the environment to prevail over municipal ordinances.

As it entered its final phase, the Committee as well as individual Committee members received testimony, correspondence, and verbal communication from elected official and staff of the City

expressing opposition to the proposed amendment on unified environmental standards. A number of local residents also expressed concerns of the proposed amendments. On February 17, 2010, the County Administrator sent a letter to the City Manager conveying that the intent of the amendment proposed by the Committee was to provide consistency, reliability and uniformity of environmental standards in the community (Attachment #6). In addition, the County Administrator ensured that County staff would work together with City staff to develop unified environmental standards.

Nonetheless, the City continued to oppose the Committee's amendment on unified environmental standards through further testimony at the Committee's public hearings, correspondence, and verbal communication. As a result, the Committee significantly modified the charter amendment on unified environmental standards to minimal environmental standards which would require the County to establish minimum environmental standards, procedures, requirements, or regulations countywide; however it would not prohibit a municipality from adopting more stringent levels of environmental standards, procedures, requirements, or regulations, within its incorporated limits. If approved by the electorate, the amendment would take effect on April 1, 2011.

Ballot Title: Minimum Countywide Environmental Standards

Ballot Summary: Whether the Leon County Home Charter shall be amended to provide that county ordinances shall provide minimum standards, procedures, requirements, and regulation for the protection of the environment.

Amendments Not Approved by the Committee

The proposed amendments on the establishment of a Citizen Utility Advisory Board (vote of 7-8) and the expansion of the functions of the Clerk Auditor (vote of 7-8) did not receive the required two-third votes for recommendation to the Board. It is important to note that the majority of the Committee voted not to proceed with the establishment of a Citizen Utility Advisory Board after the City informed the Committee that it had re-activated its Utilities' Citizen Advisory Committee (Utilities Committee) and ensured that it would attempt to address the Committee's concern of County representation on the current Utilities Committee.

Transmittal of Proposed Charter Amendments to the Board

Pursuant to section 5.2 (2)(B) of the Charter, the Committee is required to submit its recommendations to the Board no later than 90 days prior to the 2010 general election. In addition, the Charter requires the Board to consider the Committee's proposed charter amendments in accordance with section 125.64 F.S., which states that upon submission of the amendments, the Board must call a special election to be held at least 45 days but no later than 90 days after the submission of those charter amendments proposed by the Committee the Board wishes to place on the ballot. Thus, the Committee voted to transmit its proposed charter amendments to the Board on August 4, 2010 (90 days prior to the 2010 general election). This provides the Board the opportunity to hold a special election on the proposed charter amendments simultaneously with the general election.

August 24th Board Meeting

Following the Committee's transmittal on August 4, 2010, the Board may consider the proposed charter amendments. The Supervisor of Elections has indicated that August 24th is the deadline to submit ballot language for the 2010 general election. Therefore, the Board has the opportunity to consider the Committee's proposed amendments between August 4th and August 24th. The first Board meeting, following the Committee's formal submission, is scheduled for Tuesday, August 24th. In addition, local and state primary elections are scheduled to be held on that date. The Leon County Canvassing Board, which includes Commissioner Bryan Desloge, will also convene throughout the day and evening during the primary elections.

As a result, staff recommends that the Board re-schedule its August 24th regular meeting for Monday, August 23rd; it is additionally recommended that the Board direct staff to prepare ballot titles and ballot summaries and schedule a public hearing on the proposed charter amendments of the Committee for Monday, August 23, 2010 at 6 p.m.

Consideration Proposed Committee Amendments & Charter Amendments Initiated by the Board

As previously mentioned, the Committee adopted 7 proposed charter amendments which are scheduled to be transmitted to the Board on August 4th. Pursuant to County Charter, the Board has the discretion to place an amendment onto the general election ballot submitted by the Committee by simple majority vote. The County Attorney's Office has determined that the Board may also make changes or edits to the proposed amendments submitted by the Committee; however the placement of a proposed amendment of the Committee, revised by the Board, would require an affirmative vote of a majority plus one of the membership of the Board.

Although the Committee has completed its review process, section 5.2 (3) of the Charter provides the Board the opportunity to consider any additional proposed charter amendments it may wish to place on 2010 general election ballot for referendum. Amendments proposed by the Board must be adopted by ordinance and requires an affirmative vote of a majority plus one of the membership of the County Commission. The Board is required to publicly notice any referendum 90 days prior to the general election in order to be placed on the ballot. Therefore, the Board may place additional proposed charter amendments on 2010 general election ballot for referendum by August 4, 2010 (90 days prior). The last regular Board meeting prior to the deadline is scheduled for Tuesday, July 13th. Should the Board wish to consider additional charter amendments for the 2010 general election, staff recommends that the Board identify the issues during its April 13th workshop and direct staff to schedule a public hearing on July 13th 2010, any proposed charter amendments initiated by the Board.

Options:

1. Accept the final report of Kurt Spitzer and Associates on the Charter Review Committee
2. Re-scheduled the Tuesday, August 24th Board Meeting for Monday, August 23rd.
3. Direct staff to prepare ballot titles and ballot summaries and schedule a public hearing on the proposed charter amendments of the Citizen Charter Review Committee for Monday, August 23, 2010 at 6 p.m.

4. Direct staff to schedule for public hearing any proposed charter amendments initiated by the Board for Tuesday, July 13, 2010.
5. Board Direction

Recommendations:

Options #1-#4.

Attachments:

1. Kurt Spitzer and Associates Final Report on the 2009-10 Citizen Charter Review Committee
2. Leon County Charter
3. April 9, 2009 Ratification of the March 26, 2009 Workshop on the Establishment of a Citizen Charter Review Committee
4. July 14, 2009 Ratification of the May 26, 2009 Workshop of Charter Review Committee Policy Issues
5. Press Releases on the Citizen Charter Review Committee
6. The County Administrator's February 17, 2010 Letter to the City Manager

**Leon County
Citizens Charter Review Committee**

FINAL REPORT

March 2010

prepared by

KURT SPITZER and ASSOCIATES, Inc.
719 East Park Avenue
Tallahassee, FL 32301

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INTRODUCTION and OVERVIEW

Section 4(B) of the Leon County Charter requires that a Citizens Charter Review Committee (the “Committee”) be appointed by the Board of County Commissioners every eight years. The charge to the Committee is to review the Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. The 2009-10 Committee is the first that has been established since the voters of Leon County adopted the charter in 2002.

Recommendations of the Committee are presented to the Board of County Commissioners for their consideration. The County Commission may accept or reject the recommendations. Recommendations that are approved by the County Commission by a majority vote are placed on the general election ballot for consideration by the voters of Leon County.

Leon County is one of 20 counties in Florida where the electorate has adopted a charter form of government. Over 80% of the population in Florida now lives in a charter county. Of the 20 charter counties, 18 have a mandatory process whereby there is a regularly-scheduled review of the charter by a committee composed of lay people.

Generally, adopting a charter form of government permits the public to exercise greater control in matters concerning governance in their county. 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 in a non-charter county 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 more fully realize the principles of Home Rule: Structure, service delivery mechanisms and intergovernmental relationships can be tailored to address local problems in the county.

However, the Leon County Charter is different than most of the other Florida county charters in that the recommendations of the reviewing entity (the Committee) are not directly placed in front of the voters for their consideration. The Leon and Osceola county charters have charter review *advisory committees* where their recommendations are transmitted to the Board of County Commissioners for their approval or rejection prior to placement on the ballot. All others, with the exception of the Lee County Charter, have independent, Charter Review *Commissions*, which forward proposed charter amendments directly to the voters for their consideration.

The review model implemented by the voters in the Lee County Charter is a “hybrid” between a completely independent review commission and an advisory review committee. The Lee County Charter Review Committee consists of 15 members. Recommendations for revisions or amendments to the charter that are adopted by at least nine votes (but less than 12) are presented to the County Commission, who may accept or reject the proposed amendments. However, recommendations adopted by 12 or more votes of the Review Committee are placed directly on the ballot for the consideration of the voters.

COMMITTEE MEMBERSHIP AND STAFF

Members of the Leon County Charter Review Committee are listed herein. They served without compensation.

Christopher Holley, Chair

Mr. Holley is the executive director of the Florida Association of Counties. Prior to the Florida Association of Counties, Mr. Holley was a county administrator for over a decade. He was appointed by Commissioner Bryan Desloge.

Marilyn Wills, Vice-Chair

Ms. Wills is a retired math teacher of nearly 30 years. She is an active member of the Tallahassee League of Women Voters. Ms. Wills was appointed to the Committee by Commissioner Cliff Thaell.

Lester Abberger

Mr. Abberger is an investment banker specializing in public finance. He serves on the boards of numerous local private, civic and charitable organizations. Mr. Abberger was appointed by Commissioner John Dailey.

Jon Ausman

Mr. Ausman has been a resident of Leon County for over three decades. He is a past-president of the Town and Country Neighborhood Association and works at the Florida Department of Transportation. Mr. Ausman was appointed by Commissioner Bob Rackleff.

Rick Bateman

Mr. Bateman is an attorney specializing in real estate/development, commercial litigation, and federal civil trial jurisprudence. He also serves on the board of directors of the Tallahassee-Leon County Economic Development Council and the Greater Tallahassee Chamber of Commerce. Mr. Bateman was appointed by Commissioner Bill Proctor.

Lance deHaven-Smith

Dr. deHaven-Smith is a university professor at the Reubin O'D. Askew School of Public Administration and Policy at Florida State University. Dr. deHaven-Smith has authored several books on Florida government and politics. Dr. deHaven-Smith was appointed by Commissioner John Dailey.

Sue Dick

Ms. Dick is the president of the Greater Tallahassee Chamber of Commerce and the Tallahassee-Leon County Economic Development Council. She has served on the boards of numerous organizations related to the economic growth in Leon County and the Big Bend Region. Ms. Dick was appointed by Commissioner Bryan Desloge.

Donna Harper

Ms. Harper has been a resident of Leon County for over four decades. She is an educational administrator with the Leon County School District. Ms. Harper was appointed by Commissioner Akin Akinyemi.

Chuck Hobbs

Mr. Hobbs is an attorney specializing in civil litigation and criminal defense. He has served as an adjunct professor at Florida A&M University and currently serves on the Florida Attorney General's Gang Reduction Task Force. Mr. Hobbs was appointed by Commissioner Bill Proctor.

David Jacobsen

Mr. Jacobsen has lived in Leon County for over 20 years. He is a policy analyst with the Agency for Workforce Innovation and is an active member in the community serving in a leadership capacity with various local organizations. Mr. Jacobsen was appointed by Commissioner Cliff Thaell.

Catherine Jones

Ms. Jones is a commission aide for Leon County Commissioner Akin Akinyemi. Prior to joining the public sector, Ms. Jones served several years as the executive director of the Alzheimer's Project, Inc. She was appointed to the Committee by Commissioner Akin Akinyemi.

Ralph Mason

Mr. Mason is senior at Florida State University. He was raised in Leon County and currently serves as the Executive President of the FSU College Democrats. Mr. Mason was appointed to the Committee by the full Board as the college student representative.

Tom Napier

Mr. Napier is a retired public servant. He is active in the community serving on the Senior Citizens Outreach Committee, the 2010 Complete Count Committee and various other organizations. Mr. Napier was appointed by Commissioner Jane Sauls.

Linda Nichol森

Ms. Nichol森 is the executive director of the Leon County Research and Development Authority, which oversees Innovation Park. She serves on the board of directors of numerous organizations. Ms. Nichol森 was appointed by Commissioner Jane Sauls.

Larry Simmons

Mr. Simmons is a social worker with the Tallahassee Housing Authority. He is the current chairman of the Leon County Democratic Party. Mr. Simmons was appointed by Commissioner Bob Rackleff.

Kurt Spitzer of Kurt Spitzer and Associates, Inc., Tallahassee, provided consulting services to the Committee. Herb Thiele, County Attorney provided legal services; Parwez Alam, County Administrator, Vincent Long, Deputy County Administrator, and Shington Lamy, Special Projects Coordinator, served as liaisons to the County government. The Board Secretary, under the Clerk of Courts, recorded and maintained the minutes of the Committee's meetings.

SUBJECTS REVIEWED

Prior to the establishment of the Committee, the Leon County Commission conducted two workshop meetings at which the charter review process was discussed. The Commission developed a list of potential issues that they felt merited consideration by the Committee as potential charter amendments, which were thereafter transmitted to the Committee.

During the early stages of their work, the Committee solicited additional input on issues to examine (and the charter in general) from individual County Commissioners, each of the County Constitutional Officers, Tallahassee Mayor John Marks and City Commissioner Debby Lightsey. Presentations were also made to the Committee by Kurt Spitzer, County staff, and the Tallahassee-Leon County Economic Development Council.

A tentative list of issues to be further examined was identified and a schedule of future meetings was adopted. Bylaws governing the operations of the Committee were also adopted, most notably requiring an affirmative vote of at least 10 members to pass an amendment on to the County Commission for their consideration. If a procedure or policy was not specified in the Committee's Bylaws, Robert's Rules of Order was used in their deliberations. The Committee conducted 14 public meetings, including three hearings on its recommendations.

The Committee considered the following issues during the course of its work:

Utility Advisory Board – The establishment of an advisory board to review rates and service delivery areas for utility services provided in Leon County.

Consolidation of Growth Management Agencies – The consolidation of the growth management departments of the City of Tallahassee and Leon County.

Countywide Stormwater or Environmental Standards – Whether the County Commission should be authorized to adopt environmental ordinances that are enforceable on a countywide basis.

Tourist Development Council Structure – Whether the current practice of the Executive Director of the Tourist Development Council reporting to the County Administrator should be codified in the Charter.

Partisan/Nonpartisan Elections – Whether the current practice of electing County Commissioners on a non-partisan basis should be repealed or, alternatively, expanded to other offices.

Campaign Finance Reform – Whether a further limitation (beyond that provided in state law) on campaign contributions from individuals and political committees for candidates for County Commissioner and Constitutional Officer should be adopted.

Petition Thresholds - The process and criteria by which the public can directly place and adopt amendments to the charter or propose county ordinances.

Audit Policy – The role and scope of the Clerk of the Court as it relates to auditing the records and departments of the Board of County Commissioners.

Elected Countywide Chair – A proposal to allow the voters to directly elect the Chair of the County Commission for a term of four years.

Alternative Districting Systems - The structure of and districting methodology for the Board of County Commissioners.

Annexation Policy – Whether the charter should be amended to specifically provide for a policy concerning voluntary annexations in Leon County.

Protection of Water Supply – Consideration of adopting a policy that would require direct public approval of measures to withdraw large quantities of water from within the Leon County boundaries for use by private business.

Constitutional/Charter Officers – Whether the status, duties and responsibilities, or the method of choosing the county constitutional officers, should be revised and how.

Hire/Fire Procedure for Administrator – Whether the charter should be amended to provide for an extraordinary vote of the County Commission to employ or terminate the County Administrator.

Non-Interference Policy – The inclusion of specific language prohibiting individual members of the County Commission from giving instructions or directives to employees of the County Administrator or County Attorney.

Human Rights Policy – Whether the Charter should be amended to direct the Board of County Commissioners to adopt an ordinance protecting rights of all citizens in Leon County.

Future CRCs - The membership and authority of the Citizens Charter Review Committee.

ISSUES CONSIDERED for RECOMMENDATIONS

The Committee identified nine proposed amendments to the charter that were taken to the public hearing process. Three formal hearings were conducted on the following proposals:

1. *TDC Structure* – Whether the current practice of the Executive Director of the Tourist Development Council reporting to the County Administrator should be codified in the Charter.

2. *Countywide Environmental Standards* – Whether the County Commission should be authorized to adopt environmental ordinances that are applicable on a countywide basis. The original discussion focused on consideration of an amendment that would permit the Board of County Commissioners to adopt ordinances regulating stormwater runoff on a countywide basis, with the City of Tallahassee able to adopt more stringent standards. However, after discussion of the difficulty in adopting charter revisions to consolidate the growth management departments of the City and County, the Committee decided to propose an amendment that would broadly authorize the County Commission to adopt ordinances that would establish a uniform policy countywide that regulates the environment on a countywide basis, including within the incorporated area.

3. *Hire/Fire Procedure for Administrator* – Whether the charter should be amended to provide for an extraordinary vote of the County Commission to employ or terminate the County Administrator. The proposed amendment requires a minimum affirmative vote of five members of the Board of County Commissioners to employ a new County Administrator. To terminate the Administrator, a vote of five members is also required but this action may occur only after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Administrator was adopted by majority vote.

4. *Non-Interference Policy* – The inclusion of a “non-interference clause” in the charter. Such clauses are common in city and county charters throughout the country, and prohibit individual members of the County Commission from giving instructions or directives to employees of the County Administrator or County Attorney.

The proposed amendments that address the employment policy of the County Administrator and non-interference policy seek to strengthen the Commission-Administrator form of government, where there is a separation of responsibilities between the County Commission and County Administrator. The Commission is responsible for developing legislative policy, while the Administrator is responsible for implementing policy. For the Administrator to discharge his or her duties to the fullest extent possible, his or her employees must report to only one supervisor – the County Administrator.

5. *Petition Thresholds* – The Leon Charter authorizes a process by which the electorate may propose ordinances and charter amendments by a petition process. Signatures equal to 10% of the voters qualified to vote in the last proceeding general election must be obtained both on a countywide basis and within each of the five single-member districts to place an ordinance or charter amendment on the ballot for the consideration of the electorate. The proposed amendment reduces the number of required signatures to 7% countywide and at least 5% within each of the five single-member districts. The amendment also clarifies that the lists of prohibited subjects that an ordinance may not address also applies to proposed charter amendments.

6. *Future CRCs* - The proposed amendment requires that the Charter Review Committee is appointed at least fifteen (instead of 12) months before the general election every eight years. It also directs the County Commission to endeavor to include citizens from all segments of the Leon County community. Finally, the amendment provides that future amendments adopted by a three-fifths (3/5) vote of the entire membership of the Citizens Charter Review Committee would continue to be submitted to the County Commission for consideration to be placed on to the next general election ballot. However, proposed Charter amendments that receive a four-fifths (4/5) approval of the entire membership of the Committee will be placed directly on the next general election for the consideration of the voters.

7. *Audit Policy* – The proposed amendment authorizes the Clerk of the Court to conduct compliance audits of the books and records of the County Commission as long as such audits are within the adopted plan of work of the Audit Committee. Performance audits of the County Commission’s books, records and departments may be conducted by the Clerk of the Court at the request of the County Commission.

8. *Utility Advisory Board* – The proposal would establish an advisory board to review rates, service delivery areas and maintenance practices for utility services provided in Leon County. A seven-member, volunteer Board that serves staggered, four-year terms would be created. The City of Tallahassee and the Leon County Board of County Commissioners would each appoint three members; the Council of Neighborhood Associations would appoint one. Reports, studies, recommendations and findings would be made available to the County, City and all utility providers within Leon County.

9. *Campaign Finance Reform* – The proposed amendment places a limitation on campaign contributions of \$250 per person or political committee during each election cycle in contests for the County Commission or any of the County Constitutional Officers.

RECOMMENDATIONS for AMENDMENTS to the CHARTER

Of the nine tentative recommendations that were identified for review and discussion during the public hearing process, the Committee adopted seven by the necessary 10 vote minimum to send the proposals to the Board of County Commissioners. The Board may place the amendments on the ballot by a simple majority vote. Significant revisions made the by Board of County Commissioner to recommendations received from the Charter Review Committee would require a majority-plus-one vote.

The seven proposed charter amendments (plus ballot titles and ballot summaries) include the following:

1. *Tourist Development Council Structure* – The proposed amendment codifies into the charter the current practice of the Executive Director of the Tourist Development Council reporting to the County Administrator as opposed to reporting to the Board of County Commissioners. If adopted, only the two appointed charter officers would report directly to the County Commission – the County Attorney and the County Administrator. The proposed amendment was adopted 15-0.

2. *Countywide Environmental Standards* – There was significant debate after the conclusion of the hearings as to whether the Charter should be amended to authorize the County Commission to adopt environmental ordinances that are applicable on a countywide basis and prohibiting the City of Tallahassee from adopting similar regulations that were either less stringent or more stringent.

However, after discussion and debate, the proposal was revised to provide that the County Commission is *required* to adopt ordinances setting *minimum* regulatory standards for the protection of the environment, including those concerning tree protection, landscaping, aquifer protection, stormwater and protection of conservation and preservation features.

Under the proposal, the City of Tallahassee may adopt more stringent or protective standards than those of the County but may not choose to “opt out” of a countywide policy by adopting less stringent standards. Thus, all residents of Leon County would enjoy the benefits of minimum environmental standards no matter where they lived. The proposed amendment was adopted 11-4.

3. Hire/Fire Procedure for Administrator – Leon County operates under a Commission-Administrator form of government, with responsibility for legislative policy making reserved to the Board of County Commissioners and responsibility for executing that policy reserved to the County Administrator. The charter specifically recognizes this separation of powers between the legislative and executive branches.

This amendment and the amendment on the “non-interference clause” (below) intends to further improve the operation of the Commission-Administrator form of government by requiring an extra-ordinary action of the Board of County Commissioners to employ or terminate the County Administrator. At least five votes of the Board are required to employ a new County Administrator. To terminate the Administrator, a vote of five members is also required but this may occur only after a separate meeting of the Board is held at which a motion expressing the intent to remove the County Administrator is adopted by simple majority vote.

Policies requiring an extra-ordinary vote to employ or terminate a manager are common in most city and county charters. The proposed amendment was adopted 13-2.

4. Non-Interference Policy – The amendment proposes to add a “non-interference clause” to the charter, which prohibits individual Commissioners from interfering with the role of the County Administrator or County Attorney and his or her employees by giving instructions or directives to their employees. Such clauses are common in charters; in fact, the Leon County charter may be the only county charter in Florida without such a clause.

Like the amendment concerning employment policy of the County Administrator, the proposal on the non-interference clause seeks to strengthen the Commission-Administrator form of government by more clearly separating responsibilities for legislative duties from those of the executive branch. The proposed amendment was adopted 15-0.

5. *Petition Thresholds* – Other than the Wakulla Charter, the Leon County Charter contains the most stringent requirement for the electorate to propose ordinances or charter amendments by petition in Florida. Signatures equal to 10% of the electors qualified to vote in the last proceeding general election must be obtained both on a countywide basis and within each of the five single-member districts to place an ordinance or charter amendment on the ballot for the consideration of the electorate.

The proposed amendment reduces the number of required signatures to a total of 7% on a countywide basis, including at least 5% within each of the five single-member districts.

The amendment also clarifies that the lists of prohibited subjects that an ordinance may not address also applies to proposed charter amendments. This policy currently exists in the charter but the amendment clearly states that it applies to proposed charter amendments as well as proposed ordinances. The proposed amendment was adopted 11-4.

6. *Future CRCs* – Of the 20 county charters in Florida, the Leon County Charter is one of two that provides for a review committee that is advisory in nature. The great majority of other charters contain provisions for the regular review of the charter by an independent entity; that is, recommendations adopted by a review committee or review commission are placed directly on the ballot for the consideration of the voters.

Charters operate like a “constitution” for the voters of the county and recommendations for its revision should be subject only to the approval of the voters.

However, instead of recommending that the Citizens Charter Review Committee be reconstituted so as to be made completely independent, the proposed amendment creates a “hybrid” system similar to that which was recently adopted in Lee County: Amendments adopted by a three-

fifths (3/5) vote of the entire membership of the Citizens Charter Review Committee would continue to be submitted to the County Commission for consideration to be placed on to the next general election ballot. However, proposed amendments that receive a four-fifths (4/5) approval of the entire membership of the Committee will be placed directly on the next general election for the consideration of the voters.

The amendment provides that the Committee is appointed at least fifteen (instead of 12) months before the general election every eight years. It contains policy on diversity which directs the County Commission to endeavor to include citizens from all segments of various communities in Leon County when making appointments to the Committee. The proposed amendment was adopted 15-0.

7. Campaign Finance Reform – The proposed amendment proposes to adopt a more stringent policy than that of state law on limitations on campaign contributions. Instead of the state policy of \$500, the proposed amendment places a limitation on campaign contributions of \$250 per person or per political committee during each election cycle in contests for the County Commission or one of the County Constitutional Officers. The policy does not apply to campaigns for any other offices. The proposed amendment was adopted 12-3.

Audit Policy – Measures to revise sections of the charter relating to the authority of the Clerk of the Court to conduct compliance and other audits of departments under the Board of County Commissioners did not receive the necessary 10 vote minimum to be adopted as a proposed amendment to the charter. The proposed amendment failed 9-6.

Utility Advisory Board – Measures to establish an advisory board to review rates, service delivery areas and maintenance practices for utility services provided in Leon County did not receive the necessary 10 vote minimum to be adopted as a proposed amendment to the charter. The proposed amendment failed 7-8.

APPENDIX A: CURRENT LEON COUNTY CHARTER

ORDINANCE NO. 2002- 17

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF LEON COUNTY, FLORIDA,
5 PROVIDING FOR THE ADOPTION OF A HOME RULE
6 CHARTER; PROVIDING FOR THE PREAMBLE;
7 PROVIDING FOR THE CREATION AND POWERS OF
8 HOME RULE CHARTER GOVERNMENT; PROVIDING FOR
9 THE RELATIONSHIP OF COUNTY ORDINANCES TO
10 MUNICIPAL ORDINANCES; PROVIDING FOR AN
11 ELECTED COMMISSION AND APPOINTED COUNTY
12 ADMINISTRATOR FORM OF GOVERNMENT; PROVIDING
13 FOR NON-PARTISAN ELECTIONS OF COUNTY
14 COMMISSIONERS; PROVIDING FOR THE LEGISLATIVE
15 AND EXECUTIVE BRANCHES OF GOVERNMENT;
16 PROVIDING FOR THE APPOINTMENT OF A COUNTY
17 ADMINISTRATOR AND COUNTY ATTORNEY;
18 PROVIDING FOR THE PRESERVATION OF ELECTED
19 COUNTY CONSTITUTIONAL OFFICERS; PROVIDING
20 THAT THE SUPERVISOR OF ELECTIONS SHALL BE NON-
21 PARTISAN; PROVIDING THAT THE LEON COUNTY
22 CLERK OF COURT SHALL SERVE AS AUDITOR TO THE
23 COMMISSION; PROVIDING FOR AN AUDIT COMMITTEE;
24 PROVIDING FOR CITIZEN INITIATIVES FOR COUNTY
25 ORDINANCES AND CHARTER AMENDMENTS;
26 PROVIDING FOR THE RECALL OF COMMISSIONERS;
27 PROVIDING FOR TRANSITION PROCEDURES;
28 PROVIDING FOR CHARTER AMENDMENT PROCEDURES;
29 PROVIDING FOR A CHARTER REVIEW COMMISSION;
30 PROVIDING FOR A BALLOT QUESTION TO BE POSED TO
31 THE LEON COUNTY ELECTORATE AT THE SPECIAL
32 ELECTION ON NOVEMBER 5, 2002; PROVIDING FOR
33 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
34 DATE.
35

36 WHEREAS, Leon County, Florida, is presently a non-charter county government as
37 established under Article VIII, Section 1(f), Florida Constitution; and

38 WHEREAS, Article VIII, Sections 1(c) and 1(g), Florida Constitution, provide that a
39 county government may be established by charter, which shall be adopted upon a majority vote
40 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.

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

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 _____

28
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.

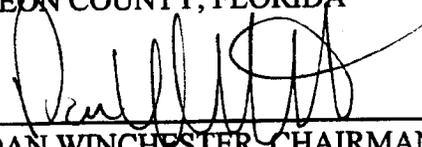
SECTION 6. EFFECTIVE DATE.

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,

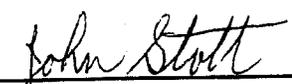
1 if the Charter is approved by a "yes" vote by a majority of those duly qualified electors voting on the
2 question posed at the November 5, 2002, referendum.

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

6 LEON COUNTY, FLORIDA

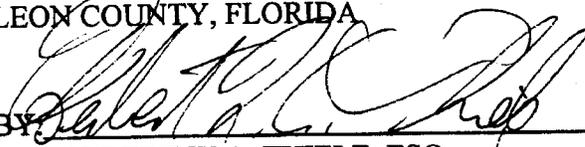
7
8
9 BY: 
10 DAN WINCHESTER, CHAIRMAN
11 BOARD OF COUNTY COMMISSIONERS
12

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

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



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

24
25 BY: 
26
27 HERBERT W.A. THIELE, ESQ.
28 COUNTY ATTORNEY
29
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31

APPENDIX B: PROPOSED CHARTER AMENDMENTS

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE II, ORGANIZATION OF COUNTY GOVERNMENT; AMENDING SECTION 2.3, EXECUTIVE BRANCH; AMENDING SECTION 2.3(2), SENIOR MANAGEMENT, RELATING TO TOURIST DEVELOPMENT COUNCIL STAFF; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTURE AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article II, Section 2.3 of the Home Rule Charter of Leon County, Florida,

is hereby amended to read as follows:

Sec. 2.3. Executive Branch.

(1) The County Administrator.

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

(B) The County Administrator shall be chosen on the basis of his/her professional qualifications, administrative and executive experience, and ability to serve as the chief

1 administrator of the County. The County Administrator shall reside within the County during
2 his/her tenure as County Administrator.

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

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

9 **(2) Senior Management.**

10 The County’s senior management employees, with the exception of the County
11 Attorney’s ~~and Tourist Development Council (TDC)~~ staff, shall serve at the pleasure of the
12 County Administrator, who may suspend or discharge senior management personnel with or
13 without cause.

14 **Section 2. Ballot Question To Be Presented To Electorate.**

15 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
16 presented to the qualified Leon County electorate by placing the question of whether to adopt
17 same on the ballot at the special election to be held on _____.

18 **Section 3. Ballot Question Form.**

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

20 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
21 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-__**

22 Question

23 _____
24 _____
25 _____
26 _____
27 _____

1
2 Yes for Approval _____
3
4 No for Rejection _____
5

6 **Section 4. Further Authorization.**

7 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
8 resolutions and take all actions necessary in order for this Charter amendment referendum to be
9 properly placed on the ballot for the special election of _____. Said referendum
10 shall be conducted according to the requirements of law governing referendum elections in the
11 State of Florida.

12 **Section 5. Severability.**

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

17 **Section 6. Effective Date.**

18 This ordinance shall have effect upon becoming law, but shall be of no further force or
19 effect if the proposed Charter amendments are not duly approved at the
20 _____, special election. The amendments to the Home Rule Charter of
21 Leon County, Florida, as proposed by this Ordinance, shall become effective
22 _____, if the Charter amendment is approved by a “yes” vote by a majority
23 of those duly qualified electors voting on the question posed at the _____,
24 referendum.

1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
2 County, Florida, this _____ day of _____, 2010.

3
4 LEON COUNTY, FLORIDA

5
6
7 By: _____
8 Bob Rackleff, Chairman
9 Board of County Commissioners

10
11
12 ATTESTED BY:
13 BOB INZER, CLERK OF THE COURT
14 LEON COUNTY, FLORIDA

15
16
17 By: _____
18 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

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE I, CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT; AMENDING SECTION 1.6, RELATION TO MUNICIPAL ORDINANCES, BY ADDING A NEW SUBSECTION (2) TO PROVIDE FOR MINIMUM ENVIRONMENTAL REGULATIONS; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTURE AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article I, Section 1.6 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 1.6. Relation to Municipal Ordinances.

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

(2) Minimum Environmental Regulations. County ordinances shall establish minimum standards, procedures, requirements and regulations for the protection of the environment and shall be effective within the unincorporated and incorporated areas of the county. Such standards, procedures, requirements and regulations include, but shall not be

1 limited to, tree protection, landscaping, aquifer protection, stormwater, protection of
2 conservation and preservation features, and such other environmental standards as the Board of
3 County Commissioners determines to be necessary for the protection of the public health, safety,
4 and welfare of the citizens throughout Leon County. Standards shall be designed to place
5 emphasis on supporting healthy natural systems occurring in the environment. However, nothing
6 contained herein shall prohibit a municipality from adopting ordinances, standards, procedures,
7 requirements or regulations establishing a more stringent level of environmental protection
8 within the incorporated area of the county.

9 **Section 2. Ballot Question To Be Presented To Electorate.**

10 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
11 presented to the qualified Leon County electorate by placing the question of whether to adopt
12 same on the ballot at the special election to be held on _____.

13 **Section 3. Ballot Question Form.**

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

15 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
16 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-___**

17 Question

18 _____
19 _____
20 _____
21 _____
22 _____

23
24 Yes for Approval _____

25
26 No for Rejection _____
27

28 **Section 4. Further Authorization.**

Board of County Commissioners

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ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By: _____
Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE II, ORGANIZATION OF COUNTY GOVERNMENT; AMENDING SECTION 2.3, EXECUTIVE BRANCH; AMENDING SECTION 2.3(1), COUNTY ADMINISTRATOR; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article II, Section 2.3 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 2.3. Executive Branch.

(1) The County Administrator.

(A) The County Administrator shall be appointed by, ~~and serve at the pleasure of, the Board of County Commissioners~~ an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Administrator shall serve at the pleasure of the Board of County Commissioners until such time as the County Administrator shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Administrator was adopted by majority vote of those present and voting. The County Administrator shall be the chief executive officer of the County and all executive responsibilities

1 and powers shall be assigned to, and vested in, the County Administrator. The County
2 Administrator shall exercise all executive authority provided by this Home Rule Charter and all
3 other powers and duties authorized by general or special law.

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

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

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

14 **(2) Senior Management.**

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

19 **Section 2. Ballot Question To Be Presented To Electorate.**

20 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
21 presented to the qualified Leon County electorate by placing the question of whether to adopt
22 same on the ballot at the special election to be held on _____.

23 **Section 3. Ballot Question Form.**

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

2 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
3 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-___**

4
5 Question

6 _____
7 _____
8 _____
9 _____

10
11 Yes for Approval _____

12
13 No for Rejection _____
14

15 **Section 4. Further Authorization.**

16 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
17 resolutions and take all actions necessary in order for this Charter amendment referendum to be
18 properly placed on the ballot for the special election of _____. Said referendum
19 shall be conducted according to the requirements of law governing referendum elections in the
20 State of Florida.

21 **Section 5. Severability.**

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

26 **Section 6. Effective Date.**

27 This ordinance shall have effect upon becoming law, but shall be of no further force or
28 effect if the proposed Charter amendments are not duly approved at the
29 _____, special election. The amendments to the Home Rule Charter of

1 Leon County, Florida, as proposed by this Ordinance, shall become effective
2 _____, if the Charter amendment is approved by a “yes” vote by a majority
3 of those duly qualified electors voting on the question posed at the _____,
4 referendum.

5 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
6 County, Florida, this _____ day of _____, 2010.

7
8 LEON COUNTY, FLORIDA
9

10
11 By: _____
12 Bob Rackleff, Chairman
13 Board of County Commissioners
14

15
16 ATTESTED BY:
17 BOB INZER, CLERK OF THE COURT
18 LEON COUNTY, FLORIDA
19

20
21 By: _____
22 Clerk
23

24
25 APPROVED AS TO FORM:
26 COUNTY ATTORNEY’S OFFICE
27 LEON COUNTY, FLORIDA
28

29
30 By: _____
31 Herbert W. A. Thiele, Esq.
32 County Attorney

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE II, ORGANIZATION OF COUNTY GOVERNMENT; AMENDING SECTION 2.3, EXECUTIVE BRANCH, BY ADDING A NEW SUBSECTION (3) ENTITLED NON-INTERFERENCE BY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTURE AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article II, Section 2.3 of the Home Rule Charter of Leon County, Florida,

is hereby amended to read as follows:

Sec. 2.3. Executive Branch.

(1) The County Administrator.

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

(B) The County Administrator shall be chosen on the basis of his/her professional qualifications, administrative and executive experience, and ability to serve as the chief

1 administrator of the County. The County Administrator shall reside within the County during
2 his/her tenure as County Administrator.

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

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

9 **(2) Senior Management.**

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

14 **(3) Non-interference by Board of County Commissioners.** Except for the purpose
15 of inquiry and information, members of the Board of County Commissioners are expressly
16 prohibited from interfering with the performance of the duties of any employee of the county
17 government who is under the direct or indirect supervision of the County Administrator or
18 County Attorney by giving said employees instructions or directives. Such action shall
19 constitute malfeasance within the meaning of Article IV, Section 7(a) of the Florida Constitution.
20 However, nothing contained herein shall prevent a County Commissioner from discussing any
21 county policy or program with a citizen or referring a citizen complaint or request for
22 information to the County Administrator or County Attorney.

23 **Section 2. Ballot Question To Be Presented To Electorate.**

1 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
2 presented to the qualified Leon County electorate by placing the question of whether to adopt
3 same on the ballot at the special election to be held on _____.

4 **Section 3. Ballot Question Form.**

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

6 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
7 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-___**

8 Question

9 _____
10 _____
11 _____
12 _____
13 _____
14 _____

15 Yes for Approval _____

16 No for Rejection _____
17
18

19 **Section 4. Further Authorization.**

20 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
21 resolutions and take all actions necessary in order for this Charter amendment referendum to be
22 properly placed on the ballot for the special election of _____. Said referendum
23 shall be conducted according to the requirements of law governing referendum elections in the
24 State of Florida.

25 **Section 5. Severability.**

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

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE IV, POWERS RESERVED TO THE PEOPLE: INITIATIVE AND RECALL; AMENDING SECTION 4.1, CITIZEN INITIATIVE; AMENDING ARTICLE V, HOME RULE CHARTER TRANSITION, AMENDMENTS, REVIEW, SEVERANCE, EFFECTIVE DATE; AMENDING SECTION 5.2, HOME RULE CHARTER AMENDMENTS; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article IV, Section 4.1 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 4.1. Citizen initiative.

(1) **Right to Initiate.** The electors of Leon County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances, not in conflict with the Florida Constitution, general law or this Charter, upon petition signed by ~~at least~~ not less than ten ~~seven~~ percent (~~10%~~) (7%) of the total number of electors qualified to vote in the County reflecting not less than ten ~~five~~ percent (~~10%~~) (5%) of the total number of electors qualified to vote within each of the five (5) commission districts. The total number of electors qualified shall mean the total number of electors qualified to vote in the last preceding general election.

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

1 **(3) Consideration by Board of County Commissioners.** Within sixty (60) days
2 after the requisite number of signatures has been verified by the Supervisor of Elections and
3 reported to the Board of County Commissioners, the Board of County Commissioners shall give
4 notice and hold public hearing(s) as required by general law on the proposed ordinance and vote
5 on it. If the Board fails to enact the proposed ordinance it shall, by resolution, call a referendum
6 on the question of the adoption of the proposed ordinance to be held at the next general election
7 occurring at least forty-five (45) days after the adoption of such resolution. If the question of the
8 adoption of the proposed ordinance is approved by a majority of those registered electors voting
9 on the question, the proposed ordinance shall be declared, by resolution of the Board of County
10 Commissioners, to be enacted and shall become effective on the date specified in the ordinance,
11 or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners
12 shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general
13 election, without the approval of a majority of the electors voting at a referendum called for that
14 purpose.

15 **(4) Limitation on Ordinances by Initiative.** The power to enact, amend or repeal
16 an ordinance by initiative shall not include ordinances or provisions related to County budget,
17 debt obligations, capital improvement programs, salaries of County officers and employees, the
18 assessment or collection of taxes, or the zoning of land.

19 **Section 2.** Article V, Section 5.2 of the Home Rule Charter of Leon County, Florida,
20 is hereby amended to read as follows:

21 **Sec. 5.2. Home rule charter amendments.**

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

1 (A) The electors of Leon County shall have the right to amend this Home Rule
2 Charter ~~in accordance with Sec. 4.1 of this Charter.~~ upon petition signed by not less than seven
3 percent (7%) of the total number of electors qualified to vote in the County reflecting not less
4 than five percent (5%) of the total number of electors qualified to vote within each of the five (5)
5 commission districts. The total number of electors qualified shall mean the total number of
6 electors qualified to vote in the last preceding general election. The procedures prescribed in
7 subsection 4.1(2) of the Charter shall apply to petitions to amend the Charter that are proposed
8 by citizen initiative.

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

16 (C) The power to amend this Charter by initiative shall not extend to provisions
17 related to the County budget, debt obligations, capital improvement programs, salaries of County
18 officers and employees, the assessment or collection of taxes or fees, the zoning of land, or
19 matters inconsistent with the Constitution or general laws of Florida.

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

21 (A) A Citizen Charter Review Committee shall be appointed by the Board of County
22 Commissioners at least twelve (12) months before the general election occurring every eight (8)
23 years thereafter, to be composed and organized in a manner to be determined by the Board of

1 County Commissioners, to review the Home Rule Charter and propose any amendments or
2 revisions which may be advisable for placement on the general election ballot. Public hearings
3 shall be conducted as provided by Section 125.63, Florida Statutes.

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

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

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

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

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

23 **Section 3. Ballot Question To Be Presented To Electorate.**

1 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
2 presented to the qualified Leon County electorate by placing the question of whether to adopt
3 same on the ballot at the special election to be held on _____.

4 **Section 4. Ballot Question Form.**

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

6 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
7 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-___**

8 Question

9 _____
10 _____
11 _____
12 _____
13 _____
14 _____

15 Yes for Approval _____

16 No for Rejection _____
17
18

19 **Section 5. Further Authorization.**

20 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
21 resolutions and take all actions necessary in order for this Charter amendment referendum to be
22 properly placed on the ballot for the special election of _____. Said referendum
23 shall be conducted according to the requirements of law governing referendum elections in the
24 State of Florida.

25 **Section 6. Severability.**

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

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE V, HOME RULE CHARTER TRANSITION, AMENDMENTS, REVIEW, SEVERANCE, EFFECTIVE DATE; AMENDING SECTION 5.2, HOME RULE CHARTER AMENDMENTS; AMENDING SECTION 5.2(2) RELATING TO AMENDMENTS AND REVISIONS BY CITIZEN CHARTER REVIEW COMMITTEE; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article V, Section 5.2 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 5.2 Home rule charter amendments.

(1) Amendments Proposed by Petition.

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

(B) Each proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified. If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified

1 in the amendment, or, if not so specified, on January 1 of the succeeding year.

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

3 (A) A Citizen Charter Review Committee shall be appointed by the Board of County
4 Commissioners at least ~~twelve (12) months~~ fifteen (15) months before the general election
5 occurring every eight (8) years thereafter, to be composed and organized in a manner to be
6 determined by the Board of County Commissioners, to review the Home Rule Charter and
7 propose any amendments or revisions which may be advisable for placement on the general
8 election ballot. When making appointments to the Citizen Charter Review Committee, the
9 Board of County Commissioners shall attempt to include citizens from all segments of the Leon
10 County community, reflecting the different viewpoints, age, gender, life experiences, professions
11 and employment, race and ethnic backgrounds of the citizens in the County, and including
12 consideration of representation of students currently enrolled in institutions of higher education.
13 Public hearings shall be conducted as provided by Section 125.63, Florida Statutes.

14 (B) No later than ninety (90) days prior to the general election, the Citizen Charter
15 Review Committee shall deliver to the Board of County Commissioners the proposed
16 amendments or revisions, if any, to the Home Rule Charter. Any proposed Charter amendment
17 or revisions that receives an affirmative vote of three-fifths (3/5) approval of the entire
18 membership of the Citizens Charter Review Committee shall be submitted to the County
19 Commission for its consideration to be placed on to the next general election ballot; and any
20 proposed Charter amendment or revision that receives four-fifths (4/5) approval of the entire
21 membership of the Citizens Charter Review Committee shall be placed directly on to the next
22 general election ballot by the County Commission, in accordance with Section 125.64, Florida
23 Statutes.

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

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

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

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

15 **Section 2. Ballot Question To Be Presented To Electorate.**

16 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
17 presented to the qualified Leon County electorate by placing the question of whether to adopt
18 same on the ballot at the special election to be held on _____.

19 **Section 3. Ballot Question Form.**

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

21 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
22 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-__**

23
24 Question
25
26 _____

1 _____
2 _____
3
4 Yes for Approval _____
5
6 No for Rejection _____
7

8 **Section 4. Further Authorization.**

9 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
10 resolutions and take all actions necessary in order for this Charter amendment referendum to be
11 properly placed on the ballot for the special election of _____. Said referendum
12 shall be conducted according to the requirements of law governing referendum elections in the
13 State of Florida.

14 **Section 5. Severability.**

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

19 **Section 6. Effective Date.**

20 This ordinance shall have effect upon becoming law, but shall be of no further force or
21 effect if the proposed Charter amendments are not duly approved at the
22 _____, special election. The amendments to the Home Rule Charter of
23 Leon County, Florida, as proposed by this Ordinance, shall become effective
24 _____, if the Charter amendment is approved by a “yes” vote by a majority
25 of those duly qualified electors voting on the question posed at the _____,
26 referendum.

1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
2 County, Florida, this _____ day of _____, 2010.

3
4 LEON COUNTY, FLORIDA
5
6

7 By: _____
8 Bob Rackleff, Chairman
9 Board of County Commissioners
10

11
12 ATTESTED BY:
13 BOB INZER, CLERK OF THE COURT
14 LEON COUNTY, FLORIDA
15

16
17 By: _____
18 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

ORDINANCE NO. 2010-_____

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING
5 THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA;
6 AMENDING ARTICLE II, ORGANIZATION OF COUNTY
7 GOVERNMENT; AMENDING SECTION 2.2, LEGISLATIVE
8 BRANCH, BY ADDING A NEW SUBSECTION (7) ENTITLED
9 LIMITATIONS ON CAMPAIGN CONTRIBUTIONS; AMENDING
10 ARTICLE III, ELECTED COUNTY CONSTITUTIONAL
11 OFFICERS, BY ADDING A NEW SECTION 3.4 ENTITLED
12 LIMITATIONS ON CAMPAIGN CONTRIBUTIONS;
13 PROVIDING FOR A BALLOT QUESTION TO BE POSED TO
14 THE LEON COUNTY ELECTORATE AT THE SPECIAL
15 ELECTION ON _____; PROVIDING FOR THE
16 BALLOT QUESTION FORM; PROVIDING FOR FUTHER
17 AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND
18 PROVIDING FOR AN EFFECTIVE DATE.
19
20

21 BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

22 that:

23 **Section 1.** Article II, Section 2.2 of the Home Rule Charter of Leon County, Florida,
24 is hereby amended to read as follows:

25 **Sec. 2.2. Legislative Branch.**

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

1 time of qualifying to run for that office, and during the term of office each Commissioner shall
2 reside in the district from which such Commissioner ran for office, provided that any
3 Commissioner whose residence is removed from a district by redistricting may continue to serve
4 during the balance of the term of office.

5 **(2) Redistricting.** Redistricting of County Commission district boundaries shall be
6 in accordance with general law, changed only after notice and a public hearing as provided by
7 general law.

8 **(3) Salaries and Other Compensation.** Salaries and other compensation of the
9 County Commissioners shall be established by ordinance, and salary shall not be lowered during
10 an officer's term in office.

11 **(4) Authority.** The Board of County Commissioners shall exercise all legislative
12 authority provided by this Home Rule Charter in addition to all other powers and duties
13 authorized by general law or special law approved by a vote of the electorate.

14 **(5) Vacancies.** A vacancy in the office of County Commissioner shall be defined and
15 filled as provided by general law.

16 **(6) Administrative Code.** The County Commission shall adopt an administrative
17 code in accordance with general law.

18 **(7) Limitation on Campaign Contributions.** No candidate for any County office
19 for which compensation is paid shall accept any contribution from any contributor, including a
20 political committee, as defined by state law, in cash or in kind, in an amount in excess of \$250
21 per election.

1 properly placed on the ballot for the special election of _____. Said referendum
2 shall be conducted according to the requirements of law governing referendum elections in the
3 State of Florida.

4 **Section 6. Severability.**

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

9 **Section 7. Effective Date.**

10 This ordinance shall have effect upon becoming law, but shall be of no further force or
11 effect if the proposed Charter amendments are not duly approved at the
12 _____, special election. The amendments to the Home Rule Charter of
13 Leon County, Florida, as proposed by this Ordinance, shall become effective
14 _____, if the Charter amendment is approved by a “yes” vote by a majority
15 of those duly qualified electors voting on the question posed at the _____,
16 referendum.

17 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
18 County, Florida, this ____ day of _____, 2010.

19
20 LEON COUNTY, FLORIDA

21
22
23 By: _____
24 Bob Rackleff, Chairman
25 Board of County Commissioners
26

27
28 ATTESTED BY:

1 BOB INZER, CLERK OF THE COURT
2 LEON COUNTY, FLORIDA

3

4

5 By: _____

6 Clerk

7

8

9 APPROVED AS TO FORM:
10 COUNTY ATTORNEY'S OFFICE
11 LEON COUNTY, FLORIDA

12

13

14 By: _____

15 Herbert W. A. Thiele, Esq.

16 County Attorney

APPENDIX C: MEETING DATES AND AGENDAS

Citizen Charter Review Committee

November 3, 2009

11:30 a.m.-1:30 p.m.

Leon County Courthouse
Commission Chambers, 5th floor

AGENDA

- | | |
|--------------------------------------|--|
| I. Opening Remarks | Parwez Alam
County Administrator |
| II. Introduction of Kurt Spitzer | Vincent S. Long
Deputy County Administrator |
| III. Overview of Charter Government | Kurt Spitzer
Kurt Spitzer and Associates |
| IV. Overview of Florida Sunshine Law | Herb Thiele
County Attorney |
| V. Election of Chair/Vice-Chair | Parwez Alam |
| VI. Review of Committee By-laws | Kurt Spitzer |
| VII. Review of Committee Schedule | Kurt Spitzer |
| VIII. Member Discussion | Committee |
| IX. Adjournment | |

The next meeting of the Citizen Charter Review Committee will take place on Thursday, November 12, 2009.

Citizen Charter Review Committee

November 12, 2009

11:30 a.m.-1:30 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. November 3, 2009 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
 1. Presentation by the County Administrator
-Overview of Leon County Government
 2. Presentations by County Commissioners
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
 1. Staff/Consultant Discussion (Pertinent Updates)
 2. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled
for Thursday, November 19, 2009*

Citizen Charter Review Committee

November 19, 2009

11:30 a.m.-1:30 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. November 12, 2009 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
 1. Presentation by the County Commissioners
-Commissioner Bob Rackleff
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
 1. Review of Bylaws and Comparisons
 2. Board Identified Charter Issues
 3. Commissioners' Presentations Summary
 4. Counties' Charter Comparison
 - a. Volusia County Charter
- IX. New Business
 1. Requested Information from County Attorney
 - a. Consent Decree
 2. Staff/Consultant Discussion (Pertinent Updates)
 3. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for Thursday,
December 3, 2009*

Citizen Charter Review Committee

December 10, 2009

11:30 a.m.-1:30 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. November 19, 2009 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
 1. Presentation by Constitutional Officers
 - a. Clerk of Court Bob Inzer
 - b. Tax Collector Doris Maloy
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
 1. Analysis of the Citizen Charter Review Committee's Legal Scope of Board and County Commissioners Charter Issues
- IX. New Business
 1. Charter Issues
 - a. Tourist Development Council Structure
 - b. Non-Partisan Elections
 - c. Annexation Policy
 2. Staff/Consultant Discussion (Pertinent Updates)
 3. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for Thursday,
December 17, 2009*

Citizen Charter Review Committee
December 17, 2009
11:30 a.m.-2 p.m.
Leon County Courthouse
Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. December 10, 2009 Meeting Minutes
- V. Reports of Chairperson
 1. Next Meeting To Be Conducted in the Evening
- VI. Presentations by Invited Guests/Consultant
 1. Presentation by Constitutional Officers
 - a. Property Appraiser Bert Hartsfield
 - b. Sheriff Larry Campbell
 - c. Supervisor of Elections Ion Sancho
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
 1. Charter Issues
 - a. Petition Threshold
 - b. Non-Partisan Elections
 - c. Board of County Commission Chairman Position
 - d. County Commission Districting Scheme
 2. Staff/Consultant Discussion (Pertinent Updates)
 3. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for Thursday,
January 7, 2010*

Citizen Charter Review Committee

January 7, 2010

5:30 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. December 17, 2009 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
 - a. Mayor John Marks, City of Tallahassee
 - b. Commissioner Debbie Lightsey, City of Tallahassee
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
 1. Charter Issues
 - a. Functional Consolidation
 - b. Countywide Stormwater Standards/Environmental Policy
 - c. Voluntary Annexation
 - d. Charter/Constitutional Officers
 2. Staff/Consultant Discussion (Pertinent Updates)
 - a. Identification of Additional Charter Issues
 3. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for Thursday,
January 14, 2010*

Citizen Charter Review Committee

Attachment #1
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January 14, 2010

11:30 a.m. – 2 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. January 7, 2010 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
 1. Charter Issues
 - a. Petition Thresholds
 - b. Board of County Commission Chairman Position
 - c. County Commission Districting Scheme
 - d. Non-partisan Elections
 2. Staff/Consultant Discussion (Pertinent Updates)
 3. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for Thursday,
January 21, 2010*

Citizen Charter Review Committee

Attachment #1
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January 21, 2010

11:30 a.m. – 3:00 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. January 14, 2010 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
 1. Economic Development Stakeholders Presentation
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
 1. Charter Issues
 - a. Employment Policy of the County Administrator
 - b. Non-interference Clause
 - c. Clarification of Petition Prohibitions
 - d. CRC Membership Eligibility
 - e. CRC Convening Schedule
 - f. Independent/Advisory CRC
 - g. Human Rights Policy
 - h. Citizen Utility Advisory Board
 - i. Campaign Contribution Limitation
 2. Staff/Consultant Discussion (Pertinent Updates)
 3. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for
Thursday, January 28, 2010, 5:30 p.m.*

Citizen Charter Review Committee

January 28, 2010

5:30 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. January 21, 2010 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
 1. Issues Agenda
 - a. Citizen Utility Advisory Board
 - b. Campaign Contribution Limitation
 - c. Human Rights Policy
 - d. Independent/Advisory CRC
- IX. New Business
 1. Decision Agenda
 - a. Functional Consolidation of Growth Management
 - b. Tourist Development Council Structure
 - c. Audit Clarification
 - d. Petition Thresholds
 2. Staff/Consultant Discussion (Pertinent Updates)
 3. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for
Thursday, February 4, 2010 at 11:30 a.m.*

Citizen Charter Review Committee
February 4, 2010
11:30 a.m. – 1:30 p.m.
Leon County Courthouse
Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. January 28, 2010 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
 1. Decision Agenda
 - a. Audit Clarification
 - b. Countywide Environmental Standards
 - c. Employment Policy of the County Administrator
 - d. Non-interference Clause
 - e. Petition Threshold/Petition Prohibitions
 - f. CRC Membership/Structure
 2. Staff/Consultant Discussion (Pertinent Updates)
 3. Member Discussion (Direction to Staff/Consultant)
- IX. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for
Thursday, February 11, 2010, 10 a.m.*

Citizen Charter Review Committee
February 11, 2010
10 a.m. – 12 p.m.
Leon County Courthouse
Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. February 4, 2010 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
 1. Decision Agenda
 - a. Audit Clarification
 - b. Utility Advisory Board
 - c. Limitations on Campaign Contribution
 - d. Human Rights Policy
 2. Staff/Consultant Discussion (Pertinent Updates)
 - a. Workshop with County Commission –
April 13, 2010
12 p.m.-1:30 p.m.
Leon County Commission Chambers
 3. Member Discussion (Direction to Staff/Consultant)
- IX. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for
Thursday, February 18, 2010, 5:30 p.m.*

Citizen Charter Review Committee

February 18, 2010

5:30 p.m.

Leon County Courthouse
Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. February 11, 2010 Meeting Minutes
- V. Overview of the Public Hearing Process
- VI. Presentation of Proposed Charter Amendments
 - A. Tourist Development Council Structure
 - B. Countywide Environmental Standards
 - C. Employment Policy of the County Administrator
 - D. Non-interference Policy
 - E. Petition Threshold/Petition Prohibition
 - F. Citizen Charter Review Committee
 - G. Clerk Auditor
 - H. Citizen Utility Advisory Board
 - I. Limitation on Campaign Contribution
- VII. Opening of Public Hearing
- VIII. Member Discussion
- IX. Close of First Public Hearing/Adjournment

*The next meeting of the Citizen Charter Review Committee is scheduled for
Thursday, March 4, 2010, 5:30 p.m.*

Citizen Charter Review Committee

March 4, 2010

5:30 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order

- II. Invocation and Pledge

- III. Roll Call

- IV. Approval of Minutes of Previous Meeting
 1. February 18, 2010 Public Hearing Minutes

- V. Opening of Second Public Hearing

- VI. Close of Second Public Hearing

- VII. Presentation of Draft Final Report

- VIII. Member Discussion

- IX. Adjournment

*The next meeting of the Citizen Charter Review Committee is scheduled for
Thursday, March 18, 2010, 5:30 p.m.*

Citizen Charter Review Committee

March 18, 2010

5:30 p.m.

Leon County Courthouse
Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. March 4, 2010 Public Hearing Minutes
- V. Presentations by Invited Guests/Consultant
 1. KSA Presentation of Proposed Charter Amendments
 2. Mayor John Marks
- VI. Opening of Third Public Hearing
- VII. Close of Third Public Hearing
- VIII. [Consideration of Proposed Charter Amendments](#)
- IX. Member Discussion
- X. Adjournment

*If necessary, the third public hearing would be continued on
Monday, March 22nd 2010, at 8:30 a.m. in the County Commission Chambers*

APPENDIX C: MEETING MINUTES

**MINUTES
LEON COUNTY
2009-2010 CITIZENS CHARTER
REVIEW COMMITTEE
NOVEMBER 3, 2009**

The Leon County 2009-2010 Citizens Charter Review Committee (CRC) met on November 3 at 11:30 a.m. in the Commission Chambers with Committee members Rick Bateman, Larry Simmons, Jon Ausman, Ralph Mason, Linda Nichol森, David Jacobsen, Marilyn Wills, Chuck Hobbs, Donna Harper, Sue Dick, Cathy Jones, Chris Holley, Lance deHaven-Smith, Lester Abberger, and Tom Napier present. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Deputy County Administrator Vince Long, and Recording Clerk Rebecca Vause.

County Administrator Alam called the meeting to order at 11:35 a.m. and welcomed committee members and introduced staff. He noted that a Committee Chair and Vice Chair would need to be appointed.

Mr. Alam shared that the County's Charter was passed in 2002 and this is its first review. He offered that the two most important questions to be considered are: 1) does the Charter as it stands today, reflect the preferences of the community in terms of its local government and 2) what changes or issues should be included to enable the County to tackle current and future challenges. Mr. Alam stated that Board members had identified and shared issues they deemed important for CRC consideration; however the Board was clear in its intent that the Committee not be restricted in issues they wished to address.

Mr. Alam called for nominations for the CRC Chair. The following nominations were made:

- *Chris Holley – nominated by Rick Bateman and seconded by Lester Abberger*
- *Donna Harper – nominated by Jon Ausman and seconded by Larry Simmons*
- *Marilyn Wills – nominated by Ralph Mason and seconded by David Jacobsen*

Mr. Thiele instructed members on the process to be used to tally the vote.

Mr. Long added brief remarks on the CRC process and noted that all meetings will be streamed live via the web. He added that a new website www.leoncountyfl.gov/charterrev has been established and has the functionality to allow the Committee to accept citizen input.

Mr. Long introduced Kurt Spitzer, President, KS&A Government Consultants. He noted that Mr. Spitzer was involved in the development of the County's original Charter and has been retained to provide consultative services to the CRC.

Mr. Spitzer indicated his role to the CRC is as an independent advisor. A power point presentation was utilized to provide an Overview of Charter Government and included:

- Florida History
- Origins of County Structure
- 1968 Florida Constitution
 - Dillon's Rule replaced by Home Rule
- Pressures
- Key Policies (Article VIII – Section 1)
 - Can only be adopted, amended, repealed by vote of the electorate;
 - May provide alternative methods of selecting County officers;
 - Size, terms, districting schemes of County Commission and the relationship between the Commission and Executive Branch can be revised, and

- Charter Counties have all powers not inconsistent with general law and the Charter must specify if County ordinance prevails over that of a City.

He summarized areas that are primarily affected by County Charters:

- Districting schemes (manner in which commissioners are elected)
- Election Methodology (partisan vs. non-partisan)
- Salaries
- Terms of Office (length and limit)
- Head of Executive Branch (appointed or elected)
- County Constitutional Officers
- Countywide Policy
- Countywide Programs
- Citizen Initiative
- Charter Amendment Process
- Preservation of Rural Lands

At this time, ballots for selection of the Chair were distributed. Mr. Thiele explained the voting process and upon the tally of the vote it was determined that the Committee had selected Mr. Chris Holley as its Chair.

At this point, Chairman Holley assumed the Chair and after brief discussion, Mr. Holley confirmed that it was acceptable to Ms. Wills and Ms. Harper that the selection of Vice Chair be conducted via a coin toss. Ms. Wills prevailed and was selected Vice-Chair.

Mr. Thiele provided an overview of Florida Public Records and Sunshine Laws. He advised that Public Records and Florida Sunshine Laws apply to CRC members, and to a certain extent, Statewide Ethics Code.

- Sunshine Law: CRC members should not discuss any matters that may or may not be recommended to the Board and includes communications such as in person, telephone, e-mail, twitter, text, secret hand shake, or use of a conduit. He added that any issue a member wishes to have considered or discussed should be brought to the Committee for action.
- Public Records Law – Any communications received relating to the CRC or potential issues brought forth by citizens for CRC consideration are considered public record and should be brought to the attention of staff for inclusion in the official CRC file.
- Florida Code of Ethics: Committee members are not subject to financial disclosure; however voting conflicts may arise during the process. He noted that County staff is available to assist; however, would not be able to conduct research on individual member requests.

Mr. Bateman suggested that Committee members be instructed not to e-mail each other about any potential committee discussion issues. Mr. Thiele agreed and added that if a communication is received from a citizen, this should be forwarded to staff for handling.

Mr. Spitzer indicated that a set of “draft bylaws” was included in the Committee packet and suggested that these be reviewed and comments/revisions can be addressed at the next meeting. He also referenced the proposed Committee schedule.

There was discussion regarding the proposed By-Laws.

- Mr. Bateman opined that the two-thirds requirement (Rule 10C) was too high.

- Ms. Harper agreed and added that Rule 19 should be amended to remove”present and voting” and that the bar be lowered from two-thirds to a simple majority.

Mr. Spitzer shared that the practice of other counties is “some sort of extra ordinary majority” to approve an issue to go before the Board.

Mr. Holley suggested that the recommendation be given thought; however, he remarked that more than a simple majority should be attained to these types of important decisions.

Mr. Bateman requested data be brought back on how these thresholds are approached by other CRC’s. Mr. Holley confirmed that there was consensus ask staff to bring back this information.

- Mr. Ausman suggested that by-laws contain some type of language which includes minority report.
- Ms. Harper offered that Rule 5 include an Approval of the Agenda and Rule 12 state that Roberts Rules of Order Governing Small Bodies apply.
- Mr. Ausman suggested that Section 6 be amended to remove “tapes and should reflect current technology.

A review of the Committee schedule was conducted and a brief discussion ensued. Chairman Holley stated that he would not be able to attend the November 12 meeting and asked that the November 12 and November 19 meeting agendas be “flip flopped”. The Committee agreed to the request and accepted the proposed timeline, as amended.

Chairman Holley pointed out that future agendas are only a framework and can be amended as needed.

There being no further business, the meeting was adjourned at 1: 25 p.m.

Christopher Holley, Chair

Bob Inzer, Clerk of Court

**Leon County
2009-2010 Citizens Charter
Review Committee (CRC)
November 12, 2009**

The Leon County 2009-2010 Citizens Charter Review Committee (CRC) met on November 12 in the Commission Chambers with Committee members Marilyn Wills, Larry Simmons, Ralph Mason, Linda Nichol森, Chuck Hobbs, David Jacobson, Sue Dick, Catherine Jones, Lance De-Haven Smith, and Rick Bateman (arrived at 11:45) in attendance. Members absent were: Lester Abberger, Jon Ausman, Donna Harper, Christopher Holley, and Tom Napier. Also attending were County Administrator Parwez Alam, County Attorney Herb Thiele, Deputy County Administrator Vince Long; Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and Clerk Rebecca Vause.

In Chairman Holley's absence, the meeting was Chaired by Vice-Chair Marilyn Wills.

- I. Call to Order:
Ms. Wills Called the Meeting to Order at 11:35 a.m.
- II. Invocation and Pledge:
The Invocation was provided by Larry Simmons who then led the Pledge of Allegiance.
- III. Roll Call:
The Roll Call was conducted by the Clerk.
- IV. Approval of the Minutes:
Ralph Mason noted a correction to his name. The minutes, as corrected, were moved for approval by David Jacobson and were unanimously approved.
- V. Reports of Chairperson:
Ms. Wills noted that Chairman Holley provided the article *Ways to Think About Charter Reform*, which was included in the Committee's packet. The article is provided for informational purposes only.
- VI. Presentations by Invited Guests/Consultant
 - County Administrator Alam provided an overview of County Government and the County Charter.

Presentation by County Commissioners (Commissioners were provided an opportunity to appear before the CRC to share their priority issues.) A summary of these comments follow:

- Commissioner Bryan Desloge opined that the 1) role and term of the Chairman should be extended; 2) elections should remain non-partisan; 3) composition of Commission be changed to four district commissioners and three at large, and 4) efforts of functional consolidation among governments within the community, i.e., City, FSU, FAMU, TCC be improved.

Sue Dick dialogued with Commissioner Desloge on the current term and the process of choosing the Chairman position and also discussed consolidation.

Chuck Hobbs inquired on the potential implementation of a "new" Commission districting scheme. Mr. Thiele shared that County was under a Court ruling that requires consent from the Justice Department and the NAACP to the

change districting scheme. Mr. Bateman confirmed with Mr. Thiele that the Courts would have to approve any change to the current format.

Mr. Thiele established that contact would be made with the Justice Department and the NAACP if the CRC were to recommend a change to the current districting scheme.

Mr. Bateman requested a copy of the Consent Decree; which Mr. Thiele stated his office would provide at the next CRC meeting.

There continued to be discussion on this issue.

- Commissioner Dailey noted that this was a citizen process and that it was not the role of a Commissioner to guide them, but to assist in any way. He offered two recommendations: 1) “Less is better” and that the Charter should not be so specific as to hinder County government. He emphasized specifically, that functional consolidation should not be in the Charter, but instead be addressed through Joint Agreements and 2) Section 2.3, paragraph 2, Senior Management of the Charter, be amended to reflect the current organizational structure whereby the Tourist Development Council reports to the County Administrator.
- Commissioner Sauls provided written comments to the CRC and these were read into the Record by Ms. Wills. A copy of Commissioner Sauls remarks are attached.
- Commissioner Thael focused his remarks on campaign finance reform, specially limited campaign contributions for local elections. He asked the CRC to look closely at the Sarasota County Charter, which initially set a ceiling of \$40,000 per election campaign and a \$200 limit on individual contributions. However, the Courts ruled against the \$40,000 provision as unconstitutional.
- Commissioner Proctor provided comments on several issues he wished the CRC to address: 1) intellectual property component, 2) establishment of a Petroleum Commission to study the impacts of oil drilling to North Florida; 3) establishment of a Water Management District/Commission to address water rights; 4) establishment of Utility Commission; 5) growth management specifically regarding the one house per ten acre provision for the Southside; 6) affordable housing; 7) installation of sewer infrastructure to the southside; 8) review of annexation policy, 9) county/city consolidation whereby City functions would be incorporated in the County’s operations, and 10) voiced his support for the current Commission districting scheme.
- Commissioner Akinyemi requested that the CRC address the issues of Campaign Contribution Reform and the creation of a Citizen Utility Review Advisory Board. A copy of Commissioner Akinyemi’s comments is attached.

David Jacobsen inquired on Commissioner Akinyemi’s position on out of county contributions and the \$40,000 campaign cycle limit. Commissioner Akinyemi voiced his support for both matters.

The CRC requested a legal opinion on local authority of campaign finance reform from the County Attorney’s Office. Mr. Kinni, Assistant County Attorney, stated that this information would be provided at the next meeting along with the Consent Decree.

VII. Remarks of Interested Citizens:
none

VIII. Unfinished Business:
none

IX. New Business

Mr. Spitzer noted that the revised bylaws, as well as comparative data on other CRC bylaws would be available for the CRCs review and consideration at the next meeting.

Direction to Staff:

Mr. Bateman requested staff provide a comparative analysis of other County charters. In addition, Linda Nichol森 asked that staff provide “best practices” from other Charter Counties.

There was discussion regarding the NAACP’s position on the district redistricting scheme. Chuck Hobbs, in his role as counsel to the NAACP, offered to request that the President of the local chapter of the NAACP appear at a later CRC meeting.

Ms. Dick remarked she was concerned that some of the issues brought forward by Commissioners were outside of the purview of the Committee’s role and did not want to appear unresponsive to their comments. Mr. Spitzer offered to provide an abbreviated summary, in conjunction with the County Attorney’s Office, of issues presented by the County Commissioners.

Cathy Jones asked about the status of the information that was requested on voting thresholds. Mr. Spitzer advised that this was a work in progress and would be available prior to next week’s meeting.

Ms. Dicks inquired how the subject of member attendance can be addressed. Ms. Wills commented that this issue could be addressed by the Chair at the next meeting.

Shington Lamy stated that reminder e-mails would be provided to the members prior to each meeting and asked that members notify him of a scheduling conflict that would preclude their attendance at the meeting. He added that he is working to schedule Constitutional Officers’ presentations for the December meetings.

X. Adjournment with Day Fixed for Next Meeting:
Date of next meeting November 19 at 11:30 a.m. in Commission Chambers.

There being no further business, the meeting was adjourned at 1:45 p.m.

Christopher Holley, Chair

Bob Inzer, Clerk of Court

**Leon County
2009-2010 Citizens Charter
Review Committee (CRC)
November 19, 2009**

The Leon County 2009-2010 Citizens Charter Review Committee (CRC) met on November 19 in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Linda Nichol森, David Jacobson, Lester Abberger, Tom Napier, Catherine Jones, Lance DeHaven-Smith, Rick Bateman, Donna Harper, and Jon Ausman in attendance. Members absent were: Ralph Mason, Sue Dick, Larry Simmons, and Chuck Hobbs. Also attending were County Administrator Parwez Alam, County Attorney Herb Thiele, Senior Assistant County Attorney Patrick Kinni; Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and Recording Clerk Dionte Gavin.

I. **Call to Order:**

Chairman Holley Called the Meeting to Order at 11:37 a.m.

II. **Roll Call:**

The Roll Call was conducted by Shington Lamy

III. **Invocation and Pledge:**

The Invocation was provided by Chris Holley who then led the Pledge of Allegiance.

IV. **Approval of the Minutes:**

Lance DeHaven-Smith moved for the approval of the November 12, 2009 minutes and it was seconded by Rick Bateman. The minutes were unanimously approved.

V. **Reports of Chairperson:**

- Reiterated his desire to open the meetings up for public input prior to summarizing and voting on issues to be presented to the Board.
- In response to suggestions he has received he will: 1) reach out to the local paper to indicate willingness for the process to be "open and transparent" and 2) welcome the Council of Neighborhood Associations (CONA) input into the process.

VI. **Presentations by Invited Guests/Consultant**

Commissioner Bob Rackleff commented on the importance for County government to understand the realities of the current economy and its role especially on the issue of increasing energy costs and how this can be managed. He also indicated support for partisan elections.

VII. **Remarks of Interested Citizens:**

None

VIII. **Unfinished Business:**

1. **Review of Bylaws and Comparisons**

Kurt Spitzer shared that a copy of the revised draft by-laws were provided and explained the revisions that had been made. He also noted that a summary of the process used by other charter counties to "move" issues were also provided. He further explained the process used by other Charter Counties and offered the options available to the Charter Review Committee (CRC).

After discussion the following additional changes and clarifications were made to the draft by-laws:

- Rule 19 Amendment was altered to require that changes to the by-laws would necessitate a two-thirds vote of the **entire Committee**.
- Rule 10 b. Decision Agenda was changed to reflect that the Committee could request, by a **majority of members present**, staff to prepare proposed amendments for review and discussion at public hearings.
- Donna Harper remarked on Rule 12 Official Rules of Order and suggested that “matters of procedural conflict” be deleted. **The suggestion was discussed and agreed to by the Committee.**
- Tom Napier established that Rule 8 Attendance intends that notification of an absence be made to Shington Lamy either by phone, e-mail or announcement at a prior meeting.
- Jon Ausman referenced Rule 5 Agenda for Regular Meetings and recalled that Ms. Harper had raised the issue that meeting agendas be approved at each meeting. He inquired if this recommendation could be considered.
Jon Ausman moved, duly seconded by Donna Harper to insert an “Approval of Agenda” to the meeting agenda for approval by the Committee at each meeting. The motion failed 2-9 (Chris Holley, Marilyn Wills, Linda Nichol森, David Jacobson, Lester Abberger, Catherine Jones, Tom Napier, Lance DeHaven-Smith, and Rick Bateman in opposition)
- Mr. Ausman voiced favor for the CRC to be enabled to put forward a “majority report” to the Board; these would be issues that would allow a secondary set of recommendation to be presented to the Board for consideration with only a majority of the CRC in support.

Mr. Spitzer advised that a vote of 10 by the CRC would place an issue before the Board for consideration; however would require a 4+1 vote by the County Commission to place the amendment on the ballot. Mr. Spitzer confirmed that an individual citizen can always bring an issue to a Commissioner to bring forward to the County Commission for consideration.

There was continued discussion with some concern expressed on there being too many issues before the CRC and the limited time to adequately address them. Concern was also noted about the volume of recommendations to be presented to the Board.

Jon Ausman moved, duly seconded by Donna Harper, to ask Mr. Spitzer to bring back a proposal that would allow the majority of the members of the CRC to also present recommendations to the full County Commission for their consideration. The motion failed 4-7 (Chris Holley, Marilyn Wills, Linda Nichol森, Catherine Jones, Tom Napier, Lance DeHaven-Smith, and Rick Bateman in opposition)

- Rule 12 Official Rules of Order Ms. Harper recapped her previous suggestion regarding the CRC’s use of procedures that pertain to small boards as opposed to Roberts Rules of Order in general. She provided examples of the differences in procedures and spoke in favor of implementation of the suggestion. **No action was taken by the Committee on this issue.**

A motion to approve the by-laws as amended was made by Tom Napier and duly seconded by Rick Bateman. The motion carried 11-0.

Chairman Holley requested that a copy of the approved by-laws be distributed to the Committee.

2. Board Identified Charter Issues

Mr. Lamy shared that the Board held a workshop on May 26 and identified policy issues that it wished to be considered by the CRC. He noted that the Board stressed that these should not be considered exhaustive or limit the committee's ability to address broad or specific issues. This list was included in the Committee's packet. Mr. Lamy added that a consolidated list of issues would be available at the next meeting which would incorporate these topics together with those issues commented on by Commissioners; along with a broader analysis of which issues can be addressed by the CRC.

Chairman Holley acknowledged the need for the Committee to receive public input and a tentative date of January 7 was set. He confirmed that there were no issues that individual Committee members would bring forward for the CRC review thus, the list the CRC will work from will consist of issues from the Board and the public.

Chairman Holley pointed out that the Constitutional Officers are scheduled to appear before the CRC at the next two meetings and acknowledged the need to move forward with discussion on some of the issues before the CRC. Acting on this suggestion the Committee settled on the following schedule:

December 10, 2009: Constitutional presentations; Tourist Development Council structure; non-partisan elections, and annexation policy;

December 17, 2009: Constitutional presentations; lower charter petition thresholds, and consolidation

3. Counties' Charter Comparison (Volusia County Charter)

Mr. Spitzer provided a brief overview and comparison of other Charter Counties, including an in-depth review of Volusia County's Home Rule Charter. A copy of the Charter was provided to the Committee.

IX. New Business:

1. Requested Information from County Attorney

County Attorney Thiele provided an overview of the current Federal Court Order related to the suit filed by the NAACP regarding the County's districting structure and explained that the County Commission or the Charter could not change the methodology of the current elections without Federal Court approval. He added that the plaintiff's agreement or disagreement to the change would significantly impact the Courts decision. He commented that current census data would be needed to demonstrate the County's ability to maintain the minority district and was concerned that this would not be available at this time. He stated that he would hold discussions with the NAACP should the CRC decide that it would recommend a change to the five district, two at-large methodology currently utilized.

Mr. Bateman pointed out that the intent of the Consent Decree was to establish a minority district and he was not sure there would be opposition as long as the minority district is maintained.

Mr. Ausman commented that he did not want discussions limited to a 5-2 or 4-3 Board composition.

Ms. Harper mentioned that an increase of districts would make more accessible and create a greater opportunity for residents of lesser income to be elected.

Mr. Ausman remarked that he was concerned regarding the reflection of votes on motions and asked that the record indicate the actual vote. Mr. Thiele confirmed that the record would reflect the vote and would show those individuals voting in opposition.

X. Adjournment with Day Fixed for Next Meeting:

Date of next meeting December 10, 2009 at 11:30 a.m. in Commission Chambers.

There being no further business, Tom Napier moved to adjourn the meeting at 1:32 p.m. The motion carried unanimously.

Christopher Holley, Chair

Bob Inzer, Clerk of Court

**CITIZEN CHARTER REVIEW COMMITTEE
DECEMBER 10, 2009
Leon County Courthouse**

Attending: Chris Holley (Chair), Marilyn Wills, David Jacobsen, Linda Nichol森 Donna Harper, Jon Ausman, Ralph Mason, Cathy Jones, Rick Bateman, Sue Dick, Lester Abberger, Lance deHaven-Smith, Larry Simpson. Absent were Chuck Hobbs and Tom Napier. Also attending were Parwez Alam, Herb Thiele, Vince Long, Patrick Kinni, Kurt Spitzer, Shington Lamy and Rebecca Vause

I. Call to Order

Chairman Holley called the meeting to order at 11:40 a.m.

II. Invocation and Pledge

The invocation was provided by Rick Bateman. Chairman Holley then led the Pledge of Allegiance

III. Roll Call

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

Lester Abberger moved, duly seconded by Sue Dick, to approve the November 19, 2009 minutes. The motion carried unanimously.

V. Reports of Chairperson

Chairman Holley shared that his outreach efforts have included:

- A meeting was held with Maryann Lindley, Tallahassee Democrat, to inform her of the January 7, 2010 evening meeting and to encourage citizen participation and input.
- He will meet with City Manager Anita Favors next week to share some of the issues on the Committee's agenda and to invite her to attend a future meeting.
- Noted there had been an interest to include involvement of the Council of Neighborhood Associations (CONA) in the process. Vince Long indicated that he would invite a CONA representative to attend the January 7, 2010 meeting.

VI. Presentations by Invited Guests/Consultant

1. Presentation by Constitutional Officers

a. Clerk of Court Bob Inzer

Mr. Inzer presented a power point presentation that provided a detailed overview of his offices responsibility, structure and function. He noted that his office is governed by the Florida Constitution and Statutes. Duties of the Clerk's Office include:

- Clerk to Board of County Commissioners;
- Accountant for the Board;
- Auditor;
- County Recorder, and
- Clerk of Circuit and County Courts

There was dialogue between Mr. Inzer and the Committee regarding these responsibilities. There was further discussion regarding the role of the Clerk's Office in its auditing responsibilities.

Mr. Inzer shared that an Audit Committee has been established and is functioning well. However, he stated that there was concern that the current Charter language which

provides the Clerk with its audit authority references State Statute and noted that there was a potential impact from a Collier County lawsuit and its effect on State Statute language. He mentioned that it would be helpful for the Charter to clarify his role is in the audit function. Mr. Thiele concurred that the current Statute is ambiguous and has resulted in the filing of lawsuits, specifically in Collier County where their Board has challenged the authority of its Clerk's Office and its auditing authority. There was considerable discussion and support from the Committee to alleviate any conflicting language in the County's Charter.

Mr. Bateman suggested that the County Attorney and Clerks office collaborate on proposed language that could be incorporated into the Charter which would codify the current process used in the County and remove any conflicting language. Mr. Thiele stated that he would prepare this language for the Committee's review.

Ms. Harper and Mr. Abberger asked Mr. Inzer's opinion on what potential Charter issues could be problematic or have repercussions in the community. Mr. Inzer responded that he was unaware of any issues that would be applicable here as the Charter is working well and that the County has a fiscally sound government that is well prepared and structured.

Chairman Holley asked Mr. Inzer's opinion on partisan/non partisan elections as this was an issue that the Committee would address and commented that would ask this question of each Constitutional Officer. Mr. Inzer commented that he was comfortable with the current process.

Chairman Holley voiced his desire to streamline County government to make more efficient in areas such as integrated computer systems, human resources, and risk management and discussed with Mr. Inzer ways that his office could work with the County in this regard, while continuing to maintain some control and independence.

Chairman Holley confirmed with Mr. Inzer that there was not a budget appeal process on funds received from the Commission.

Mr. Ausman inquired if there were "best practices" that should be included in the Charter. Mr. Inzer stated that Clerks statewide are actively engaged in best practices activities and have created a "Best Practices Committee" that is moving toward standardization of activities and processes and finding the most efficient way to deliver services.

Prior to the Tax Collector's presentation, Ms. Harper suggested that the Committee determine if it will include or exclude the Superintendent and School Board in its deliberations on the County Charter.

b. Tax Collector Doris Maloy

Ms. Maloy utilized a power point presentation to share information regarding her office. Highlights of her presentation included:

- Enters into contracts with other state agencies, i.e., Dept. of Highway Safety & Motor Vehicles and the Fish and Wildlife Conservation Commission;
- Mission Statement: Educate, Collect and Distribute;
- Is considered a fee based office which generates revenue; therefore receives no appropriation;
- 2009/10 Budget is \$6.3 million, which is 2% less than the 2008/09 budget;
- \$7.2 million generated from fees last year;
- All fees and commissions are set in statute;
- Major functions of her office include: operations, tax administration, financial services, general administration and information systems;
- Described interaction with County and other Constitutionals;

Ms. Maloy opined that the current Charter is working effectively.

Mr. Bateman asked if it was within the Charter's purview to direct how the Tax Collector administers non-mandated vs mandated services. Mr. Spitzer responded that there was some discretion on non-mandated services; however mandated functions would still have to be conducted. Ms. Maloy pointed out that it has been her offices position to provide these services as staff are available and the public is expectant to be able to receive these services at her locations.

Mr. Ausman inquired if there were "best practices" that should be included in the Charter. Ms. Maloy indicated that she spends a lot of time keeping up with other Tax Collector practices around the state and is on target with all best practice activities.

Chairman Holley asked Ms. Maloy's opinion on partisan vs. non-partisan elections and established that Ms. Maloy favored that the elections process continue in its current form.

VII. Remarks of Interested Citizens

None

VIII. Unfinished Business

1. Analysis of the Citizen Charter Review Committee's Legal Scope of Board and County Commissioners Charter Issues 5:30 at the commission chambers.

Chairman Holley led discussion on the formation of the Committee's Issues Agenda for the December 17, 2009 and January 7, 2010 meetings. The following agenda was agreed upon.

- Full Consolidation/Functional Consolidation: placed on January 7th Issue Agenda
- Countywide Stormwater Standards/Environmental Ordinances: placed on January 7th Issue Agenda
- Tourist Development Council Structure: placed on its **Decision Agenda**
- Non-partisan elections: placed on its December 17th Issue Agenda
- Lower Charter Petition Threshold: placed on its December 17th Issue Agenda
- Protection of Water Supply: did not agenda
- Annexation Policy: placed on January 7th Issue Agenda
- Charter Officers/Constitutional Officers: placed on January 7th Issue Agenda
- Commission Structure/District Schemes: placed on its December 17th Issue Agenda
- Chairman of the Board of County Commissioners: placed on its December 17th Issue Agenda
- Campaign Finance Reform: No action taken, however the Committee identified for possible future issue agenda
- Intellectual Property: did not agenda
- Petroleum Commission: did not agenda
- One House Per Ten Acres: did not agenda
- Affordable Housing: No action taken, however the Committee identified for possible future issue agenda
- Southside Projects and sewer infrastructure: No action taken, however the Committee identified for possible future issue agenda
- Citizen Utility Review Advisory Board: No action taken, however the Committee identified for possible future issue agenda

Chairman Holley requested that a revised schedule be distributed. Mr. Lamy indicated that this would be done.

IX. New Business

1. Charter Issues

- a. Tourist Development Council Structure
Jon Ausman moved, duly seconded by Sue Dick, to codify the current Tourist Development Council structure, which places the TDC Program under the County Administrator. The motion carried unanimously.
- b. Non-Partisan Elections was rescheduled to December 17, 2009.
- c. Annexation Policy rescheduled for January 7, 2010.

2. Staff/Consultant Discussion (Pertinent Updates)

Mr. Lamy suggested that the December 17, 2009 meeting be extended to 2:00 p.m. This was accepted by the Committee. Chairman Holley recommended that future Constitutional Officer presentations be limited to a total of 30 minutes (15 minutes presentation and 15 minute question and discussion)

3. Member discussion (Direction to Staff/Consultant)

None

X. Adjournment with Day Fixed for Next Meeting

The next meeting of the CRC will be held on December 17, 2009 from 11:30 – 2:00 in the Commission Chambers.

Mr. Ausman moved, duly seconded by Dave Jacobson, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 1:55 p.m.

Christopher Holley, Chair

Bob Inzer, Clerk of Court

**Leon County
2009-2010 Citizens Charter Review (CRC)
Committee
December 17, 2009**

Attending: Chris Holley (Chair), Marilyn Wills, David Jacobsen, Linda Nichol森 Donna Harper, Jon Ausman, Ralph Mason, Catherine Jones, Lester Abberger, Lance deHaven-Smith, Sue Dick and Larry Simpson. Absent were Chuck Hobbs, Tom Napier, and Rick Bateman. Also attending were Herb Thiele, Patrick Kinni, Kurt Spitzer, Shington Lamy and Rebecca Vause

I. Call to Order

Chairman Holley called the meeting to order at 11:35 a.m.

II. Invocation and Pledge

The invocation was provided by Ralph Mason. Chairman Holley then led the Pledge of Allegiance

III. Roll Call

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

Lester Abberger moved, duly seconded by Lance de Haven Smith, to approve the December 10, 2009 minutes. The motion carried unanimously.

V. Reports of Chairperson

Chairman Holley shared that, in an attempt to receive more public participation into the process, letters were mailed to various neighborhood associations to make them aware of the January 7, 2010 CRC meeting. He noted that he had held a meeting with the City Manager and a copy of the County's Issue Agenda, as it currently exists, was shared. An invitation was extended for her to attend the January 7 (and any other) meeting. He is hopeful that City participation will occur.

VI. Presentations by Invited Guests/Consultant

1. Presentation by Constitutional Officers

a. **Property Appraiser:**

Leon County Property Appraiser Bert Hartsfield utilized a power point presentation to share information regarding his office. Highlights of his presentation included:

- First County to develop a searchable database (www.leonpa.org);
- Breakdown of 2009 Just and Taxable Values:
 - \$25.8 billion (100% Just Value)
 - \$11.2 billion (43% Exempt Value)
 - \$14.6 billion (57% Taxable Value)
- Average home price \$214,000 in 2006 compared to \$187,000 in 2009;
- Qualified sales have decreased from 15,000 in 2005 to 2,212 in 2009;
- State Oversight includes: Roll Approval; Auditing and Budget Approval;
- Budget can be appealed to Governor and Cabinet;

- Duties include – locate, identify and appraise all property in Leon County; administer all exemptions and classifications; provide assessment roll and taxable value, and files with the Dept. of Revenue (DOR) three times yearly for roll approval and audits;
- Utilizes technology to provide better customer service;
- Established partnerships with City and County resulting in improved relationships and efficiencies, and
- External audits are conducted annually as required by Florida law.

He concluded that the existing Charter is operating effectively with regard to his office and the continuation of a separate elected property appraiser for Leon County will ensure excellent customer service, as well as fair, accurate and unbiased determination of taxable values.

Chairman Holley established with Mr. Hartsfield that he favored non-partisan elections.

Jon Ausman inquired of any issue he would like to see addressed in the Charter. Mr. Hartsfield responded that any effort to make the ad valorem process easier to understand would be appreciated.

b. **Sheriff:**

Leon County Sheriff Larry Campbell provided an overview on the mission, scope and organization of his office. A summary of his presentation follows:

- Constitutional Officers are independent and are directly accountable to the people;
- Functions include: law enforcement, judicial/court services, and jail;
- Special functions include: emergency management, homeland security and enhanced 9-1-1;
- Serves as chief law enforcement officer in Leon County and provides a wide array of services to citizens and the judicial system, in addition to operation of County Jail;
- Accredited Law Enforcement & Corrections Sections;
- Numerous community partnerships established;
- Core Values;
- Patrol Zones;
- Jail: average daily population of 1,050 inmates and 12,000 monthly visitors;
- Sheriff's Work Camp: inmates worked a total of 1,221,330 (2004-2009) hours for a total savings of \$9.5 million to the community;
- 14 total new employees added since 2000;
- Approved 2009/2010 approved budget of \$60.5 million (\$31.1 million law enforcement and \$29.4 million corrections), and
- Employs 630 full time employees.

Sheriff Campbell asserted the importance of independence and reminded the Committee that upon development of the original Charter constitutional officers were assured they would not be affected. He affirmed his support for consolidation of law enforcement agency.

Mr. Ausman inquired if the Charter should address the management of the jail and annexation. Sheriff Campbell responded that jail management has been outsourced in other areas with little success and would like to make it where annexation is not necessary. Sheriff Campbell cited areas of jurisdictional difference between the LCSO and TPD.

Mr. Lance deHaven Smith asked if MSTUs are lost when annexation occurs and learned that law enforcement does not utilize MSTUs.

Chairman Holley asked Sheriff Campbell's opinion on partisan vs. non-partisan elections and established that the Sheriff favored that the elections process remain in its current form.

c. Supervisor of Elections

Leon County Supervisor of Elections Ion Sancho indicated that a copy of his presentation had been provided to the Committee.

Mr. Sancho opined that the cost of elections is "sky rocketing" due primarily to state and federal mandates. He shared that in 2007 the State banned the types of voting systems used for disability voters and directed that these units be replaced by 2012 at a cost to Leon County of \$1-3 million dollars. His office in conjunction with the Florida Association of Supervisor of Elections, the Florida Association of Counties and other municipal groups are working to convince the State that the change is not necessary. He reported that his office is recognized nationally as one of the best offices in the nation.

Mr. Sancho noted that his office attempts to minimize their costs by utilizing County and Clerk resources; resulting in the elimination of four positions within his office. He mentioned that his office is in need of additional office, training and warehouse space and the County has agreed to budget for a facility after the 2010 elections cycle.

Mr. Sancho informed the Committee that the 2002 Charter created a non partisan Supervisor of Elections Office. Chairman Holley confirmed with Mr. Sancho that the current election process designates a party affiliation for other Constitutional Officers, but does not for County Commission races. Mr. Sancho stated that he favored partisan elections for the County Commission and offered that party affiliation contains information about policies, practices and behaviors of candidates and added that his offices fields hundreds of calls asking the party affiliation of candidates of non-partisan elections. In summary, Mr. Sancho stated that citizens should access to all information pertinent to a candidate.

At this time, Chairman Holley asked Mr. Sancho to remain for questions by the Committee.

Mr. Ausman opined that an electoral system should: 1) result in higher voter turnout per 1,000 votes; 2) lower campaign costs; 3) increase electoral competition, and 4) ensure representation of all elements of the community. Mr. Sancho commented that the four criteria were very appropriate and suggested that access to the system should not be difficult, confusing or put legal or administrative barriers that are unnecessary for civic participation also be considered.

Mr. Ausman distributed four handouts to Mr. Sancho and the Committee entitled: 1) Leon County Election Turnout Statistics ('00-'08); General Election Roll Off Differences Between Partisan and Non-Partisan (96-08); County Commission Campaign expenditure data, and 4) Peer City Review of Legislative Governments. Considerable dialogue ensued between Mr. Ausman and Mr. Sancho on this information, which included the electoral process, partisan vs. partisan elections, and district sizing.

In response to Mr. Ausman's request for a recommendation on district size and the number of seats on the Commission, Mr. Sancho indicated that he was hesitant to make such a statement; however, did acknowledge that small jurisdictions/districts does reduce the cost of an election campaign.

Mr. Lance deHaven Smith requested a point of order and expressed frustration by the presentation by Mr. Ausman. He asked for the consideration of the Committee that members reserve themselves so that other members are allowed to ask questions and comment on issues.

Mr. deHaven Smith established with Mr. Sancho that Florida elections are not audited and that Florida Law, after 2006, presumes that all machine read ballots are correct and thus cannot be recounted.

In response to Dave Jacobsen's inquiry, Mr. Sancho offered that he favored a five percent petition threshold.

VII. Remarks of Interested Citizens

- Alan Rollins, 2833 Green Forest Lane, requested that the fair elections campaign process be agendaed and discussed at a future CRC meeting.
- Samuel Neimeiser, 3518 Lands End Lane, student at FAMU, advocated for more districts and identification of party affiliations; with the exception of the Supervisor of Elections.
- Jacob Eaton, 2626 E. Park Avenue, student at FAMU, requested that the system be changed to allow the identification of party affiliations. He also expressed concern over the lack of minority representation on the County Commission.

Ms. Donna Harper asked for a Point of Order wanting to make certain that rules adopted by the CRC are followed.

VIII. Unfinished Business

IX. New Business

1. Charter Issues
 - a. Petition Threshold: deferred until January 14, 2010 meeting.
 - b. Non-Partisan Elections: Mr. Spitzer mentioned that an alternative was to keep the same non partisan system, but identify party affiliations on the ballot. He offered that non partisan elections typically preclude a second primary, thus reducing the cost. Mr. Spitzer added that this process would not preclude voters from voting for any candidate as voters would not have to vote within their registered party affiliation.

Mr. Sancho provided that that for party affiliations are not allowed to be listed on the ballot and candidates are prohibited from indicating party affiliation on campaign literature. Mr. Spitzer articulated that Duval

County lists party affiliations on their ballots utilizing a non-partisan system.

Mr. Ralph Mason expressed concern over the August primaries as the student population is lessened during this time. He pointed out that voter turn out is higher in the General Elections and favored the closing of August primaries. Mr. Mason expressed support for partisan elections.

Ms. Harper suggested that an attorney who specializes in election law be present during these discussions. Mr. Kinni remarked that staff be directed to review an issue on a case by case basis to provide input and recommendations. Chairman Holley pointed out the inconsistency whereby a Florida County (Duval) places party affiliation without it being a partisan election.

Chairman Holley remarked that a lot of information had been shared and suggested that the issue be deferred until the January 14, 2010 meeting. This suggestion was accepted by the Committee.

- c. Board of County Commission Chairman Position: deferred until January 14, 2010 meeting.
- d. County Commission Districting Scheme: deferred until January 14, 2010 meeting.

Mr. Mason suggested that, in the future, materials to be shared with the Committee be e-mailed to Shington Lamy for distribution prior to a meeting to allow time for review. Chairman Holley accepted the recommendation and asked that members comply.

Chairman Holley recapped the upcoming meeting schedules:

- 1 January 7, 2010 - Full/Functional Consolidation, Countywide Stormwater Standards/
Environmental Ordinances, Annexation, and Charter Officers/Constitutional Officers
- 2 January 14, 2010 - Petition Threshold, County Commission Chairman Position, Districting Scheme and Non Partisan Elections.

Ms. Harper clarified the procedure to be used for information gathering, general discussion and debate of items. Chairman Holley indicated that he intended for each issue to be addressed, questioned, debated and a decision made at that time on moving the issue forward to the next agenda. Ms. Harper remarked that more time may be needed to address the issues thoroughly.

There was discussion on the length, time and structure of the meetings.

2. Staff/Consultant Discussion (Pertinent Updates)

Mr. Spitzer shared that information requested as a result of the Clerk's presentation (audit) can be scheduled for January 7, 2010 meeting. He also mentioned that there some outstanding administrative items, such as the non interference clause, etc. Chairman Holley asked that these issues be summarized for the next meeting. Mr. Spitzer indicated that this would be

provided.

Mr. Jacobsen established that public comment on the January 7 meeting would not be limited to agendaed items.

Ms. Dick mentioned that any information that can be provided to the Committee on redistricting prior to the January 14 meeting would be beneficial. Chairman Holley indicated that the issue of redistricting (from 5-2 to 4-3) has not been completed vetted and is open to other concepts.

d. Adjournment with Day Fixed for Next Meeting

The next meeting of the Citizen Charter Review Committee is scheduled for Thursday, January 7, 2010 at 5:30 p.m.

There being no further business, Chairman Holley adjourned the meeting at 2:20 p.m.

LEON COUNTY:

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court

**Leon County
2009-2010 Citizens Charter Review (CRC)
Committee
January 7, 2010**

Attending: Chris Holley (Chair), Marilyn Wills, David Jacobsen, Linda Nichol森, Donna Harper, Jon Ausman, Ralph Mason, Catherine Jones, Lester Abberger, Chuck Hobbs, Lance deHaven-Smith, Sue Dick, Larry Simpson, Tom Napier, and Rick Bateman. Also attending were Vincent Long, Herb Thiele, Patrick Kinni, Kurt Spitzer, Shington Lamy and Rebecca Vause.

I. Call to Order

Chairman Holley called the meeting to order at 5:30 p.m.

II. Invocation and Pledge

The invocation was provided by Sue Dick. Chairman Holley then led the Pledge of Allegiance

III. Roll Call

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

Chairman Holley noted that the dates January 10, 2010, should read January 14, 2010 and Mr. Jacobsen noted the correction to his name.

Lester Abberger moved, duly seconded by Linda Nicholson, to approve the December 10, 2009 minutes, as amended. The motion carried unanimously.

V. Reports of Chairperson

Chairman Holley reminded members that tonight meeting was the last opportunity for issues to be added to the Issues Agenda.

Chairman Holley inquired if there was an interest by the Committee to invite Frank Bruno from Volusia County to come speak to the group and share his thoughts and opinions on Volusia County's Charter. He established that there was interest among the Committee to invite Mr. Bruno to address the CRC.

Sue Dick deemed that more time was needed for the Committee to thoroughly discuss and process the issues pending before the group and opined that continued discussion was needed. She recommended that the January 21, 2010 meeting be scheduled as an "Issues Meeting". Chairman Holley confirmed that it was the consensus of the Committee that at least one more meeting was needed to process issues.

Sue Dick moved, duly seconded by Donna Harper, to change the January 21, 2010 to a discussion of issues meeting. The motion carried unanimously.

Chairman Holley suggested that the next evening meeting be scheduled when the Decision Agenda would be discussed (January 28, 2010).

VI. Presentation by Invited Guests/Consultant

a. Mayor John Marks, City of Tallahassee

Mayor Marks spoke on "change" and stated that it was the CRC's responsibility to give elected officials the ability and tools to manage change and that the

Charter provides a unique opportunity to examine, refocus and provide input into community governments. He remarked that the City was committed to focusing on what works best for the community.

He provided three areas of thought for the Committee's consideration:

1. Efficiency and effectiveness of local government;
2. Be mindful of integrity of process of government, and
3. Access and Accountability

Mayor Marks stated that it was important that the City maintain flexibility within the County framework to best serve and meet the needs of unique conditions; this is called "Home Rule" and should be maintained. He cited stormwater standards as a good example of when the City may require the flexibility to reasonably govern operations based on underlying characteristics that are specific to the City and not necessarily the unincorporated areas.

He commented on collaborative efforts such as the Big Bend Regional Partnership and American Recovery and Reinvestment Act efforts; and to address concerns about the annexation policy, he offered that since 1999 to date, the total land mass of the City grew less than 4.87 square miles.

Mayor Marks emphasized the need for economic development and the creation of jobs and job development. He mentioned that local governments must proactively engage State decision makers to ensure that any local outsourced government jobs are retained by a private firm within the same community where the job is lost. He remarked on the creation of a Community Master Plan to assist in economic development and the creation and maintenance of jobs.

He spoke on the City's smart grid technology and proclaimed that we need to be mindful of energy resources and how needs are addressed.

Mayor Marks discussed consolidation and offered that the Committee should assess what problems would be solved through consolidation. He commented that consolidation can initially cost more than the efficiencies it attempts to create. He referenced a 2005 study that revealed that the majority of communities that have that have successfully consolidated claim economic development as the primary reason for consolidation. He acknowledged that consolidation can be more efficient and pointed out that areas such as Planning, Fire/EMS have been functionally consolidated and other areas to consider include parks and recreation, animal services, growth management and the building inspection process.

b. City Commissioner Debbie Lightsey:

Commissioner Lightsey addressed the issue of City/County stormwater and shared her insights on this topic:

She provided a history of the City's stormwater efforts and shared that the City has consistently taken a proactive approach to water quality and flood control. She advised that there have been two major City/County conversations regarding consolidation of stormwater utilities, both of which ended with the County deciding not to pursue the issue until it had adopted a stormwater fee similar to the higher fee structure established by the City, and thus could support a more comprehensive stormwater program. She added that the County does not have an effective billing system.

Commissioner Lightsey shared that she put together a Watershed Policy Board (WPB) which included County Commissioner Cliff Thaeil and three local experts and its first task was the development of a single ordinance. Their comparison review of the two ordinances revealed that in 43% of the area inside the County the Ordinances were similar; 10% of the area the County's standards were higher, and in 23% the City's regulation were more stringent. The remaining percentage is the National Forest where development is prohibited. Ms. Lightsey noted that differences exist because "one size doesn't fit all" and that urban stormwater volumes are much higher.

Commissioner Lightsey shared that the WPB has recommended that a single stormwater ordinance not be pursued until both the State and Federal Environmental Protection Agencies complete their rewrite of their standards, which will supersede all local regulations. She advised that changing an ordinance regulating development requires a lot of time, technical work, staff time and public input to achieve. Commissioner Lightsey remarked that both new standards are expected to dramatically change the approach to stormwater treatment and all local regulations will have to be rewritten to conform to these rules.

She noted that the City has committed \$220 million to overhaul its entire treatment system and its being done to protect Wakulla Springs.

Rick Bateman established with Commissioner Lightsey that she did not believe that a single ordinance was necessary, as differing standards would have to be maintained. She asked that the CRC take into account 1) that whoever collects the fee would be accountable to the public and 2) the issuing of permits. Mr. Bateman followed up that a single ordinance did not mean that the same standards would have to apply throughout the City and County.

Lester Abberger inquired if the new state and federal standards would preempt local standards, even if the local standards were more stringent. Commissioner Lightsey indicated that this has not yet been resolved.

Jon Ausman remarked that at one time the City, under Mayor Scott Maddox, had considered privatizing City utilities and inquired if the City would consider a transfer of authority to the County or establishing some type of cooperative management of utilities. Commissioner Lightsey responded that she was unaware of discussion of the Public Energy Authority and could not address Mr. Ausman's question.

Chairman Holley expressed the Committee's appreciation for the Mayor and Commissioner Lightsey's presentations.

VII. Remarks of Interested Citizens

- Curtis Banes, 1323 E. Tennessee St., distributed a letter to each Committee member with his comments on functional consolidation; partisan or non-partisan elections and non-interference clause. He requested that strong language be included in the Charter that would require before any consolidation occur, that it demonstrate clearly that it is going to reduce the cost of the consolidated functions and reduce the cost of government. He opined that the County cannot afford consolidation - at any cost.

- Bob Fulford, 231 Westridge Dr., opined that the petition threshold was too high and asked that his be addressed by the Committee. He also mentioned that it was important for qualifications to be established for sitting on the Committee.

David Jacobsen inquired the petition threshold recommended by Mr. Fulford. Mr. Fulford responded that a six percent would be reasonable.

Ralph Mason established with Mr. Spitzer that the threshold requirement in other Charter Counties to amend Charters typically is seven-eight percent.

- Kevin Koelemij, 2225 Amelia Circle, requested that the Committee consider the correct relationship between government and the public and that accountability not be diminished.
- Dale Landry, 1940 Nanticoke Circle, President of the local NAACP Chapter, shared that they were interested in the Committee's discussions regarding the makeup of the County Commission; specifically in the possibility of changing from five to four districts, with three at-large seats. He reminded members that the NAACP had filed legal action that helped establish the current County Commission make-up and indicated there would be opposition to changes. He added that the NAACP would work and participate in the process.

Jon Ausman and Donna Harper dialogued with Mr. Landry on the NAACP's position on such areas as: addition of single member districts; party affiliations on ballots, and criteria for district schemes. Mr. Landry affirmed that he did not come prepared to address these issues at this time; however confirmed that the NAACP supported single member districts and any system that maximized voter turnout. He added that the NAACP would value the opportunity and accessibility for fair representation before an elected body.

Chairman Holley thanked Mr. Landry for his remarks and encouraged the organization's input and participation in future meetings.

- Randy Agerton, 2305 Killearn Center Blvd., opined that government is exceeding its authority and stated that the Charter should be changed to give authority to make changes. He also suggested that the size of government be reduced.
- Michael Rosenthal, 4045 Kilmartin Dr., professed the need for principles that promotes a more efficient and effective government, such as a Taxpayer Bill of Rights and Sunset Provisions.
- Rick Malphrus, 6538 Treasure Oaks Circle, voiced opposition to partisan elections and submitted that incumbents have an unfair advantage. He suggested that the "incumbent tag" be removed from the ballot.
- Charles McDonald, 4184 Pamela Lane, requested that when considering topics such as consolidation that fundamental differences between the City and County be considered, especially in areas such as Parks and Rec.
- Dennis Barton, 924 Hillcrest Court, expressed opposition to restoring partisanship to local elections.
- Larry Hendricks, 406 Alpha Avenue, indicated concern that the CRC meetings are not being broadcast and those individuals without Comcast service have no access to Commission meetings. He suggested that this be mandated in the Charter. He provided comment on a number of issues such as partisan elections, campaign contribution, and functional consolidation. He professed that the Charter should define essential services and that incentives should be provided for locally run businesses. He confirmed that issues would be individually listed on the ballots.

- Shirley Thompson, 200 Hawk Meadow Dr., expressed concern about the review process as it relates to “home rule” and which ordinance prevails, non partisan election process and the County’s taxing authority. She opined that the general public is not aware of what the Charter sets forth, its impact on the community and their lives and opined that something should be done to ensure that residents are aware of this before changes are proposed and put forth for vote.
- Lisa Williams, 2822 Parr Lane, asked that Committee members consider the citizens in every decision that is made.

Chairman Holley announced that this concluded the public comment portion of the agenda and thanked all citizens for attending the meeting and providing input.

VIII. Unfinished Business

None.

IX. New Business

1. Charter Issues

Mr. Spitzer announced that information on the four tagged issues has been provided.

a. Functional Consolidation

Mr. Spitzer added that direction was needed if there was an interest in pursuing further. He noted that full consolidation was not within the Committee purview.

Rick Bateman inquired about the survey conducted by *TallahasseeVoices* and verified that this was not conducted or endorsed by the County. He indicated that he would be interested hearing specifics regarding the poll. There was discussion on the value of the poll and its use in discussions.

Speaker:

Bryan Lupiani, 607 McDaniel St., appeared to explain the *TallahasseeVoices* poll. He indicated that the survey was conducted in January and 507 of the 6,000 panel members responded.

Rick Bateman moved to schedule discussion regarding the results of the TallahasseeVoices poll. The motion failed for lack of a second.

Chairman Holley opened the floor up for discussion on functional consolidation.

Sue Dick offered that she would like to see functional consolidation of Growth Management moved forward to discussion. She recalled that the City Charter Committee had recommended the move toward a functional consolidation. (Note: staff advised that a list of the City’s recommendations was provided to the Committee and can be found under Tab 2 in the back of their notebook).

Mr. Ausman indicated an interest in the functional consolidation of economic development and pointed out that both entities have contracts with the Economic Development Council.

Cathy Jones noted that the County Commission had agreed for County and City staffs to meet regarding the consolidation of Growth Management.

Ms. Harper acknowledged the importance in job training and education in economic development.

Ms. Dick offered to schedule a short presentation on the current structure of economic development and job creation and how these efforts work together. There was support to schedule a presentation at a future meeting from experts in job development and job training.

Deputy County Administrator Long reiterated that with regard to any consolidated issues, the Charter cannot effectuate a functional consolidation; however the CRC can develop a list of non charter recommendations along with a list of policy statements.

There was discussion on functional consolidation, what could be placed on the ballot, those considered “policy issues” and the types of issues that can be accomplished by Interlocal Agreements between the City and County. Mr. Spitzer noted that information on these types of questions was addressed in his memorandum of January 4 to the Committee. He advised that consolidation of Parks and Recreation and Growth Management can be done through Interlocal Agreement.

Lance deHaven Smith moved, duly seconded by Jon Ausman, to move consolidation of Growth Management to the Decision Agenda.

Mr. Lance deHaven Smith commented that the Committee should not make decisions based on whether the City will go along with it or not.

Motion carried unanimously.

Ms. Dick reaffirmed that she would schedule an economic development/job creation presentation for a future meeting.

b. Countywide Stormwater Standards

Lester Abberger stated that pending state and federal legislation will prohibit the County’s action on this activity.

Cathy Jones pointed out that the changes are pending and stated that there was no harm in having one ordinance in place.

Lester Abberger moved, duly seconded by Lance deHaven Smith, to move consolidation of Stormwater Standards Policy to the Decision Agenda. The motion carried unanimously.

Mr. Long recommended that John Kraynak, Environmental Services Director, be invited to provide the Committee with an overview of the County’s stormwater standards. The recommendation was accepted by the Committee.

c. Volunteer Annexation:

Jon Ausman moved, duly seconded by Lester Abberger, to defer the item indefinitely. The motion carried unanimously.

d. Charter/Constitutional Officers:

Chairman Holley confirmed that the Committee had, in response to Clerk Bob Inzer's request for Charter language regarding State Statue and the Clerk's role in auditing functions, asked staff to prepare proposed language on this topic. In effect, the issue (Charter/Constitutional County Officers) had been technically moved to the "Decision Agenda".

County Attorney Thiele Herb shared that language, as a proposed Charter amendment, had been prepared and sent to Clerk Inzer's Office; no response has been received to date. Mr. Thiele confirmed that language has been prepared as part of the Decision Agenda Item.

Rick Bateman moved, duly seconded by Jon Ausman, that the CRC allow each Constitutional Officer, as requested, to retain their current status of independent County Constitutional Officers and make no changes in that status; except for consideration of the issue raised by Clerk Bob Inzer as related to audits and possible discrepancy between the interpretation of current State Statutes and recent case law. (Item to be placed on Decision Agenda)

Ms. Harper offered a friendly amendment that the end of the motion be left open to the issues raised by Mr. Inzer. The friendly amendment was accepted by Mr. Bateman.

The motion as amended carried 14-1 (Cathy Jones in opposition).

2. Identification of Additional Charter Issues

Mr. Spitzer stated that the CRC had asked that he review the Charter and provide suggestions on policies that may need to be revised or added to the Charter. He identified policies such as, hire/fire of County Administrator, non-interference clause, clarification of petition prohibitions, etc. Further details on those topics were included in a memo from Mr. Spitzer dated January 4, 2010 and included in the Committee's packet.)

Donna Harper moved, duly seconded by Rick Bateman, to agenda for the January 21, 2010 Issues Agenda the issues raised by Mr. Spitzer's January 7, 2010 memo. The motion carried unanimously.

a. Identification of Additional Charter Issues

Cathy Jones moved, duly seconded by Sue Dick, to agenda for the January 21 Issues Agenda, the establishment of a Citizen Utility Review Committee. The motion carried unanimously.

Dave Jacobsen suggested that campaign contribution limitations be considered also. Mr. Spitzer advised that this was not within the purview of the Charter and Mr. Thiele opined that campaign finance area is preempted to the State in its totality.

Mr. Abberger moved, duly seconded by Cathy Jones, to request staff contact the individuals who conducted the TallahasseeVoices poll and prepare a memo that describes the survey methodology and background information.

The motion carried 9-6 (Jon Ausman, Donna Harper, Lance deHaven Smith, Chris Holley, Marilyn Wills, Larry Simmons in opposition)

Staff was asked to provide a summary of issues and asked that the timeline be revised and provided by the next meeting.

Chairman Holley announced that he would not be able to attend the next meeting and pled for civility when discussing the tough issues pending before the Committee.

Staff identified the following items as having been identified by the Committee to move forward:

Decision Agenda:

- Functional Consolidation of Growth Management
- TDC Status
- Authorization for Countywide Stormwater Policy
- Audit Clarification

Issues Agenda:

- Non partisan elections
- Districting Scheme for County Commission
- Question of a change in the manner the Chairman is selected
- Utility Advisory Board
- Issues identified by Mr. Spitzer
- Petition Threshold
- CRC Structure

X. Adjournment with Day Fixed for Next Meeting

The next meeting of the Citizen Charter Review Committee is scheduled for Thursday, January 14, 2010 at 11:30 a.m.

Tom Napier moved, duly seconded by David Jacobsen, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:10 p.m.

LEON COUNTY:

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court

**Leon County
2009-2010 Citizens Charter Review (CRC)
Committee
January 14, 2010**

The Leon County 2009-2010 Citizens Charter Review Committee (CRC) met on January 14, 2010 in the Commission Chambers with Committee members Marilyn Wills, Chuck Hobbs, David Jacobson, Linda Nichol森, Donna Harper, Larry Simmons, Sue Dick, Jon Ausman, Rick Bateman, Tom Napier, Catherine Jones, Ralph Mason, Lester Abberger, and Lance De-Haven Smith. Absent was Christopher Holley. Also attending were County Administrator Parwez Alam, Assistant County Attorney Patrick Kinni, Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and Clerk Rebecca Vause.

In Chairman Holley's absence, the meeting was chaired by Vice-Chair Marilyn Wills.

I. Call to Order

The meeting was called to Order at 11:35 a.m. by Ms. Wills.

II. Invocation and Pledge

The invocation was provided by Tom Napier; who then led the Pledge of Allegiance.

III. Roll Call

The Roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

Tom Napier moved, duly seconded by Lester Abberger to approve the January 7, 2010 minutes. The motion carried unanimously.

V. Reports of Chairperson

None

VI. Presentation by Invited Guests/Consultant

None

VII. Remarks of Interested Citizens

Speaker:

- Sonia Fancher, 3693 Corinth Drive, stated that the Charter should: 1) require that County Commission races remain non-partisan; 2) contain language that requires that candidates for the office of district County Commissioner reside within the district from which such candidate seeks election, and 3) prohibit staff or employees of local government from being appointed to the CRC.

VIII. Unfinished Business

None

IX. New Business

Ms. Wills led discussion on how charter issues would be addressed by the CRC. It was agreed that members would self-regulate and that a timeframe would not need to be established for each item. Ms. Wills stipulated that there would be no repeating of arguments and that no new ideas would be discussed, only the four charter items listed on the agenda.

1. Charter Issues

a. Petition Thresholds

Lance deHaven-Smith moved, duly seconded by Tom Napier, to lower the petition threshold requirement for proposed ordinances and/or charter amendments from 10% to 7%.

David Jacobsen offered a substitute motion to lower the petition threshold requirement for proposed ordinances and/or charter amendments to 5%. The substitute motion was seconded by Jon Ausman. Mr. Jacobsen commented that this was the recommended threshold of Ion Sancho, Leon County Supervisor of Elections.

Mr. de-Haven Smith withdrew his motion.

Mr. Spitzer advised that the current Charter, for both ordinances and Charter amendments, is 10% of the electorate countywide including 10% in each of the five commission districts. He shared that a table was provided to the Committee to illustrate the practices of other charter counties.

Rick Bateman established with the maker of the motion that the motion proposed petition thresholds of 5% countywide and 5% within each district.

Donna Harper asked that the motion include the understanding that staff are being asked to bring back specific charter language that would meet the concept adopted by the CRC.

The Committee held considerable dialogue regarding the proposed threshold reduction.

Ms. Wills inquired if differences between charter amendments and ordinances had been considered. Mr. Jacobsen responded that he would prefer that the motion remain at 5% for both.

The motion on the floor was restated by Mr. Spitzer:

Change the threshold from 10% to 5% countywide and for each of the five single-member districts for both ordinances and charter amendments. The 5% would be comprised of the total number of electorate qualified to vote in the last general election.

Rick Bateman offered a substitute motion, duly seconded by Lester Abberger, to decrease the per district threshold to 5% and maintain the 10% countywide, for both ordinances and charter amendments.

Mr. Mason asked the maker of the motion to consider a 7-8% threshold countywide.

Mr. Bateman agreed to amend the motion as follows: threshold for charter amendments – 10% countywide and 5% per district and for ordinances - 7% countywide and 5% per district.

The motion failed 7-7 (Ralph Mason, Lance de-Haven Smith, Chuck Hobbs, David Jacobsen, Donna Harper, Larry Simmons, Jon Ausman in opposition; Chris Holley absent).

The motion on the table is the original motion made by Mr. Jacobson. Change the threshold from 10% to 5% countywide and for each of the five single-member districts for both ordinances and charter amendments. The 5% would be comprised of the total number of electorate qualified to vote in the last general election.

The motion failed 7-7 (Cathy Jones, Tom Napier, Rick Bateman, Sue Dick, Linda Nichol森, Lester Abberger, Marilyn Wills in opposition; Chris Holley absent).

Donna Harper moved, duly seconded by Lester Abberger, to reduce the threshold to 7% countywide for both ordinances and charter amendments and 5% per district for both ordinances and charter amendments. The motion carried 9-5 (Cathy Jones, Rick Bateman, Tom Napier, Lester Abberger and Sue Dick in opposition; Chris Holley absent)

b. Board of County Commission Chairman Position

Mr. Spitzer provided a summary of the current and proposed methods.

Donna Harper moved, duly seconded by Lester Abberger, that the CRC recommend that no change be made to the Charter on this issue. The motion carried 14-0 (Chris Holley absent).

c. County Commission Districting Scheme

Mr. Spitzer explained that there are numerous options that could be presented to the voters for consideration. He noted that previous suggestions have included a change to four single member districts and three at-large; however a number of options are available, including doing nothing. He noted that the courts would review any change.

Ms. Dick questioned if the entire county was represented by a 5-2 Commission make-up and offered that new census data may ultimately change the districting schemes.

Ms. Harper asked that consideration be given to representative government and access noting that populations within each district continue to grow which makes access to the district representative more difficult.

Mr. Spitzer pointed out that the “drawing of the lines” is not within the CRC’s purview; this is reserved by law to the legislative body and will be addressed by the County Commission in 2010/2011. He shared that districts must always be nearly equal in population, as is practical.

Mr. Jacobsen and Mr. Bateman both expressed support for keeping the current scheme as the NAACP has made it clear to the CRC that they would not support a revamping of districts at this time.

Ms. Wills confirmed that district lines are reviewed after each new census.

Ms. Harper pointed out that the NAACP indicated a willingness to review any action that would increase representation.

Jon Ausman moved, duly seconded by David Jacobsen, to increase the County Commission to seven single-member districts and two at-large.

Mr. Ausman offered that the increase in district would lower campaign costs, thus allowing more individuals to become involved in the political process. He added that this action would increase voter turnout, lower campaign costs, provide for more personal contact during a campaign and result in better representation.

The motion failed 4-10 (Lester Abberger, Lance de-Haven Smith, Cathy Jones, Tom Napier, Rick Bateman, Sue Dick, Linda Nichol森, David Jacobsen, Chuck Hobbs, and Marilyn Wills in opposition; Chris Holley absent).

Mr. Bateman voiced opposition to the motion noting the increased budget that would be required by the additional of two commissioners.

Ms. Harper opined that not enough information has been received or dialogue conducted regarding increasing number of districts of County Commission; although the issue of increased district populations should be reviewed further.

Ms. Harper moved, duly seconded by Lester Abberger, to bring to the attention of the County Commission the impact of increasing population on voter representation and access and suggest that they review this for possible future action.

There was concern expressed that there was no data to support this assertion and seemed to be a minority opinion.

Mr. Hobbs suggested that the CRC recommend to the County Commission that a Committee be convened to study the feasibility, based on the population shifts, to determine if in the best interest of the County to have more commissioners.

In response to Ms. Wills inquiry, Mr. Spitzer advised that it is the CRC's responsibility to look at the Charter; however, there is nothing to bar the CRC from making non-binding recommendations.

Mr. de-Haven Smith pointed out that the by-laws have a defined process and there is nothing that authorizes the proposed action. Ms. Harper responded that offering policy issue recommendations was appropriate action by the CRC.

Mr. Abberger suggested that he and Ms. Harper write a letter expressing their ideas and concerns on this issue and invite any other CRC members to sign that wish to do so. Ms. Harper indicated a willingness to do this, if the motion fails.

Rick Bateman made a substitute motion, duly seconded by Lance de-Haven Smith, that the CRC recommend that no change be made to the Charter on this issue. The substitute motion carried 9-4 (Jon Ausman, Donna Harper, Chuck Hobbs and Larry Simmons in opposition; Dave Jacobsen out of Chambers; and Chris Holley absent)

d. Non-partisan elections

Mr. Spitzer remarked that the County Attorney has advised that the option of keeping elections non-partisan, but identifying on the ballot party affiliations, would not be permitted and is preempted by general law.

Jon Ausman moved, duly seconded by Ralph Mason, to change County elections to partisan elections.

Mr. Ausman stated that voter turnout for partisan elections is higher and cited numerous other arguments to support approval of the motion. Mr. Ausman also referred to documents he had distributed to the Board to further validate his assertions.

Mr. Bateman voiced opposition to the motion commenting that non partisan elections make for a “kinder and gentler electorate” and opined that an individual should not be elected based on party affiliations.

Mr. Napier indicated that, throughout his discussions with other residents, there was support to maintain the current non partisan process.

Mr. Simmons reminded the Committee that Ion Sancho, Supervisor of Elections, indicated that his office receives a number of calls inquiring of a candidate’s party affiliation

Mr. Mason asserted that a lot of decisions are made in the August primary; which is the time voter turnout is the lowest; for example, FSU’s Sallie Hall has an 86.1% voter turnout in the general election and drops to 1.6% for the August primaries. He opined that by switching to partisan elections, decisions would be made in the general election, when voter turnout is the highest.

Ms. Dick voiced support for non partisan elections stating that elections should be based on an individual, not a party and would keep elections consistent with other local governments, i.e., School Board and City Commission. She submitted that absentee balloting is available for students, and others, who are not available to vote in person.

Cathy Jones commented that non partisan elections require voters to become better educated about the candidates.

Mr. Hobbs confirmed with Mr. Ausman that according to his research, partisan elections are less expensive. Mr. Ausman noted that information on this and other topics being considered by the CRC had been presented at a previous CRC meeting. Mr. Hobbs asserted that it is a citizens’ right to know a candidates party affiliation and it should be made as simple as possible for vote for someone they believe holds the same concerns as they do.

There continued to be significant dialogue among the members regarding this matter.

Mr. Bateman called the question. The motion to call the question carried 13-1 (Jon Ausman in opposition and Chris Holley absent)

The motion to change County Commission races to partisan elections failed 6-8 (Rick Bateman, Tom Napier, Cathy Jones, Lester Abberger, Lance de-Haven Smith, Marilyn Wills, Sue Dick, Linda Nichol森 in opposition and Chris Holley absent).

Other Issues:

1. *Lester Abberger moved, duly seconded by Ralph Mason, to revisit the issue of limiting of campaign contributions at a subsequent meeting. The motion carried 14-0 (Chris Holley absent).*
2. Mr. Ausman established with Mr. Kinni that there was no human rights provision of non discrimination in the Charter. Mr. Mason confirmed with Mr. Kinni that the CRC has authority to present this issue to the County Commission for their consideration.

Ralph Mason moved, duly seconded by Jon Ausman, to waive the rules to address the issue of Human Rights Amendments to the Charter. The motion carried 13-0 (Lester Abberger and Chris Holley absent).

Ralph Mason moved, duly seconded by Jon Ausman, to place on a future agenda discussion of a human rights amendment to the Charter.

Ms. Harper offered a friendly amendment suggesting that staff be asked to present suggested language. The friendly amendment was accepted by Mr. Mason. The motion carried 12-0 (Lester Abberger, Chuck Hobbs and Chris Holley absent).

3. Ms. Dick advised that the Workforce Development presentation is being scheduled and will be coordinated with staff for placement on agenda.
4. Shington Lamy shared that information regarding the TallahasseeVoices Survey has been provided to the Committee.
5. Mr. Lamy shared that there is a possibility that the April 1 CRC meeting may be cancelled due to Spring Break.

X. Adjournment with Day Fixed for Next Meeting

The next meeting of the Citizen Charter Review Committee is scheduled for Thursday, January 21, 2010 at 11:30 a.m.

Tom Napier moved, duly seconded by David Jacobsen, to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 1:40 p.m.

LEON COUNTY:

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court

**Leon County
2009-2010 Citizens Charter
Review Committee (CRC)
January 21, 2010**

The Leon County 2009-2010 Citizens Charter Review Committee (CRC) met on January 21, 2010 in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Lance de-Haven Smith, Linda Nichol森, Chuck Hobbs, Jon Ausman, Larry Simmons, Tom Napier, Cathy Jones, Ralph Mason, Lester Abberger, Sue Dick, Donna Harper, Rick Bateman, and David Jacobsen in attendance. Also attending were County Administrator Parwez Alam, Deputy County Administrator Vincent Long, Assistant County Attorney Patrick Kinni, Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and Clerk Rebecca Vause.

I. Call to Order:

Chairman Holley Called the Meeting to Order at 11:35 a.m.

II. Invocation and Pledge:

The Invocation was provided by Chairman Holley, who then led the Pledge of Allegiance.

III. Roll Call:

The Roll was conducted by Shington Lamy who confirmed that a quorum was present.

IV. Approval of the Minutes:

Lester Abberger moved, duly seconded by Tom Napier, to approve the January 14, 2010 meeting minutes. The motion carried unanimously.

V. Reports of Chairman

- Thanked Vice Chair Marilyn Wills for her strong leadership in Chairing the January 14 meeting and complimented the Committee on their good work.
- Expressed concern that two issues (human rights policy and campaign contribution limitations) had been added to the Committee's agenda at the January 14, 2010 meeting. He pointed out that per the by-laws, January 7, 2010 had been established as the cut-off date for additional issues to be considered and was troubled about a "waiving" of the by-laws. Chairman Holley stated that he was more concerned about establishing a precedent and complying with the rules set forth by the Committee, rather than the issues.

Lester Abberger explained that he requested that the CRC readdress campaign contribution limitation as additional information had been received since initial discussions by the Committee; however would yield to the sentiments of the rest of the Committee on this issue.

Sue Dick agreed that the Committee has many issues to be addressed and suggested that the Committee adhere to the by-laws and not add the two additional topics.

Patrick Kinni, Assistant County Attorney, affirmed that the Board by a super majority vote can place issues on the ballot that was not recommended by the CRC.

Ralph Mason concurred that the rules should be adhered to however; he deemed this issue important and should not be discounted because of a deadline established by the by-laws.

Rick Bateman moved, duly seconded by Tom Napier, to repudiate the Committee's action of approving the addition of human rights and campaign contribution limitations to its agenda. With emphasis that this is being done only because of the CRC's desire to abide by its adopted rules.

Jon Ausman remarked that his interpretation of Rule 10.A. Issues Agenda of the by-laws does allow for issues to be added for discussion; thus the two issues should remain on the agenda.

Assistant County Attorney Kinni opined that the action taken by the CRC at its previous meeting to waive the rules could be considered a motion to amend the by-laws to change the date that issues can be considered from January 7, 2010 to January 14, 2010. He noted that the CRC's action was approved by a unanimous vote.

Mr. Bateman stated that pursuant to Mr. Kinni's interpretation that the CRC's action at the January 14 meeting to allow the addition of the two issues was an amendment to the by-laws, he withdrew his motion.

Jon Ausman moved, duly seconded by Donna Harper, to move the agenda. No action was taken on this motion.

*Rick Bateman moved, duly seconded by Jon Ausman, to amend the date in the by-laws **Rule 10. Deliberations: A. Issues Agenda** from January 7, 2010 to January 14, 2010. The motion carried 15-0.*

VI. Remarks of Interested Citizens:

- Sonia Fancher, 3693 Corinth Drive, suggested that the Charter be amended to better define the word "reside" when addressing qualification of candidates seeking and holding county commission seats and asked for consideration of term limits for county commissioners. A copy of Ms. Fancher's comments was provided to committee members.
- Dennis Barton, 924 Hillcrest Court, established that his comments, which were provided via e-mail had been distributed to committee members. He suggested that the Committee adopt the language submitted by Consultant Kurt Spitzer, which would prohibit elected officials, their employees and employees of Leon County from serving on the CRC. He expressed support for diversity in appointments and that individuals be considered who are not immersed in politics.

VII. Unfinished Business:

None

VIII. New Business:

1. Charter Issues

a. Employment Policy of the County Administrator

Mr. Spitzer shared that information, along with sample language, had been provided on this issue. He explained that the suggested language provides that the county administrator is hired by a majority plus one vote of the Board of County Commissioners and terminated by a similar vote OR a simple majority vote that occurs during two regularly scheduled consecutive meetings of the County Commission.

Mr. Ausman submitted the idea that two meetings be required: one to announce intent to fire and a second to take action. He added that a super majority would be required to fire.

Mr. Bateman indicated agreement and remarked that he favored a “five to hire and five to fire” policy adding that a majority vote would be needed to schedule the action.

Continued comment was received by other members voicing support to require a required majority vote to hire and fire; however there was concern expressed over the two consecutive meeting to fire option.

Mr. Ausman moved, duly seconded by Donna Harper, that appropriate language be drafted that termination of the County Administrator would require action at two consecutive regularly scheduled meetings: first meeting: five votes required to notice the intent to terminate and second meeting: five votes needed to terminate. In addition, five votes would be required to hire.

Mr. Spitzer advised that the action proposed by the Committee is a more stringent policy that he has proposed.

Ms. Harper spoke against the motion, opining that a simple majority vote requirement at two regularly scheduled consecutive meetings with public input should remain to keep the balance of power.

Motion carried 14-1 (Donna Harper in opposition)

b. Non-Interference Clause

Mr. Spitzer shared that information, along with sample language, had been provided on this issue. He explained that this is a common clause found in county and city charters and exists to prohibit county commissioners from giving instructions to employees of the County Administrator.

Mr. Abberger clarified with Mr. Spitzer that the non-interference policy would in no way prohibit a county commissioner from responding to a citizen complaint or inquiry, but merely require that the requests go through the county administrator.

Jon Ausman moved, duly seconded by Lester Abberger, that the proposed non-interference clause be included in the Leon County Charter. The motion carried unanimously.

c. Clarification of Petition Prohibition:

Mr. Spitzer indicated that there are two sections of the current Charter that pertain to the petition process; one for ordinances by petition and one for charter amendments by petition. Mr. Spitzer suggested that there is a list of prohibited subjects in the Sec. 4.1. (4) of the Charter that are subjects that an ordinance presented by petition may not deal with. He reported that it is very common for Charters to contain a list of prohibited subjects, i.e., budget, debt, zoning of land, etc. This suggestion clarifies that the same prohibitions also apply to Charter amendments that are proposed by petition.

Mr. Ausman stated that he was troubled by the current petition process and is unsure that ordinances by petition should be included in the Charter. This concern was echoed by Mr. Bateman who offered that ordinances are very detailed and should be thoroughly vetted by staff prior to adoption. However, he expressed that this issue could be address through establishment of a petition threshold.

Chairman Holley indicated concern over the removal of citizen's rights.

Rick Bateman moved, duly seconded by Lance de-Haven Smith, to include the list of prohibitions of issues that can be taken up by the petition process, by duplicating the list found in Section 4.1.(4) of the existing Charter. The motion carried unanimously.

d. CRC Membership Eligibility:

Mr. Spitzer relayed that the great majority of Charters have at least some restrictions on who can serve on a Charter Review Committee; these restrictions typically include elected officials, and may include staffs of the County and Constitutional Officer.

Mr. Bateman opined that the term "employees of local government" was too broad and would be too exclusive.

Chairman Holley articulated that the Board has a tough task as they want to balance diversity, along with making appointments of individuals who have an understanding of the interworking of government and of the issues.

Cathy Jones, as a CRC member who is an employee of the County, articulated the various reasons why her appointment was appropriate. She proclaimed that she has been a resident of Leon County for over 20 years and in her current role is "in touch" with issues affecting and of most concern to county residents. She offered that prohibiting Leon County employees would affectively hurt the process and thought should be given before a citizen's right to serve is removed. Ms. Jones stated for the record that no one within the county, including administration and commission, has attempted to influence her vote on any issue.

Sue Dick concurred that CRC members be a County resident and suggested that Leon County employees be excluded. She suggested that a minimum number of government representatives be appointed and that the CRC Chairman not be a governmental employee. She indicated that she strongly supported a diverse representation and that the Committee has representation from the private sector.

Mr. Spitzer offered, should the issue be placed on the Decision Agenda, to bring back information that includes directive language.

Mr. Bateman emphasized that he was against barring all County employees and indicated that he would like to see language brought back which incorporated Ms. Dick's suggestions.

Mr. Abberger indicated that he would like language brought back also and opined that Commissioners' discretion in making committee appointments should be almost absolute. He is hesitant to place quotas.

Chairman Holley summarized that language should prohibit elected officials and inclusion of county employees can be debated at a later date.

Mr. Mason asked that student representation be continued.

Sue Dick moved, duly seconded by Jon Ausman, to direct staff to bring back language to include: requirement that appointee be a County resident; prohibits elected officials from serving on CRC; set criteria for appointment and role of CRC Chairman, and suggestion on the number of public sector employees to serve.

Mr. Bateman requested a friendly amendment that the CRC include a student representative. The friendly amendment was accepted by Ms. Dick. The motion as amended carried unanimously.

e. CRC Convening Schedule:

Mr. Spitzer provided a summary of the options available.

Lester Abberger moved, duly seconded by Tom Napier, that the issue remains as currently stated in the Charter. The motion carried unanimously.

f. Independent/Advisory CRC

Lester Abberger moved, duly seconded by Rick Bateman, to retain the current process that issues move from the CRC to the Commission for placement on the ballot.

Mr. de-Haven Smith voiced support for issues to go directly to ballot from the CRC and indicated that he would vote against the current motion.

A substitute motion was made by Lance de-Haven Smith and duly seconded by Jon Ausman, to accept the language proposed by Mr. Spitzer which allows an issue to go directly to the ballot by an extraordinary majority (2/3) vote of the Citizen Review Committee.

Ms. Harper offered that the make-up, direction and operation of the CRC would need to be addressed if its charge is to place issues directly onto the ballot for citizen consideration.

The substitute motion failed 7-8 (Chris Holley, Tom Napier, Dave Jacobsen, Lester Abberger, Sue Dick, Linda Nichol森, Chuck Hobbs and Donna Harper in opposition)

The original motion to retain the current process failed 6-9 (Tom Napier, Cathy Jones, Ralph Mason, Lance de-Haven Smith, Larry Simmons, Jon Ausman, Donna Harper, Rick Bateman, and Marilyn Wills in opposition).

There continued to be discussion on this issue.

Donna Harper moved, duly seconded by Sue Dick, to postpone this item to a future meeting. The motion carried 14-0 (Cathy Jones out of Chambers).

Subsequently, Jon Ausman moved, duly seconded by Ralph Mason, to postpone the remaining New Business Items (Human Rights Policy; Citizen Utility Advisory Board, and Campaign Contribution Limitation) to the next meeting. The motion carried unanimously.

IX. Economic Development Presentation

Ms. Dick stated that the Committee had indicated an interest, pursuant to discussion regarding the functional consolidation of economic development offices, to better understand the economic development efforts that currently exist within the community. The following individuals were introduced and provided an overview of their respective areas:

- Beth Kirkland, Executive Director, Economic Development Council;
- Kim Moore, President/CEO, WorkForce Plus;
- Michael Parker, City of Tallahassee, and
- Ken Morris, Leon County

X. Adjournment with Day Fixed for Next Meeting

The next meeting of the Citizen Charter Review Committee is scheduled for Thursday, January 28, 2010 at 5:30 p.m.

Chairman Holley adjourned the meeting at 1:50 p.m.

LEON COUNTY

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court

**LEON COUNTY
2009-2010 CITIZEN CHARTER
REVIEW COMMITTEE MEETING
JANUARY 28, 2010**

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on January 28, 2010, in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Catherine Jones, Chuck Hobbs, David Jacobsen, Donna Harper, Jon Ausman, Lance deHaven-Smith, Larry Simmons, Linda Nichol森, Ralph Mason, Rick Bateman, and Sue Dick in attendance. Absent were Lester Abberger and Tom Napier. Also attending were County Attorney Herb Thiele, Deputy County Administrator Vincent Long, Assistant County Attorney Patrick Kinni, Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and Deputy Clerk Rebecca Vause.

I. Call to Order

Chairman Holley Called the Meeting to Order at 5:35 p.m.

II. Invocation and Pledge

The Invocation was provided by Larry Simmons, who then led the Pledge of Allegiance.

III. Roll Call

The Roll was conducted by Shington Lamy who confirmed that a quorum was present.

IV. Approval of Minutes of Previous Meeting (January 21, 2010)

Jon Ausman moved, duly seconded by Rick Bateman, to approve the January 21, 2010 meeting minutes. The motion carried 13-0 (Lester Abberger and Tom Napier absent).

V. Reports of Chairperson

- Commented that at a previous meeting he had suggested that Frank Bruno of Volusia County be invited to speak to the CRC on issues of Board structure and leadership. He noted that these issues had already been addressed by the CRC and a vote taken to not move forward with these topics; therefore, Mr. Bruno's appearance was not necessary.

VI. Presentations by Invited Guests/Consultant

none

VII. Remarks of Interested Citizens

- Sonia Fancher, 3693 Corinth Dr., asked that the Committee take action to prohibit elected officials and staff of local government from serving on future Charter Review Committees and that a seat not be reserved for special interests or leadership of a political party.
- Letha Marshall, via e-mail, expressed support for partisan elections. Note: a copy of Ms. Marshall's comments will be placed in the official record.

VIII. Unfinished Business

I. Issues Agenda

a. Citizen Utility Advisory Board

Kurt Spitzer stated that the CRC would need to provide further direction as to the purpose and objective of the Advisory Board.

Cathy Jones recalled that Commissioners Akinyemi and Proctor brought the concept of an advisory board to the attention of the CRC and offered that county residents who are served by city utilities have no recourse in resolving utility disputes. She added that the proposed Utility Board could also listen to and talk about utility issues, i.e., complaints, renewable energy opportunities and the future of energy for the County.

Rick Bateman offered that the Utility Board, although advisory in nature, would provide a consolidation of voices and give disenfranchised citizens a mechanism to be heard on a larger scale.

Chairman Holley shared that this issue is being debated statewide and questioned whether the Charter is the appropriate place for this issue.

Ralph Mason deemed appropriate as a Charter issue as it would allow citizens an opportunity to decide the need and appropriateness of a Citizens Utility Board.

There was concern expressed by Marilyn Wills that citizens would believe that the Utility Board has more power than it does and Ms. Harper regarding the vagueness of the Committees' charge.

Rick Bateman moved, duly second by Ralph Mason, to direct staff to bring back information, including models from other counties who have utility boards for the CRC's review and discussion.

Lance de-Haven Smith stated that he would support the concept of an advisory board, as Tallahassee's electric rates are a big issue to many residents. He opined that the CRC should be responsive as two County Commissioners asked that the issue be addressed.

Ms. Harper submitted that the Advisory Board should be comprised of individuals who are highly educated and highly trained in the issues they will be considering and making recommendations to the City about.

Ms. Harper offered a friendly amendment that staff be asked to include in its report 1) the charge of the committee, 2) who will make appointments; 3) criteria for serving and 4) the manner, form and substance of the recommendation and 5) to whom those recommendations would go. The friendly amendment was accepted by Mr. Bateman, who clarified that the intent of his motion was to have several models brought back that would address the areas raised by Ms. Harper.

The motion carried 10-3 (Chris Holley, David Jacobsen, and Linda NicholSEN in opposition; Lester Abberger and Tom Napier absent)

b. Campaign Contribution Limitation

Chairman Holley asked County Attorney Thiele to update the Board on this issue. Mr. Thiele asserted that his office maintains its position that campaign contribution limits are impliedly preempted by the Laws of the State of Florida.

Mr. Bateman although understanding of Mr. Thiele's opinion, pointed out that a Sarasota County Circuit Judge has disagreed with that opinion and ruled that limitations could be established and this ruling has not been appealed.

Larry Hobbs stated for the record, that he was vehemently against any further limitation on the rights of citizens, or a group of citizens, to express their opinions about a candidate through donations; as this would be a violation of the first amendment.

County Attorney Thiele responded to inquires from Ms. Wills about the pending Secretary of State case and Mr. Mason who asked for more information about the Alachua County/\$250.00 limit case.

Mr. Bateman asserted that the first amendment does not prohibit the limitation of the amount of contribution and declared that unlimited campaign contributions prohibits the majority of people from getting their voice heard.

Jon Ausman moved, duly seconded by Rick Bateman, to limit campaign contributions to individual candidates to \$250.00

Mr. Hobbs offered that campaign contributions allow the purchase of advertising and other campaign paraphernalia, which in turn provides voters the information they need to make informed decision about a candidate. He added that it is fundamentally wrong to tell an individual how much they can spend or donate in support of a candidate.

Chairman Holley suggested that the Committee should heed the advice of the County Attorney who has advised that state law preempts action on this matter.

The motion carried 8-5 (Sue Dick, Donna Harper, Chuck Hobbs, Chris Holley, Linda Nichol森 in opposition; Lester Abberger and Tom Napier absent).

c. Human Rights Policy

Ralph Mason referenced the establishment of the County's Human Rights Committee and asked that this issue be removed from consideration.

Ralph Mason moved, duly seconded by Rick Bateman, to remove the issue from consideration and allow the County's Human Rights Committee to make recommendation on this issue.

Mr. Ausman voiced opposition to withdrawal of the issue and felt it important to place protections such as people's rights and their ability to have equal housing, jobs, pay, opportunities, etc. in the County Charter. He indicated that he was willing to give voters a choice and not be afraid to move forward in areas like this.

Ms. Harper remarked that the community is very supportive of human rights and the time is right to put it in the County's Charter.

Mr. Mason agreed that the voters would support a human rights amendment; however he believed that the County's Human Rights Committee was better suited to address this issue.

Mr. Bateman asked the status of the Human Rights Committee. Mr. Thiele reported that the Committee has met 3-4 times and their charge is not only related to issues of non discrimination but they are to be a sounding board for all matters of inequality or discrimination. He added that no language has been proposed by the Committee as yet. Vince Long provided that human rights language included in other County Charters was very broad and added that sample language from the Broward and Pinellas County Charters was included in the CRC's packet.

Ms. Dick noted that she was concerned about duplication of efforts by the creation of another advisory board.

Rick Bateman withdrew his second of the motion. The motion was then seconded by David Jacobsen.

A substitute motion was offered by Rick Bateman and duly seconded by Jon Ausman, to add language to the Charter which states: Protection of Human Rights – The County shall establish provisions, for protection of citizen human rights from discrimination based upon religion, political affiliation, creed, race, color, age, gender, disability, sexual orientation, familial status, marital status, or national origin by providing and ensuring equal rights and opportunities for all citizens of Leon County. The motion carried 10-3 (Chris Holley, Ralph Mason, David Jacobsen in opposition; Lester Abberger and Tom Napier absent)

Mr. Mason recommended that Jim VanRiper be invited to discuss this issue with the CRC. No objection was received to Mr. Mason's suggestion and he will contact Mr. VanRiper to schedule a time for him to meet with the Committee.

d. Independent/Advisory CRC

Lance de-Haven Smith indicated that he did not want to spend too much time contemplating this issue, if it is not endorsed by the Committee.

Mr. Spitzer reminded the CRC of its previous actions/discussions on options that are available for consideration.

Ms. Harper offered that she would be unable to support the move to an Independent body under the CRC's current structure; as there is insufficient time allotted for the CRC to develop an issue well enough to be placed directly onto the ballot.

Mr. Bateman agreed that there is insufficient time given to the CRC to consider and recommend changes to the Charter. He opined that, given enough time to research and deliberate issues the CRC should be able, by a super majority vote, to place an issue on the ballot and voiced support for the development of such language.

Ms. Dick shared that she is working with staff on language to begin the charter review process earlier and to address comments and concerns expressed by CRC members on the makeup and charge of the CRC.

Lance de-Haven Smith moved, duly seconded by Jon Ausman, to adopt the "hybrid" approach currently utilized by Lee County which requires: 1) nine of 15 affirmative votes by the CRC to transmit an amendment to the county commission for acceptance or rejection, or 2) an affirmative vote of 12 of 15 members to place an issue directly on the ballot.

Mr. de-Haven Smith acknowledged that this will come back to the Committee with detailed language including committee structure, etc.

Mr. Bateman requested a friendly amendment to include discussion on convening the committee earlier and for a longer period of time. The friendly amendment was accepted by Mr. de-Haven Smith.

Ms. Harper established with Mr. de-Haven Smith that the intent of the motion is for staff to bring back a detailed proposal on the process indicated by the CRC.

The motion, as amended, carried 10-1 (David Jacobsen in opposition; Chuck Hobbs and Ralph Mason out of Chambers; Lester Abberger and Tom Napier absent)

Mr. Spitzer suggested that at the two issues 1) Composition of CRC and 2) Independent/Advisory CRC be merged and agendaed for the meeting on February 4, 2010. The suggestion was agreed to by the Committee.

IX. New Business

Chairman Holley pointed out that the Committee was entering into the Decision Process and that those items agreed to at this point will go to public hearing. He asked for the members' assistance to ensure that the language that is presented at the public hearing is as close as possible to what will be placed on the ballot. However, it was articulated that the Committee is very interested in receiving public input and comment.

Jon Ausman requested that the Committee schedule time at a future meeting to discuss unitary elections.

There was discussion on the appropriateness of Mr. Ausman's request.

Jon Ausman moved, duly seconded by David Jacobsen, to ask the County Attorney to explain what the unitary ballot is and its legality. The motion carried 7-5 (Rick Bateman, Sue Dick, Cathy Jones, Chris Holley and Marilyn Wills in opposition; Lester Abberger, Tom Napier and Chuck Hobbs absent).

County Attorney Thiele explained that the placement of party affiliations on ballots of a non partisan election is statutorily prohibited. He shared that Duval County/Jacksonville has created a unitary system that they acknowledge would be prohibited today; however it was created in 1992 and thus grandfathered in. Mr. Thiele opined that this is not an option for Leon County.

1. Decision Agenda

a. Functional Consolidation of Growth Management

Chairman Holley stated that draft language has not been provided. He asked Vince Long, Deputy County Administrator, to provide background on the topic.

Mr. Long provided a brief overview of the County's functional consolidation efforts. He articulated that although the Charter cannot effectuate a functional consolidation of Growth Management; a non-binding Charter amendment would signal to the community strong support for such an endeavor. He referenced the June 9, 2009 Budget Discussion Item that was provided in the Committee's packet, which exemplifies and articulates the County's efforts in this process. Mr. Long offered that it was within the CRC's authority to consider adoption of uniform countywide environmental ordinances and remarked that the Comprehensive Plan articulates this need. He added that the City's CRC recommended the functional consolidation of Growth Management and that a Memorandum of Understanding was approved by the County Commission on July 14, 2009, which has been forwarded to the City. He concluded that the Committee has an opportunity to do something that would in essence result in a functional consolidated Growth Management through unifying environmental regulations countywide.

Mr. Bateman commended staff for providing this direction and expressed support to give authority to the County Commission to pass countywide regulations related to the environment.

Mr. Bateman moved, duly seconded by Lance de-Haven Smith, to direct staff to come back with language to expand minimal stormwater standards and gives the County Commission authority to pass Countywide environmental ordinances. The motion carried 12-0 (Larry Hobbs, Lester Abberger and Tom Napier absent)

b. Tourist Development Council Structure

Mr. Spitzer summarized the draft language.

Cathy Jones moved, duly seconded by Sue Dick, to accept the draft language as presented and schedule for public hearing. The motion carried 12-0 (Chuck Hobbs, Lester Abberger and Tom Napier absent).

c. Audit Clarification

Chairman Holley shared that he had received a letter from Bob Inzer, Clerk of Court, asking that this issue be deferred until the February 4, 2010 CRC meeting.

Rick Bateman moved, duly seconded by Donna Harper, to table discussion of this issue until the February 4, 2010 CRC Meeting.

Ms. Jones offered a friendly amendment to discuss each constitutional office, their role within the County and the possibility of bringing Constitutional Officers under the County. She opined that this issue warranted discussion especially in light of current fiscal conditions.

Mr. Bateman accepted the friendly amendment. Donna Harper as the seconder of the motion did not accept the friendly amendment.

County Attorney Thiele intervened and advised that the Committee has a motion to continue a matter on the agenda; a substantive issue such as changing the constitutional officer's classification is not germane to the motion to continue the item on the agenda. He stated that a separate motion would need to be made.

A substitute motion was made by Ralph Mason to postpone this issue to the February 4, 2010 CRC meeting. The motion was duly seconded by Jon Ausman. The motion carried 11-1 (Rick Bateman in opposition; Chuck Hobbs, Lester Abberger and Tom Napier absent).

d. Petition Thresholds

Chairman Holley advised that draft language had been provided. He summarized that the Committee had approved thresholds of seven percent countywide and five percent within districts.

Jon Ausman moved, duly seconded by Dave Jacobsen, to accept the draft language as presented and schedule for public hearing.

Mr. Bateman expressed a concern that the language is not repeated in both Ordinance and Citizen Petition Sections of the Charter.

A substitute motion was made by Rick Bateman and duly seconded by Donna Harper, to continue the item to allow time for the County Attorney's Office to draft language which incorporates the new percentages in both Ordinance and Citizen Petition Sections of the Charter. The motion carried 12-0 (Chuck Hobbs, Lester Abberger and Tom Napier absent).

X. OTHER ISSUES

Chairman Holley reviewed agenda items for next week's meeting:

- Countywide Standards (Stormwater and Environmental)
- Hire/fire policy – county administrator
- Non-interference clause
- Clarification of Petition Prohibitions
- Independent/Advisory CRC (hybrid concept)
- Clerk Audit Function
- Revised Petition Threshold Language

Chairman Holley requested that the “timeline” be revised and distributed.

Mr. Ausman announced that he would be unable to attend the February 4 meeting.

Ralph Mason moved, duly seconded by Rick Bateman, to consider amending the by-laws to allow for discussion of the County Constitutional Officers. The motion failed 3-9 (Jon Ausman, Lance de-Haven Smith, Sue Dick, Donna Harper, Chris Holley, Dave Jacobsen, Linda Nicholzen, Larry Simmons, Marilyn Wills in opposition and Chuck Hobbs, Lester Abberger and Tom Napier absent).

XI. Adjournment with Day Fixed for Next Meeting

The next meeting of the Citizen Charter Review Committee is scheduled for Thursday, February 4, 2010 at 11:30 a.m. in the Commission Chambers.

The meeting was adjourned at 7:45 p.m.

LEON COUNTY:

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court

**LEON COUNTY
2009-2010 CITIZEN CHARTER
REVIEW COMMITTEE MEETING
FEBRUARY 4, 2010**

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on February 4, 2010, in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Catherine Jones, Chuck Hobbs, David Jacobsen, Donna Harper, Lance deHaven-Smith, Ralph Mason, Rick Bateman, Lester Abberger, Tom Napier and Sue Dick in attendance. Larry Simmons, Linda Nichol森 arrived late and Jon Ausman absent and excused. Also attending were County Administrator Parwez Alam, County Attorney Herb Thiele, Deputy County Administrator Vincent Long, Assistant County Attorney Patrick Kinni, Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and Deputy Clerk Rebecca Vause.

I. Call to Order

Chairman Holley Called the Meeting to Order at 11:35 a.m.

II. Invocation and Pledge

The Invocation was provided by Ralph Mason. Chairman Holley then led the Pledge of Allegiance.

III. Roll Call

The Roll was conducted by Shington Lamy who confirmed that a quorum was present.

IV. Approval of Minutes of Previous Meeting (January 28, 2010)

Ms. Harper voiced an objection to the paraphrase of the legal opinion regarding the unitary system currently utilized by Duval County/Jacksonville. She also, as a matter of personal privilege, expressed concern that Roberts Rule of Order was not being followed by the Committee.

Ms. Harper placed into the Record the following excerpt from Roberts Rules of Order, "The Chairman sometimes calls a member to the chair so that he may then take part in the debate. This should rarely be done, and nothing can justify it in a case where much feeling is shown and there is a liability to difficulty in preserving the order. If the Chairman has even the appearance of being a partisan, he loses much of his ability to control those who are on the opposite side of the question. There is nothing to justify the unfortunate habit some chairmen have of constantly speaking on questions before the assembly, even interrupting the member who have the floor. One who expects to take an active part in debate should never accept the Chair or at least should not resume the Chair until after his speech and after the pending question is disposed of."

Rick Bateman moved, duly seconded by Ralph Mason, to approve the January 28, 2010 meeting minutes. The motion carried 12-1 (Donna Harper in opposition and Jon Ausman and Larry Simmons absent)

I. Reports of Chairperson

Chairman Holley discussed the change in time for the February 11, 2010 CRC meeting from 11:30 a.m. to 10:00 a.m. Mr. Lamy confirmed that the legal notice posted listed the February 11, 2010 meeting to begin at 10:00 a.m.

Ms. Harper asked that when a change is made to the scheduled meeting time that enough warning be provided; so that members with less flexible schedules can attend and participate in the meeting.

In response to a request from Chairman Holley, Kurt Spitzer provided a schedule for the upcoming public hearings. Mr. Spitzer advised that public hearings are scheduled for: February 18, March 4 and March 18 and recommended that they be held in the evening.

Lester Abberger suggested that the hearings be conducted at 5:30 p.m. This suggestion was agreed to by the Committee majority.

II. Presentations by Invited Guests/Consultant

Jim VanRiper appeared before the CRC in his role as Chair of the County's Human Relations Advisory Committee (HRAC). He offered information on the HRAC's mission and the progress being made. He advised that the HRAC is developing a draft ordinance and offered that most counties address human relations issues within an ordinance not in a Charter. He provided that the HRAC, although appreciative of the initiative, asks that the CRC rethink the idea of adding human rights as a Charter amendment.

Chairman Holley shared that this issue is on the Committee's agenda for next week and invited Mr. VanRiper to attend.

Rick Bateman established with County Attorney Thiele that the difference in the issue being addressed through Ordinance or Charter would be in the detail that would be provided by Ordinance.

Ralph Mason commented that the language discussed by the CRC at its last meeting was very broad and expressed concern that the vagueness of the statement would lead to more legal problems than the community is willing to go through. He reiterated that an ordinance would be stronger and better equipped to address these issues.

Rick Bateman moved, duly seconded by Ralph Mason, to ask the County Attorney to review the draft language proposed by the CRC and bring language back that can be "fit" into an ordinance. The motion carried 12-0 (Jon Ausman, Larry Simmons and Linda Nicholsen absent)

III. Remarks of Interested Citizens

Speakers:

- John Buss, 4437 W. Shannon Lakes Drive, stated that he was the Manager of Water Resource Engineering, Underground Utilities, City of Tallahassee. He addressed Agenda Item IX 1. b. Countywide Environmental Standards advising that this was a complicated issue that had been looked at in-depth over time by two separate groups, both determining not to move ahead with the issue. He submitted that different rules are needed for urban area and urged the Committee not to move forward with this item. However, should the issue be deemed correct, he asked that it be addressed outside of the Charter so as to allow flexibility should expected results not be realized. He cited that the County's stormwater ordinances are stricter in about 10% of the County; and the City's stricter in 23% of the County (a large part of the County is national forest that is not subject to ordinance compliance).

Lester Abberger clarified for the record that Mr. Buss was speaking as a representative of the City of Tallahassee, Underground Utilities.

- Dennis Barton, 924 Hillcrest Court, offered comment on CRC Membership/Structure. He stated that although the proposed language presented for the CRC's consideration, is vastly improved over "no language", it lacks 1) a prohibition of appointees' who are active and have leadership roles in political parties or 2) positive language that supports the appointment of people who understand and know government, but are not deeply immersed on politics of government. He suggested that this type of language be included in the Charter.

IV. Unfinished Business

None

V. New Business

A. Audit Clarification

Chairman Holley announced that this issue was continued from last week's meeting. He introduced Bob Inzer, Clerk of the Court.

Mr. Spitzer, in response to request by Mr. Abberger, provided a brief overview of this issue.

Mr. Inzer acknowledged that he had raised a concern to the CRC that the Charter as currently written is not clear as to his authority to audit and had asked that language be proposed to clarify his Office's audit authority. Mr. Inzer added that the language, as proposed by the County Attorney, was very limiting and was shared with the Audit Committee who in turn expressed a concern that the proposed language would in fact limit the scope and independence of the Audit Committee and the audit function. He stated that further discussions had occurred with the County Attorney's Office and additional language had been prepared as a result. This revised language has been shared with the Audit Committee and Mr. Inzer asked that the issue be deferred until the February 11 CRC meeting to allow time for the Audit Committee to meet and provide comment.

Mr. Abberger moved, duly seconded by Donna Harper, to defer the item until the February 11, 2010 meeting.

Chairman Holley wanted to ensure that the Committee was informed of the issue so that it could be adequately addressed at the next meeting.

County Attorney Thiele, in response to Mr. Bateman, shared that an effort has been made, without conceding the state of the law, and revised language has been developed to address concerns expressed by the Clerk and the Audit Committee. Mr. Thiele indicated a desire to find a "middle ground" that the Clerk and Audit Committee has comfort with.

Mr. Bateman requested that a copy of the revised draft be e-mailed to Committee members for review prior to next week's meeting. Chairman Holley asked that the changes be identified. Mr. Thiele indicated that a copy would be distributed.

Mr. Inzer remarked that if agreement cannot be reached he would prefer that the language remain as currently stated with no change to the Charter.

Chairman Holley stated that it is the CRC's desire to address any ambiguity that may exist as current written in the Charter and encouraged Mr. Inzer and Mr. Thiele to resolve issues and bring back language that both entities can support.

The motion to defer the item until the February 11, 2010 meeting carried 14-0 (Jon Ausman absent).

b. Countywide Environmental Standards

Chairman Holley asked Mr. Spitzer to provide a brief summary of the issue. Mr. Spitzer stated that this topic originated through the CRC's discussions regarding adoption of minimal stormwater standards as well as offering an alternative to the consolidation of growth management functions. He advised that of the 20 Charter Counties, approximately one-half contain provision whereby the County Commission can adopt minimal standards in certain policy areas, such as environmental protection.

Vincent Long, Deputy County Administrator, utilized a power point presentation to explain how unified countywide environmental standards would provide consistency and certainty for the development community, while ensuring natural resources are protected. His presentation included a history, current consolidated efforts, and addressed issues such as stormwater standards and fees, different standards for urban and rural development, Environmental Protection Agency (EPA) and Department of Environmental Protection (EPA) pending regulatory changes, etc. He introduced David McDevitt, Growth Management Director and John Kraynak, Environmental Compliance Director, who were available to answer questions and address concerns from the CRC.

Mr. Long pointed out that in 1991 the Tallahassee-Leon County Comprehensive Plan adopted a policy which supported the return to one environmental management department and one set of regulations and the Comprehensive Plan required the establishment by 1993 of a unified single agency focused on environmental and natural resources protection and management. Mr. Long emphasized that the Comprehensive Plan is the law and the Charter is a mechanism to enforce that law.

Parwez Alam, County Administrator, addressed the Committee and explained that the Comprehensive Plan was developed by a group of citizens appointed by the City and County Commissions in 1986. He noted that the Comprehensive Plan requires that environmental regulations should be unified. He offered that the County has attempted consolidated efforts numerous times to no avail. Mr. Alam pointed out that the County incurred the entire cleanup cost of Lake Jackson and Lake Munson and opined that costs should be shared by the entire population of the county, not just unincorporated residents. He stressed the importance of a unified set of ordinances and codes and assured the CRC that both City and County staff and City and County Commissions would be involved in the development of the standards.

Speaker:

- Ann Bidlingmaier, 1920 Harriet Dr., stated that it was important and crucial to look at this issue, but opined it should not be done through the Charter as currently outlined as the result would be a degraded set of standards. She noted the need for a County Care of Premises Ordinance.
- William Proctor, 301 S. Monroe, expressed support for uniform environmental standards and expressed concern over the dumping of raw sewage in the Jake Gaither Community.

Mr. Bateman acknowledged that the Comprehensive Plan, which is the law, requires “one unified authority with regard to environmental” and this requirement can be enacted by the CRC’s endorsement of countywide standards. He stated that it was imperative that there be Countywide consistent unified standards.

There continued to be discussion and dialogue with staff on the establishment of minimum standards and countywide standards.

Ms. Harper conveyed her support for unified environmental regulations and suggested the following changes to the proposed language provided by staff.

Sec. 1.6 Relation to Municipal Ordinances. (2) Notwithstanding paragraph 1, County ordinances establishing minimum standards, procedures, requirements and regulations for the protection of the environment shall prevail over municipal ordinances. Such minimum standards, procedures, requirements and regulations include, but shall not be limited to tree protection, landscaping, aquifer protection, stormwater, protection of conservation and preservation features, and such other environmental standards as the Board of County Commissioners determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Leon County. Standards shall be designed to place emphasis on supporting healthy natural systems occurring in the environment.

Cathy Jones moved, duly seconded by Rick Bateman, to adopt the proposed language in the agenda packet which reads, “Section 1.6 Relation to Municipal Ordinances. Unified Environmental Regulations [2] County ordinances establishing standards, procedures, requirements and regulations for the protection of the environment shall prevail over municipal ordinances. Such standards, procedures, requirements and regulations include, but shall not be limited to, tree protection, landscaping, aquifer protection, stormwater, protection of conservation and preservation features, and such other environmental standards as the Board of County Commissioners determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Leon County”, and move the issue to public hearing.

Ms. Harper offered a friendly amendment that the language include the last sentence she proposed, which reads, “Standards shall be designed to place emphasis on supporting healthy natural systems occurring in the environment.” Ms. Jones accepted the friendly amendment.

The motion as amended carried 13-1 (Ralph Mason in opposition and Jon Ausman absent).

Chairman Holley requested that the CRC Membership/Structure Item be moved up on the Agenda.

Donna Harper moved, duly seconded by Lester Abberger, to change the order of the Agenda. The motion carried 14-0 (Jon Ausman absent)

c. CRC Membership/Structure

Mr. Spitzer provided an explanation of the issue.

Mr. Bateman voiced opposition to the prohibition of employees of the Commissioners.

Rick Bateman moved, duly seconded by Lester Abberger, to accept the proposed language amended to remove "and their employees" from the language.

The Committee continued to deliberate this issue. Comments from the members included, but not limited to, the need to define local government, opposition to elected officials staff, contentment with current process, and limitation on the number of public sector employees.

A substitute motion was offered by Lester Abberger, duly seconded by Dave Jacobsen, to remove the issue from the table and leave the Charter as it currently exists.

Shington Lamy provided clarity on the proposed language.

Mr. Bateman withdrew his original motion and Mr. Abberger withdrew his substitute motion.

A new motion was made by Rick Bateman and duly seconded by Donna Harper, to adopt the following language in Paragraph 2 (A) A Citizen Charter Review Committee shall be appointed by the Board of County Commissioners at least ~~twelve (12) months~~ fifteen (15) months before the general election occurring every eight (8) years thereafter, to be composed and organized in a manner to be determined by the Board of County Commissioners, to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. Public hearings shall be conducted as provided by Section 125.63, Florida Statutes. All of the language in Paragraph 2 (B) and (C) shall remain as presented. The item is moved to public hearing.

Tom Napier offered a friendly amendment to prohibit husband, wife or relative living in the household. The friendly amendment was not accepted by Mr. Bateman.

Chuck Hobbs offered a friendly amendment to place into the language "When making appointments to the Citizen Charter Review Committee, the Board of County Commissioners shall attempt to include citizens from all segments of the Leon County community, reflecting the different viewpoints, age, gender, life experiences, professions and employment, race and ethnic backgrounds of the citizens in the County, and including consideration of representation of students currently enrolled in institutions of higher education." The friendly amendment was accepted by Mr. Bateman.

The motion as amended carried 12-2 (Sue Dick and Tom Napier in opposition and Jon Ausman absent).

d. Employment Policy of the County Administrator

Mr. Spitzer explained the issue to the Committee. He added to better clarify the language that "entire membership of the" be added after ".....majority plus one(1) of the...." In both the hiring and termination of the County Administrator.

Ralph Mason moved, duly seconded by Lester Abberger, to approve the proposed language to include the suggested changes from Mr. Spitzer. The new language now reads: Sec. 2.3 (A) The County Administrator shall be appointed by, ~~and~~ serve at the pleasure of the Board of County Commissioners an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Administrator shall serve at the pleasure of the

Board of County Commissioners until such time as the County Administrator shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the Administrator was adopted by majority vote of those present and voting. (remainder of the existing language remains intact.) The item is moved to public hearing. The motion carried 13-1 (Donna Harper in opposition).

e. Non-Interference Clause

Mr. Spitzer noted that the proposed language attempts to guarantee separation of duties between the legislative and executive branch. He advised that the current language now includes the County Attorney.

Rick Bateman moved, duly seconded by Tom Napier, to adopt the language as presented and move the item to public hearing. The motion carried 13-0 (Linda Nichol森 out of Chambers and Jon Ausman absent).

f. Petition Threshold/Petition Prohibitions

Mr. Spitzer explained the item and indicated that it contained amendments as directed by the CRC.

Rick Bateman moved, duly seconded by Dave Jacobsen, to adopt the language as presented and move the item to public hearing.

Patrick Kinni, Deputy County Attorney, stated that line three of Sec 4.1 (1) should read "...Florida Constitution, general law or this Charter, upon petition signed by not less than ten seven..."

The motion as amended carried 12-2 (Donna Harper and Cathy Jones in opposition; Jon Ausman absent).

An overview of the actions taken by the CRC was provided by Chairman Holley.

Issues moved to first public hearing include:

- Countywide Environmental Standards
- Non-Interference Clause
- Employment Policy of the County Administrator
- Petition Threshold/Petition Prohibitions
- CRC Membership/Structure
- TDC Language (adopted 2/4/10)

Chairman Holley announced the following issues for discussion at the February 11, 2010 meeting. He noted that this was the final decision meeting prior to public hearing.

- Audit Clarification
- Utility Advisory Board

- Limitation of Campaign Contributions
- Human Rights Policy

VI. Other Business

Mr. Spitzer commented that minor technical amendments can be made to the proposed amendments based on comments received from the public hearings; however, he opined that significant policy changes should not be made to the amendments without additional public hearings being held.

Mr. Bateman ardently opposed a process whereby only minor changes can be made to an amendment as a result of the public hearing. He avowed that additional public hearing would have to be scheduled. Chairman Holley assured Mr. Bateman that additional public hearings would be scheduled if necessary.

VII. Adjournment with Day Fixed for Next Meeting

Mr. Napier clarified that the February 11 meeting would be held from 10:00 – 12:00.

The meeting was adjourned at 2:10 p.m.

LEON COUNTY

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court

**Leon County
2009-2010 Citizen Charter
Review Committee Meeting
February 11, 2010**

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on February 11, 2010, in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Catherine Jones, Rick Bateman, Lance de-Haven Smith, Dave Jacobsen, Larry Simmons, Tom Napier, Jon Ausman, Lester Abberger, Ralph Mason and Chuck Hobbs attending. Members absent and excused were Sue Dick, Donna Harper and Linda Nicholzen. Also attending were County Administrator Parwez Alam; County Attorney Herb Thiele; Deputy County Administrator Vincent Long; Patrick Kinni Assistant County Attorney, Special Projects Coordinator Shington Lamy; Facilitator Kurt Spitzer, and Deputy Clerk Rebecca Vause

I. Call to Order

Chairman Holley Called the Meeting to Order at 10:05 a.m.

II. Invocation and Pledge

The Invocation was provided by Chuck Hobbs. Chairman Holley then led the Pledge of Allegiance.

III. Roll Call

The Roll was conducted by Shington Lamy who confirmed that a quorum was present.

IV. Approval of Minutes of Previous Meeting (February 4, 2010)

Rick Bateman moved, duly seconded by Tom Napier, to approve the February 4, 2010 CRC Meeting Minutes. The motion carried unanimously.

Mr. Ausman asked that his absence from the February 4, 2010 CRC meeting be reflected in the minutes as an excused absence. *Mr. Bateman moved, duly seconded by Tom Napier, to reflect Mr. Ausman's absent at the February 2010 meeting as an excused absence. The motion carried unanimously.*

V. Reports of Chairman

Chairman Holley reviewed the public hearing schedule and announced that they would be held at 5:30 p.m. in the Commission Chambers. It was also established with County Attorney Thiele that the last public hearing is scheduled for March 18; and so long as there were no substantive changes made as a result of public comment, amendments could be adopted at the public hearing.

VI. Presentations by Invited Guests/Consultant

None

VII. Remarks of Interested Citizens

Speakers

- Jim VanRiper, Chair, Leon County Human Relations Advisory Committee, appeared and indicated that while appreciative of the CRC's efforts to place protections into the Charter, he opined that a written "policy" would be a better mechanism able to address human rights issues. He added that the initiative could also invite hostility from groups in extreme opposition.
- Dennis Murphy, spoke on the human rights policy issue and stressed that he was expressing his personal opinion and did not represent any group or organization. He

spoke at length on the proposed language and submitted that the Leon County Human Relations Advisory Committee was in a better posture to understand and vet this issue prior to making recommendations to the County Commission than the approach being considered by the CRC.

VIII. Unfinished Business

None

IX. New Business

1. Decision Agenda
 - a. Audit Clarification

Chairman Holley provided a history of the issue. He stated that the Supreme Court of Florida has agreed to take up the Collier case and a new opinion will be issued probably within the next year. He noted that the Alachua County case, which has been relied on for interpretation by the other counties for over 30 years ago. Chairman Holley offered that the Supreme Court's ruling could invalidate language provided in the Charter, should it go beyond the Court's ruling.

Clerk of Court, Bob Inzer, was invited to address this issue. He offered that the issue before the Court is whether or not the current statute provides for the Clerk to have an independent audit function. He opined that there is nothing to preclude the County from including the additional internal audit function in its Charter. There were differing opinions offered by Mr. Inzer and Mr. Thiele on whether a change in the Clerk's status from a Constitutional Officer to a Charter Officer would be necessary to accomplish the proposed amendment. (Mr. Thiele offered that the Charter amendment would require a change in status.)

It was articulated that the color-coded language was reflective of the County Attorney's efforts to accurately reflect the current process utilized.

Mr. Inzer provided considerable information and clarification to the Committee. The Clerk's remarks included, but were not limited to:

- Clerk's office has operated an independent audit function for 17 years;
- An Audit Committee of five is appointed by the County Commission and Clerk's Office (3 from Clerk/2 Board) to develop an annual workplan;
- Audits are designed to be independent and to depoliticize the process;
- Board does not review audit plan prior to its adoption by the Audit Committee;
- Language proposed by the County Attorney codifies the way in which he (the County Attorney) interprets the process should be operated, but clearly does not.
- The Audit Committee's proposed language would limit the scope of audits to those recommended by the Committee and would preclude performance audits unless requested by the Board.

Mr. Lamy clarified that Attachment 3 of the member's packet was the version supported by the Clerk's Office.

Mr. Ausman established with Mr. Inzer that the Clerk's Office has conducted audits without permission from the County Commission for 17 years. In addition, Mr. Ausman ascertained that the language proposed by the County Attorney provides more restrictions than is found in most Charters.

Jon Ausman moved, duly seconded by Tom Napier, to approve the language provided by the Audit Committee (page 12-15 of attachment 3).

Mr. Bateman expressed a need to clarify the Clerk's function; however caution was needed when expanding and defining rights of job function. He asserted that it was not the Clerk's role to audit the performance of Commission and County staff. He offered that the language provided by the County Attorney seems to clarify the function of what the County Attorney believes that the staff and the Commission have the legal right to do, as reflected in the "blue" version of the language.

A substitute motion was made by Rick Bateman, duly seconded by Cathy Jones, to accept the original language provided to the CRC by the County Attorney.

Chairman Holley asked the County Attorney to provide the differences in the two motions on the floor.

County Attorney Thiele conveyed that, in his opinion, the "blue" language provides the current state of the law in Florida (since 1977); pertaining to what the Clerk, in his audit function can and cannot do unless invited to do so. He opined that the language submitted by the Audit Committee is a modification to the current State of the law in Florida. He added that it is the County's position that the language proposed by the Audit Committee is a concession by the County to change the state of the law and they are not prepared to do that. He commented on the positive relationship currently between the County and the Clerk's Office.

County Administrator Alam added that the upcoming ruling by the Supreme Court will affect all counties. He repeated that that the County has an excellent working relationship with the Clerk's Office.

Mr. Napier voiced support for Mr. Ausman's motion as it is important for the County to have an "independent watchdog committee".

There continued to be discussion on this issue.

Mr. Inzer clarified that charter language was not needed unless the CRC desires to have a more restrictive internal audit function than provided for by law.

Chairman Holley advised caution as this was a complicated issue. He reiterated that the upcoming Supreme Court ruling will clarify this issue and the next Charter Committee can amend the charter based on the new ruling. Chairman Holley stated that he would not support either motion as he is not comfortable enough to move in either direction.

Mr. Bateman submitted that the County Attorney has done the research and clarify the state of the law. He offered that his motion supports the County Attorney's clarification of the state of the law.

Mr. Ausman spoke in opposition to the substitute motion. He stated that the committee can 1) do nothing 2) can have language that severely limits the ability of the clerk, or 3) have an independent auditor that provides a degree of comfort. He added that taking no action and waiting for the Courts ruling was not a good idea.

The substitute motion failed 3-9 (Jon Ausman, Lance De-Haven Smith, Chuck Hobbs, Chris Holley, David Jacobsen, Ralph Mason, Tom Napier, Larry Simmons and Marilyn Wills in opposition; Sue Dick, Donna Harper and Linda Nichol森 absent).

The original motion carried 7-5 (Chris Holley, Lester Abberger, Rick Bateman, Lance deHaven-Smith, and Catherine Jones in opposition; Sue Dick, Donna Harper and Linda Nichol森 absent).

b. Utility Advisory Board

Mr. Spitzer advised that two draft languages were provided; the original (draft #1) is more simple and draft #2 is a more detailed version. He added that the Advisory Board would be advisory in nature.

There was discussion on the make-up of the Advisory Board, with concern expressed by the inclusion in the language of three appointments to the Advisory Board by the City Commission. County Administrator Alam shared that he had recommended that this language be included in an attempt to make sure the Board was balanced.

Ms. Jones commented that she was in favor of City appointments; however asked that the language be clarified that should the City Commission refuse to make the appointments, those appointments would revert to the County Commission. Ms. Jones articulated that she would like the issue to move forward to public hearing as she would like to hear what the public has to say. She stated for the record that should the City of Tallahassee not come to the table that would speak volumes for what they think about citizens and their opinions.

Rick Bateman moved, duly seconded by Ralph Mason, to move the proposed language in Draft #2 to public hearing. The motion carried 10-2 (Chris Holley and Tom Napier in opposition; Sue Dick, Donna Harper and Linda Nicholson absent).

c. Limitations on Campaign Contribution

Mr. Spitzer shared that the language provided is verbatim from the Sarasota County Charter with the exception of the limitation amount as directed by the CRC of \$250.

Lester Abberger moved, duly seconded by Rick Bateman to move the proposed language to public hearing. The motion carried 10-2 (Chuck Hobbs and Chris Holley in opposition; Sue Dick, Donna Harper, and Linda Nichol森 absent).

d. Human Rights Policy

Mr. Spitzer provided that the content of the proposed language was exactly as previously presented to the CRC, however, now included the addition of “creed and sexual orientation”.

Mr. Bateman clarified that he intended the charter language to compliment the ordinance being developed by the County’s Human Rights Committee. He opined that this action was morally right and fundamentally correct and the voters of Leon County would support the amendment.

Rick Bateman moved, duly seconded by Jon Ausman, to move the proposed language to public hearing.

Mr. Mason suggested that the language include gender identity; however, suggested that an ordinance was the better way to address this issue.

A friendly amendment was offered by Ralph Mason to include "gender identity" in the language. The friendly amendment was accepted.

At the request of the Committee, Mr. VanRiper provided an explanation of the term "gender identity".

The CRC by majority vote accepted the friendly amendment. (Cathy Jones opposed).

The motion as amended was withdrawn by Mr. Bateman.

Rick Bateman moved, duly seconded by Jon Ausman, to accept the language as proposed by staff with the addition of "gender identity" and move to public hearing.

Lance de-Haven Smith stated that although concerned about this issue, he could not support the motion. He opined that the CRC was taking on too much and this action could potentially create more problems.

Ms. Jones proclaimed that no one should be discriminated against and was not opposed to the inclusion of the term; however, she would not vote for the motion as she did not have a clear understanding of the term gender identity.

Mr. Ausman voiced support for the motion and pointed out the importance of protecting human rights. He cited that this type language exists in the Broward County Charter and to his knowledge has not resulted in inordinate legal issues being raised. He submitted that the voters of Leon County would support the amendment.

The motion failed 6-6 (Lance de-Haven Smith, Chris Holley, Dave Jacobsen, Cathy Jones, Ralph Mason, Tom Napier in opposition; Sue Dick, Donna Harper and Linda Nichol森 absent).

Mr. Ausman moved that due to the 6-6 vote the issue be deferred until a meeting of the full committee. The motion was seconded by Rick Bateman. Chairman Holley pointed out that there were no more meetings scheduled, only public hearings. No vote was taken on this motion.

An overview of CRC actions was provided by Chairman Holley. Issues moved to public hearing include:

- Audit Clarification
- Countywide Environmental Standards
- Employment Policy for County Administrator
- Non-Interference Clause
- Petition Thresholds/Petition Prohibitions
- CRC Membership/Structure
- Utility Advisory Committee
- Campaign Contribution Limitations
- TDC Language (adopted 2/4/10)
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Chairman Holley announced that the first public hearing scheduled for February 18 at 5:30 p.m. would be chaired by Marilyn Wills.

2. Staff/Consultant Discussion

Chairman Holley mentioned that staff have suggested that, after the conclusion of the public hearings, a workshop be scheduled with the County Commission to present issues that the CRC will bring forward. Staff proposed the workshop be held on April 13, 2010, 12:00 – 1:30 p.m. and Chairman Holley asked that members advise Shington Lamy of their availability.

X. Adjournment with Day Fixed for Next Meeting

The meeting was adjourned at 12:00 p.m.

LEON COUNTY:

ATTEST:

Christopher Holley, Chairman

Bob Inzer Clerk of Court
Leon County

**Leon County
2009-2010
Citizen Charter Review
Committee Meeting
February 18, 2010**

FIRST PUBLIC HEARING

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on February 18, 2010 in the Commission Chambers with Committee members Marilyn Wills (Vice-Chair), David Jacobsen, Donna Harper, Larry Simmons, Tom Napier, Cathy Jones, Rick Bateman, Sue Dick, Chuck Hobbs, Linda Nichol森, Jon Ausman, Lance de-Haven Smith attending. Members absent and excused were Chris Holley (Chairman), Ralph Mason, and Lester Abberger. Also attending were County Attorney Herb Thiele, Deputy County Administrator Vincent Long, Assistant County Attorney Patrick Kinni; Facilitator Kurt Spitzer; Special Projects Coordinator Shington Lamy, and Deputy Clerk Rebecca Vause.

In Chairman Holley's absence, the public hearing was chaired by Vice-Chair Marilyn Wills.

I. Call to Order

Ms. Wills Called the meeting to Order at 5:30 p.m.

II. Invocation and Pledge

The Invocation was provided by Rick Bateman who then led the Pledge of Allegiance.

III. Roll Call

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

David Jacobsen moved, duly seconded by Lance de-Haven Smith to approve the February 11, 2010 meeting minutes. Tom Napier noted a correction to paragraph eight on page five. The motion to approve the minutes, as amended, carried 12-0 (Chris Holley, Ralph Mason and Lester Abberger absent).

V. Overview of the Public Hearing Process

Ms. Wills asked County Attorney Thiele to provide an overview of the public hearing process. Mr. Thiele explained that this was the first of three scheduled public hearings to receive public input on the proposed Charter amendments. He explained that no action should be taken by the Committee on comments received at this or subsequent public hearing; action deemed necessary by the Committee should be done at the conclusion of the third public hearing. Mr. Thiele requested that public comment be limited to three minutes per speaker.

Mr. Bateman established with Mr. Thiele that further debate on the issues among the members should be reserved until the conclusion of the third public hearing. Mr. Thiele also clarified that a wording change to the substantive issues would not require the public hearings process to begin again; this would only be required should a substantive change, such as an additional amendment be made.

VI. Presentation of Proposed Charter Amendments

Mr. Spitzer utilized a power point presentation to provide an overview of 1) county charters; 2) the process utilized by the CRC, and 3) the proposed charter amendments.

Following is a listing and brief summary of the proposed charter amendments:

1. Tourist Development Council (TDC) Structure: Codifies into charter the current practice of TDC staff reporting to the County Administrator.
2. Countywide Environmental Standards: Permits the Board of County Commissioners to adopt ordinances that are effective countywide concerning any environmental standard, regulation or policy and eliminates different standards/regulations between the county and city in environmental policy.
3. Employment Policy for County Administrator: Provides that the County Administrator is employed by an affirmative vote of at least five members of the Board. Also provides that the County Administrator is terminated by an affirmative vote of at least five members of the Board occurring at the first regularly scheduled meeting of the Board after a motion expressing intent to remove the Administrator was approved.
4. Non-Interference Policy: Prohibits individual County Commissioners from giving instructions or directives to employees under the direct or indirect control of the County Attorney or County Administrator.
5. Petition Thresholds/Prohibitions: Lowers signatures required for petitions proposing ordinances or charter amendment from 10% countywide, including at least 10% in each single-member district to 7% countywide and 5% within each single-member district. Also clarifies that existing prohibited subjects apply to charter amendments in addition to ordinances.
6. Future Citizen CRCs: Provides that the CRC is appointed 15 months prior to the general election, instead of 12 months and requires the Board to consider a wide variety of factors when appointing CRC members so as to reflect diversity in the community. Also provides that CRC recommendations approved by nine votes go to the Board for their consideration; however, those recommendations receiving 12 votes would go directly to the ballot.
7. Clerk's Audit Function: Provides that the Clerk to the Board may conduct audits of the County Commission's books, accounts and internal controls pursuant to a work plan developed and approved by the Audit Committee. Also provides that the Clerk may conduct performance audits upon approval by the County Commission.
8. Utility Advisory Board: Comprised of seven members (3 appointed by City; 3 appointed by County and 1 appointed by CONA) to study and make recommendations to the City/County regarding utility rates, planning or expansion of utility service areas and maintenance activities.
9. Campaign Finance Reform: Limits campaign contributions for candidates for county offices to \$250 per election cycle from individuals or committees.

VII. Opening of Public Hearing

Vice Chairman Wills opened the Public Hearing.

Speakers:

- Rick Malphurs, 6438 Treasure Oaks Circle, expressed concern regarding the proposed campaign finance limits and offered that should limits be imposed then term limits should also be put in place. He also questioned the need for a super majority vote of the Commission to hire or fire the County Administrator.
- Erwin Jackson, 1341 Jackson Bluff Road, spoke against the campaign contribution limitation opining that it should be termed the “Incumbent Protection Act of 2010”. He stated that the limitation would make it more difficult for incumbents to be challenged by political newcomers and suggested that debates between candidates be required.

Vice Chairman Wills confirmed that there were no more speakers and the Public Hearing was closed.

VIII. Member Discussion

Mr. Thiele announced that the next public hearing is scheduled for March 4, 2010 at 5:30 p.m. in the Commission Chambers.

IX. Close of First Public Hearing/Adjournment

Tom Napier moved, duly seconded by Rick Bateman to adjourn the meeting. The motion carried 11-1 (Jon Ausman in opposition; Chris Holley, Ralph Mason and Lester Abberger absent).

The meeting was adjourned at 5:59 p.m.

LEON COUNTY:

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court
Leon County

Leon County
2009-2010
Citizen Charter Review
Committee Meeting
March 4, 2010

SECOND PUBLIC HEARING

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on Thursday, March 4, 2010 in the Commission Chambers with Committee members Chris Holley (Chair), Marilyn Wills, Larry Simmons, Tom Napier, Linda Nichol森, Cathy Jones, Chuck Hobbs, Donna Harper, Dave Jacobsen, Jon Ausman, Sue Dick, and Tom Napier in attendance. Absent and excused were Lester Abberger, Lance deHaven-Smith and Ralph Mason. Also attending were County Administrator Parwez Alam, Assistant County Attorney Patrick Kinni; Deputy County Administrator Vincent Long, Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy and Deputy Clerk Rebecca Vause.

I. Call to Order

Chairman Holley called the meeting to order at 5:40 p.m.

II. Invocation and Pledge

The invocation was provided by Jon Ausman. The Pledge was led by Chairman Holley.

III. Roll Call

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

Jon Ausman moved, duly seconded by Rick Bateman, to approve the February 18, 2010 Minutes. Tom Napier asked that the minutes be corrected to reflect the he made the motion to adjourn the February 18 Public Hearing. The motion to approve the minutes, as amended, carried 12-0 (Ralph Mason, Lester Abberger and Lance de-Haven Smith absent)

V. Opening of Second Public Hearing

Kurt Spitzer, at the request of Chairman Holley, provided a brief overview of the CRC process and of the Committee's recommendations. Following is a list and brief summary of the proposed charter amendments:

1. Tourist Development Council (TDC) Structure: Codifies into charter the current practice of TDC staff reporting to the County Administrator.
2. Countywide Environmental Standards: Permits the Board of County Commissioners to adopt ordinances that are effective countywide concerning any environmental standard, regulation or policy and eliminates different standards/regulations between the county and city in environmental policy.
3. Employment Policy for County Administrator: Provides that the County Administrator is employed by an affirmative vote of at least five members of the Board. Also provides that the County Administrator is terminated by an affirmative vote of at least five members of the Board occurring at the first regularly scheduled meeting of the Board after a motion expressing intent to remove the Administrator was approved.
4. Non-Interference Policy: Prohibits individual County Commissioners from giving instructions or directives to employees under the direct or indirect control of the County Attorney or County Administrator.

5. Petition Thresholds/Prohibitions: Lowers signatures required for petitions proposing ordinances or charter amendment from 10% countywide, including at least 10% in each single-member district to 7% countywide and 5% within each single-member district. Also clarifies that existing prohibited subjects apply to charter amendments in addition to ordinances.
6. Future Citizen CRCs: Provides that the CRC is appointed 15 months prior to the general election, instead of 12 months and requires the Board to consider a wide variety of factors when appointing CRC members so as to reflect diversity in the community. Also provides that CRC recommendations approved by nine votes go to the Board for their consideration; however, those recommendations receiving 12 votes would go directly to the ballot.
7. Clerk's Audit Function: Provides that the Clerk to the Board may conduct audits of the County Commission's books, accounts and internal controls pursuant to a work plan developed and approved by the Audit Committee. Also provides that the Clerk may conduct performance audits upon approval by the County Commission.
8. Utility Advisory Board: Comprised of seven members (3 appointed by City; 3 appointed by County and 1 appointed by CONA) to study and make recommendations to the City/County regarding utility rates, planning or expansion of utility service areas and maintenance activities.
9. Campaign Finance Reform: Limits campaign contributions for candidates for county offices to \$250 per election cycle from individuals or committees.

Public Speakers:

- Mayor John Marks appeared before the Committee to bring forward the City's concerns regarding the proposed Citizens Utility Board and unified environmental standards. He specifically asked that the CRC remove or amend the language on the environmental ordinance proposal and remove the recommendation of a Utility Advisory Board; which he deemed to be ultimately counter-productive.

Environmental Standards: Mayor Marks stated that although he was supportive of the concept of simplifying environmental rules and requirements, there are differences in environmental standards. He offered that information the Committee had been provided was less than complete and in some cases erroneous. *A written document was provided to Committee members that highlighted the information from the City and detailed a number of key issues. This document is included as Attachment 1.* He shared instances to help illustrate that in the vast majority of cases the City's overall environmental standards exceeded those in the County.

He suggested that should the Committee decide to move forward with the recommendation, the language be revised to preserve the environmental integrity and beauty of the City. *Mayor Marks' recommended language was distributed to the Committee and is included as Attachment 2.* He stated his proposed wording acknowledges that the County ordinances shall prevail when those ordinances provide a higher degree of protection but does not have the effect of lowering the City's standards in every instance. He offered that the change, which is a compromise, would help garner the support of City staff and City Commission.

Utility Advisory Board: The Mayor acknowledged that he was cognizant of citizen concerns regarding the cost of electricity and other utilities. He commented that the current rates are 20% lower than last year, currently below the state average and comparable to Talquin. The utilities operate efficiently and effectively and have the lowest operating costs in the State.

The asserted that the proposed Utility Advisory Board (UAB) would be expensive, potentially expensive and duplicative. He opined the UAB would create an additional layer of government bureaucracy and would have little authority to direct operations, nor would they be accountable to the citizens. Instead, the UAB would have the ability to “bottle neck” service and result in higher administrative costs. He shared that public input is received on utility matters at City Commission meetings and commissioners and county administrative staff, including him, were accessible to all citizens.

He opined that the two proposals as written are not in the best interest of the community and moving them forward, in the City’s opinion, would not be good governance. He asked that the environmental ordinance be removed or revised and that the concept of a Utility Advisory Board be removed. He asked that City staff be allowed to address the Committee on these specific issues.

Chairman Holley explained that establishment of the UAB responded to concerns expressed by County residents regarding their “lack of a voice” and asked that the City recognize this and form an advisory group on its own with unincorporated county participation. Mayor Marks responded that if requested by the CRC, the City would look into this.

Committee members brought forward comments, concerns and issues which were responded to by the Mayor. These issues included such items as: County staff’s assertion of the difficulty in determining which set of environmental standards were more stringent; measures taken by City to assist residents who have difficulty paying utilities; utility costs as compared to other municipalities; consideration to establish a fund to subsidize/assist residents in paying utilities and the need for citizens to have a voice in their local utilities.

Ms. Harper noted that the City should articulate their recommendations in writing prior to the next public hearing.

- Karen Jumonville, Land Use and Environmental Services Administrator, City of Tallahassee Growth Management advised that the proposed environmental standards language as written does not take into account the value differences inherent in urban vs rural development and does not recognize the redevelopment in the heart of the City. She added that citizens and staff have worked diligently to adequately define City regulations to achieve an appropriate balance between strong environmental protections and to provide for urban densities and intensities. Ms Jumonville asserted that “one size does not fit all” in terms of development regulations and the proposed language from the City’s perspective should not be added to the Charter; however, should the Committee decide to move forward, she requested that the language be revised to allow the City to retain its more stringent protections where they currently exist.
- John Buss, Water Resources, City of Tallahassee, acknowledged the difficulty in identifying which ordinance was more stringent. He advised that the City and County entered into an Interlocal Agreement to create a Joint Watershed Management Board which was charged with the development of unified consistent ordinances. He first urged the Committee to allow the Watershed Board to do its job, and secondly

advocated that the proposed language as presented by the Mayor be adopted by the Committee.

- Leon County Commissioner Bill Proctor, articulated his support for the establishment of the Citizen Utility Board and offered it was inappropriate for County residents to be disenfranchised from having a voice in the City's utility. He opined that residents are moving out of the urban service area because of high utility rates. Commissioner Proctor submitted for the record a New York Times article dated December 14, 2009 which addressed "Smart" electric utility meters. He articulated support for the establishment of sewer services to the Woodville/southside residents.
- Curtis Baynes, 1323 E. Tennessee St., provided written comments to the committee for their consideration. He stated that City "buy in" to the County's initiatives on stormwater and the citizen utility board was necessary to its successful implementation.
- Ira Chester, 3305 Claiborne Court, stated as a County resident, he wants an opportunity to purchase utilities from the lowest provider.
- Dennis Barton, 924 Hillcrest Court, expressed concern about the lack of a legal definition in Florida Statutes relating to residency requirements of County Commissioners. He offered that Leon County as a Charter County can, according to the Supervisor of Elections, resolve the problem of residency by defining residency in its Charter. Mr. Barton indicated that proposed language on this issue had been e-mailed to staff for distribution.

Chairman Holley requested that comments be restricted to the nine proposed amendments. He noted that individuals may contact individual County Commissioners with additional topics they may wish the Commission to consider.

Rick Bateman went on the record as stating that he was opposed to limiting public comment. This comment was echoed by Chuck Hobbs.

- Sonya Fancher, 3693 Corinth Dr. voiced her concerns regarding a County Commissioner not residing within the district he represents. She asserted that the Committee has the authority to begin the process of correcting this problem. She asked that the Committee present language to the Commissioners that would either define the residence requirement and penalties for not adhering to it or remove it all together. Information supporting Ms. Fancher's comments was presented to the Committee for its review. Ms. Fancher also expressed disappointment that all amendments being considered for adoption came from a Workshop held by Commissioners.

Jon Ausman addressed the residency comments and remarked that the CRC was not a judicial body and should not attempt to define the residency requirement. He offered that he would not support placement of this issue in the Charter.

- Erwin Jackson, 1341 Jackson Bluff Road, encouraged the CRC to adopt the Citizen Advisory Board amendment as the public needs every opportunity to express and exchange ideas. He encouraged the Committee to establish sanctions. In response to the proposed campaign finance limitation, he recommended the establishment of a Voter Education Committee to encourage debate between incumbents and identified challengers.

- Stephen Martin, 2625 Stonegate Dr., addressed the proposed environmental standards and opined that the County's standards are too lax. He expressed support for establishment of the Citizen Utility Board and concurred with the idea of debates between incumbents and challengers.
- Catherine Baer, Woodgate Neighborhood, stated that if commissioner residency requirements were not going to be enforced, all county commission seats should be changed to at-large position.
- Rick Malphurs, 6538 Treasure Oaks Circle, remarked that adoption of the Utility Advisory Board was extremely important and asserted that the County has been more pro-active than the city in regards to environmental standards.
- Larry Hendrix, 406 Alpha Avenue, provided input on the proposed amendments. He endorsed the more stringent environmental standards and also supported petition thresholds, Clerk Audit functions, Utility Advisory Board, and the lowering of campaign contributions. He urged consideration of enforcement of residency requirements and for the maximum access to county meetings and documents to all citizens.
- Scott Matteo, 3974 Calle De Santos, recommended that campaign finance reform proposal be replaced with term limits.
- The record will reflect that electronic comments on the amendments were provided by the following individuals:
 - Nick Providakis
 - Michael "Kevin" Gay
 - Erwin Jackson
 - Dennis Barton
 - Meile8830
 - R.L. Caleen, Jr.

VI. Close of Second Public Hearing

Chairman Holley closed the second public hearing at 8:07 p.m.

Mr. Bateman opined that it may have been beneficial to have conducted public hearings earlier in the process. Chairman Holley reminded the Committee that public input was welcomed at all CRC meetings and citizen participation was encouraged.

There was dialogue on the timeframe in which the Committee would approve the amendments. Ms. Harper expressed concern about rushing decisions immediately following the public hearing and suggested that should deliberations run late the Committee recess and continue the meeting at a date to be determined in the future. Mr. Kinni advised that the rules state that the Committee must vote on amendments upon the conclusion of the final public hearing; however, the last public hearing can be continued to another date. Chairman Holley assured the Committee that they would spend as much time as necessary to ensure the amendments are agreed upon and approved by a majority of the members.

The Committee spent time discussing the scheduling of the meeting to approve the amendments. Chairman Holley requested that staff coordinate the date and time of the next meeting and convey this to members. Mr. Napier reminded staff to communication all options to absent members.

VII. Presentation of Draft Final Report

Chairman Holley requested feedback on the Draft 2009-10 Citizen Charter Review Committee Final Report, which was distributed to members.

VIII. Adjournment

Tom Napier moved, duly seconded by Jon Ausman, to adjourn the meeting. The motion carried 12-0 (Ralph Mason, Lester Abberger and Lance de-Haven Smith absent).

The meeting adjourned at 8:20 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Chris Holley, Chairman

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida

**Clarification from Mayor Marks
Regarding Information Provided to Charter Review Committee
Pertaining to the Matter of
Countywide Environmental Standards**

March 4, 2010

At the February 4, 2010 Charter Review Committee meeting, Leon County staff made a presentation to the Committee seeking support for a proposal to amend the County Charter to make County environmental ordinances prevail over City ordinances. Several key elements of that presentation were erroneous. Because those elements were presented as justifying the need for the County to supersede the City's ordinance, it is important that these matters be more accurately considered. The assertions from the presentation are listed below with city facts below.

1. The City has weaker stormwater rules and developers annex into the City to avoid the County's more stringent standards.

This premise is discussed in two elements for ease of clarification.

a) The City has weaker rules

With the exception of 10% of the County, the County's rules are either less stringent or equivalent to the City's rule.

Source: Mapping analysis done by the Planning Dept:

10% of the County has standards that are more strict than the City's standards

23% of the County has standards less strict than the City's standards

43% of the County has standards similar to the City's standards

(the remaining 24% is forest preserve)

**b) Developers annex into the City to avoid the County's stricter rules.
(Examples given were Bradfordville area and the Lake Jackson area.)**

This is a fictional issue. It simply has not occurred.

In the Bradfordville area, only two developments have approached the City regarding annexation. The City advised both they could not annex unless they developed under the County's stormwater rules. One of these proceeded to develop in accordance with the County rules and the other has not proceeded.

In the Lake Jackson area the last annexation was in 1992. The County's more restrictive rule in this area was not implemented until several years after this.

Clarification from Mayor Marks
Regarding Information Provided to Charter Review Committee
March 4, 2010
Page 2

2. The Comprehensive Plan requires one environmental management department and regulations.

- The slide shown to the Charter Committee with this premise was Objective 1.4 [C]. As shown below, Objective 1.4 [C] speaks to a unified single 'agency'. It does not mention a single 'regulation'. Further, County staff has consistently said they do not propose a single agency (reference the County Administrator's February 14, 2010 letter to the City Manager - copy attached). The County proposed amendment itself doesn't address Objective 1.4 [C].

Comprehensive Plan Objective 1.4 [C]

By 1993, local government will establish a unified single agency focused on environmental and natural resource protection and management that will help conserve, protect, and enhance the natural resources in Tallahassee and Leon County.

- Other Comprehensive Plan policies, not shown to the Committee, make it clear there was not an intent in the Comprehensive Plan to necessarily have a single agency in charge of permitting. For example Policy 1.4.1 [C] (f), which expands on Objective 1.4[C], indicates the agency will...*"administer the environmental permitting, enforcement, and compliance process unless otherwise delegated"*. Other sections of Policy 1.4.1 [C], make it clear that this "single agency" was more akin to a "Conservation Department" that would do studies, run a sensitive lands acquisition program, assist land owners, conduct public education, etc., as opposed to the roles of our respective Growth Management/Permitting agencies.
- In summary, if one fully reviews the Comprehensive Plan, it does not call for a single environmental regulation. Additionally, delegation of permitting, environmental and development review to separate entities is clearly allowable.

3. The City is only interested in flood control and not water quality and the County's ordinances will be needed to meet new federal regulations.

- A review of City regulations clearly documents that they effectively address water quality as well as flood control. They exceed the State's treatment regulations by 50% and also exceed those of the County in 23% of the County's jurisdiction.
- The City has built many more stormwater treatment facilities than has Leon County
- The City has adopted a stormwater fee increase specifically to use for stormwater pollution reduction. It generates over \$3 million annually. This is three times

more than the County's entire revenue stream from its stormwater fee which must be allocated to all County stormwater program uses such as flood control, operations and maintenance, etc.

- In short, no one can honestly claim the City is not carrying its share of the weight with regard to water quality initiatives. In addition to City capital spending, City staff are actively involved with FDEP Technical Advisory Committees developing water quality criteria responsive to several Federal and State rule making efforts.

4. The City does not treat stormwater, but just dumps it into Lake Jackson.

- Please see answer number 3, with regard to stormwater treatment requirements applied in the City.
- In the last decade alone, the City has constructed five separate stormwater projects in the Lake Jackson watershed at a cost of over \$16 million, with another in progress costing an additional \$1.2 million.
- Once again, no one can honestly support this premise.

As the Charter Committee reflects on the above clarifications regarding the reasons cited by County staff for superceding the City's regulatory authority, it might be useful to reflect on the reason the City got involved with environmental regulation back in 1990. It was a direct result of citizen dissatisfaction with the County's administration of stormwater and environmental regulations at that time. The state of affairs that existed before the City stepped in was documented in a 1989 report done by FDEP following a field assessment of development sites in Leon County including that part inside the City limits. Of the 29 developments inspected, 7% didn't have their ponds constructed; 55% of those constructed were not constructed according to the permitted plans; 90% did not meet state stormwater regulations; and 50%, although originally constructed, were not being maintained.

City residents live with higher densities and the problems that arise with more compact living, leads to different values which are in turn reflected in different community standards. If this proposed charter amendment is adopted and the standard County treatment rule takes effect, stormwater treatment requirements in the City will drop by 50%. Although County staff indicate they will address that with a new rule, the amendment does not require this. Further, history has shown that such ordinances are

Clarification from Mayor Marks
Regarding Information Provided to Charter Review Committee
March 4, 2010
Page 4

complex and require an 18- to 24-month process to develop. If the Charter Committee believes an environmental regulation amendment is needed in the Charter, it should only allow the County rules to prevail over the City's in cases where the County's rules are more restrictive. This is essential to safeguard city residents and to ensure our local environment is preserved and protected.

FEB. 18. 2010 11:19AM COUNTY ADMINISTRATION



Leon County
Board of County Commissioners
301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

*xc: E-Team
Jim English
Ron. Lightse*

Commissioners

February 17, 2010

BILL PROCTOR

District 1

JANE G. SALLS

District 2

JOHN DAILEY

District 3

Ms. Anita Favors Thompson, City Manager
City of Tallahassee
300 South Adams, Box. A21
Tallahassee, FL 32301

BRYAN DESLOGE

District 4

Re: Proposed County Charter Amendment Regarding Unified Countywide Environmental Standards

BOB RACKLEFF

District 5

Dear Anita:

CLIFF THAEEL

At-Large

I write this letter to clarify the intent of the County Charter Amendment regarding unified countywide environmental standards being proposed by the Citizen Charter Review Committee. As you are aware, the City and County have separate, but similar regulations for protecting our community's environmental resources. A unified environmental regulations ordinance would benefit the entire community by providing consistency, reliability and uniformity.

AKIN AKINYEMI

At-Large

PARWEZ ALAM

County Administrator

HERBERT W.A. THELE

County Attorney

We believe that enhancements to the regulations in both jurisdictions are necessary. This does not, however, necessarily mean that one uniform set of environmental regulations would be appropriate for both jurisdictions. Instead, regulations should be based on science and not political boundaries. Therefore, should the proposed Charter Amendment pass, I will assure you that County staff will make every effort to work together with City staff to develop standards that would allow flexibility to promote density in the urban core while at the same time, protecting the water quality of our surface waters countywide.

One area of the regulations that has received the most attention centers on the differences in our stormwater regulations. Water quality treatment for protection of our lakes and rivers should be based on physiographic regions and not on political boundaries. We understand that some areas in the County have higher water quality treatment levels than the City, and some areas in the City have higher treatment levels than the County. However, both regulatory approaches need to be enhanced and unified to protect the water quality of our surface waters countywide. I believe we can do this in a way that also simplifies the maze of regulations that currently exists and promotes a level of consistency and certainty for our community. It is anticipated that these improvements would result in locational-based regulatory standards for stormwater that recognize the difference between the densities in the urban core and rural areas as established in our Comprehensive Plan. This approach would be codified in a unified countywide regulation which would be implemented by our Growth Management Departments.

FEB. 18. 2010 11:19AM COUNTY ADMINISTRATION

NO. 875 P. 3,

Ms. Anita Favors Thompson
February 15, 2010
Page 2

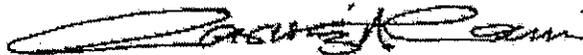
As previously noted, it is anticipated that any proposed changes to countywide environmental regulations would be the result of a collaborative effort between City and County staff and would include participation from a citizen advisory committee. The resulting unified environmental regulations would provide the consistency, reliability and uniformity that would make permitting less problematic for the developers, consultants and the general community, and in so doing, would promote greater compliance with the protection of our natural resources.

Furthermore, it should be clarified that should the proposed Charter Amendment pass, the County would not assume all environmental permitting responsibilities. There would still be two distinct permitting entities; City Growth Management reporting to the City Manager, and County Growth and Environmental Management reporting to the County Administrator. However, both staffs would be enforcing a unified set of countywide environmental regulations. We believe that this approach would better serve the citizens in both jurisdictions.

For many years, going back to the early 1990s, the Board of County Commissioners has consistently identified the issue of unifying environmental regulations as a priority for the community. Over the last decade, the Board has made protection of waterbodies and unification of stormwater standards a perennial retreat priority. I know that you will agree that over the years, we have made significant progress working together on issues of great community importance like this one. After all of the years of effort working toward this important issue, sometimes the right time chooses us. I understand the political realities of the environment that we both have been working in for a very long time. However, I truly hope that the City does not view this approach as hostile, but as an opportunity for us to collectively achieve something of great importance for our community, our citizens (now and future generations), the sustainability of our environment, something which is long overdue and bigger than our political/jurisdictional issues.

~~We look forward to working with you and your staff on this important endeavor. I hope this clarifies our position on this matter. If you have any questions, please call me.~~

Sincerely,



Parwez Alam
County Administrator

cc: Board of County Commissioners
Vincent Long, Deputy County Administrator
David McDevitt, Director of Leon County Growth & Environmental Management
John Kraynak, Director of Leon County Environmental Compliance

Countywide Environmental Standards

Sec. 1.6. Relation to Municipal Ordinances.

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

Unified Environmental Regulations

(2) However, County ordinances establishing, standards, procedures, requirements, and regulations for protection of the environment shall prevail over municipal ordinances when such County ordinances provide a larger degree of protection. Such standards, procedures, requirements and regulations include, tree protection, landscaping, stormwater, protection of conservation and preservation features, and such other environmental standards as the County Commission determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Leon County.

Leon County
2009-2010
Citizen Charter Review
Committee Meeting
March 18, 2010

THIRD PUBLIC HEARING

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on Thursday, March 18, 2010 in the Commission Chambers with Committee members Chris Holley (Chair), Marilyn Wills, Larry Simmons, Tom Napier, Rick Bateman, Linda Nichol森, Cathy Jones, Chuck Hobbs, Donna Harper, Dave Jacobsen, Jon Ausman, Sue Dick, Lester Abberger, Lance deHaven-Smith, and Ralph Mason in attendance. Also attending were County Administrator Parwez Alam, Assistant County Attorney Patrick Kinni; Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy and Deputy Clerk Rebecca Vause.

I. Call to Order

Chairman Holley called the meeting to order at 5:35 p.m.

II. Invocation and Pledge

The invocation was provided by Chuck Hobbs. The Pledge was led by Chairman Holley.

III. Roll Call

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

Donna Harper requested that the next to last paragraph on page five be amended to state "Ms. Harper expressed concern about rushing decisions immediately following the public hearing and suggested that should deliberations run late the Committee recess and continue the meeting at a date to be determined in the future". Donna Harper moved, duly seconded by Tom Napier, to approve the minutes, as amended. **The motion carried 15-0.**

V. Presentations by Invited Guests/Consultant

At the request of Chairman Holley, Kurt Spitzer provided an abbreviated overview of the proposed charter amendments. Following is a list and brief summary of the proposed charter amendments:

1. Tourist Development Council (TDC) Structure: Codifies into charter the current practice of TDC staff reporting to the County Administrator.
2. Countywide Environmental Standards: Permits the Board of County Commissioners to adopt ordinances that are effective countywide concerning any environmental standard, regulation or policy and eliminates different standards/regulations between the county and city in environmental policy.

3. Employment Policy for County Administrator: Provides that the County Administrator is employed by an affirmative vote of at least five members of the Board. Also provides that the County Administrator is terminated by an affirmative vote of at least five members of the Board occurring at the first regularly scheduled meeting of the Board after a motion expressing intent to remove the Administrator was approved.
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9. Campaign Finance Reform: Limits campaign contributions for candidates for county offices to \$250 from individuals or committees.

Chairman Holley introduced Mayor John Marks, to provide follow-up remarks to his presentation to the CRC on March 4, 2010.

Mayor Marks thanked the Committee for its service. He referenced an e-mail dated March 16 to the CRC, which responded to the Committee's comments and concerns regarding the City's electric utility system and citizen assistance programs. He shared that City staff were available to provide more detail if requested.

Sandra Manning, City of Tallahassee, provided a brief overview of the City's Energy Smart Plus (e+) Initiative and other programs provided by the City of Tallahassee. She shared that the City Manager has responded to the CRC comments, discussions and feedback about the creation of a Utility Advisory Board by directing staff to activate the Citizen Advisory Committee, which was originally established in December 1997 and was active through March 2006. Ms. Manning explained that the 10-member

committee is comprised of a cross section of individuals from the community with the purpose to advise the City on utility-related matters. She reported that their first meeting is scheduled for April 15. (A list of the committee members was provided as part of the March 16 e-mail.)

Dot Inman-Johnson, Executive Director, Capital Area Action Agency, shared information on the weatherization and other energy assistance programs available throughout the community.

Cathy Jones, although appreciative of the City's efforts, went on record stating that the re-establishment of a disbanded committee did not respond to her concerns, as the County was not invited to have a role or representative on the proposed Citizen Advisory Committee.

Rick Fernandez, Acting City Manager, responded to questions regarding the make-up of the Citizen Advisory Committee and reiterated that the City Manager would, in an effort to satisfy the CRC's concerns, consider any recommendations or comments offered.

Committee members expressed concern regarding the City's reluctance to open the appointments up to a broader selection of individuals or to allow appointments by the County.

VI. Opening of Third Public Hearing:

Public Speakers:

- Akin Akinyemi, Leon County Commissioner, commended the CRC on its work and encouraged members to vote their consciences. He suggested that citizen concerns be agendaed for discussion. He asked the CRC to consider and deliberate on the eight year cycle of review and reduction of petition threshold. Commissioner Akinyemi voiced his support of the Utility Advisory Board.
- Bill Proctor, Leon County Commissioner, opined that commissioners and citizens should hope to influence through their comments the CRC and asserted his support for the establishment of the Utility Advisory Board. He opined that the City's proposal to re-activate Citizen Advisory Committee was not sufficient and maintained his endorsement for the installation of sewer services to the southside.
- Ira Chester asserted that County residents need relief from the City's fiscal policies. He deemed the proposed reduction in campaign contribution as an "incumbent protection act" and suggested that the County Administrator be hired/fired by a vote of four commissioners.
- Steve Stewart, 2904 Tyron Circle, disclosed that he is a candidate for Mayor. He spoke in support of the establishment of a Citizen Utility Board.
- Curtis Bayne, 1323 E. Tennessee, Street, provided written comments to the CRC. He offered that he supported the TDC restructuring, petition threshold, clerk auditor and CRC provision; however suggested that the adoption of countywide environmental standards and citizen utility board would lessen City/County relations. He deemed employment policy and non interference provisions are not necessary and submitted that campaign finance reform is no real reform at all.

- Ann Bidlingmaier, 1920 Harriet Dr., discussed her concerns regarding the merging of environmental ordinances.
- Pamela Hall, 5051 Quail Valley Rd., advocated for a review of both City and County environmental ordinances to determine which ones actually produce better environmental preservation. She supported language that would allow the process to occur and favored a higher degree of standards be adopted.
- Stephen Martin, 2625 Stonegate Dr., recommended that the higher city standards be incorporated into the proposed language. He expressed support for a lower petition threshold, a decrease in campaign contributions and encouraged debate between incumbents and challengers.
- Rick Malphurs, 6538 Treasure Oaks Circle, spoke in support of a Utility Advisory Board and commented on the establishment of a regional maintenance entity.
- Erwin Jackson, 1341 Jackson Bluff Road, encouraged adoption of the Citizen Utility Board as more citizen input was needed.
- Larry Hendricks, 406 Alpha Avenue, clarified the process for approval of the amendments and requested that the campaign contributions limit be reduced from \$250 to \$100. He stated that environmental standards language should include whichever is the strongest.
- Carol Kio-Green, 4823 Sullivan Road, provided comment on the proposed amendments. Her comments included support for minimum environmental standards and maintaining current hiring/firing process for county administrator. She expressed concern about petition threshold and clerk auditor amendments and suggested that the solid waste be incorporated into the Citizen Utility Board language. Ms. Kio-Green also recommended that limitation of campaign contribution language include “per election cycle” and that the language specific to the committee not be approved.

Chairman Holley announced at 7:23 p.m. that the public input portion of the third public hearing was now closed.

The Committee recessed and reconvened at 7:35 p.m. to consider the proposed charter amendments.

VII. Consideration of Proposed Charter Amendments

1. Tourist Development Council Structure:

Jon Ausman moved, duly seconded by Lester Abberger, to adopt the proposed amendment, ballot title and summary: Tourist Development Council Structure, Whether the Leon County Home Rule Charter shall be amended to provide that the Tourist Development Council staff shall report to the County Administrator; effective January 1, 2011.

The motion carried 15-0.

2. Non-Interference Policy:

Lester Abberger moved, duly seconded by Jon Ausman, to adopt the proposed amendment, ballot title and summary: Non-interference Policy, Whether the Leon County Home Rule Charter shall be amended to prohibit individual County Commissioners from giving instructions or directives to employees under the direct or indirect control of the County Attorney or County Administrator; effective January 1, 2011.

The motion carried 15-0.

3. Employment Policy of the County Administrator:

Lester Abberger moved, duly seconded by Ralph Mason, to adopt the proposed amendment, ballot title and summary: Employment Policy of the County Administrator, Whether the Leon County Home Rule Charter shall be amended to provide the manner by which the County Administrator shall be employed and the manner by which the County Administrator is terminated; effective January 1, 2011.

The motion carried 13-2 (Donna Harper and Tom Napier in opposition)

4. Petition Threshold/Petition Prohibition:

Jon Ausman moved, duly seconded by Ralph Mason, to adopt the proposed amendment, ordinance, ballot title and summary: Ordinance and Charter Amendment, Petition Thresholds and Petition Prohibited Subjects, Whether the Leon County Home Rule Charter shall be amended to lower the number of signatures required for petitions proposing ordinances or charter amendments from 10% in each single-member district, to 7% countywide, including 5% within each single-member district; and clarify that existing prohibited subjects apply to charter amendments, in addition to ordinances; effective January 1, 2011.

The motion carried 11-4 (Lester Abberger, Donna Harper, Catherine Jones and Tom Napier in opposition)

5. Limitation on Campaign Contribution

Lester Abberger moved, duly seconded by Dave Jacobsen, to adopt the proposed amendment, ballot title and summary: Limitation on Campaign Contribution, Whether the Leon County Home Rule Charter shall be amended to limit campaign contributions for candidates for county office to \$250 from individuals or political committees; effective January 1, 2011.

Jon Ausman moved, duly seconded by Lester Abberger, to amend the motion to insert “per election” into the proposed language. The amendment was accepted.

Jon Ausman moved, duly seconded by Lester Abberger, to amend the motion to replace \$250 with \$100.

Donna Harper moved, duly seconded by Tom Napier, to table the motion until later in the meeting. **The motion failed 6-9** (Jon Ausman, Rick Bateman, Lance de-Haven Smith, Sue Dick, Chuck Hobbs, Chris Holley, David Jacobsen, Larry Simmons and Marilyn Wills in opposition). (simple majority needed to move the motion)

The motion to approve the amendment offered by Mr. Ausman to reduce the campaign contribution for candidates from \$250 to \$100 **carried 9-6** (Rick Bateman, Donna Harper, Christopher Holley, Cathy Jones, Tom Napier and Linda Nicholsen in opposition)

The original motion to adopt the proposed amendment, ballot title and summary, as amended: Limitation on Campaign Contribution, Whether the Leon County Home Rule Charter shall be amended to limit campaign contributions for candidates for county office to \$250 \$100 from individuals or political committees, per election; effective January 1, 2011. **The motion failed 9-6** (Rick Bateman, Donna Harper, Christopher Holley, Cathy Jones, Tom Napier and Linda Nichol森 in opposition) *requires approval by minimum of 10 members.

Lance deHaven-Smith moved, duly seconded by Jon Ausman, to adopt the original motion, to include “per election” as amended. **The motion carried 12-3** (Rick Bateman, Donna Harper, Tom Napier and Linda Nichol森 in opposition)

6. Citizen Charter Review Committee

Jon Ausman moved, duly seconded by Lester Abberger, to adopt the proposed amendment, ballot title and summary: Citizen Charter Review Committee, Whether the Leon County Home Rule Charter shall be amended to provide that the Charter Review Committee shall be appointed 15 months prior to general election; require the Board consider a wide variety of factors when appointing Charter Review Committee members; and provide that recommendations of the Charter Review Committee approved by 9 votes go to Board for its consideration; and those by 12 votes go directly to ballot; effective January 1, 2011.

The motion carried 15-0

7. Clerk Auditor

Rick Bateman moved, duly seconded by Cathy Jones to take no action to amend the Charter language as it currently exists.

Jon Ausman moved, duly seconded by Tom Napier, a substitute motion to accept the amendment, ballot title and summary: Clerk Auditor, Whether the Leon County Home Rule Charter shall be amended to provide that the Clerk to the Board shall conduct audits of the Board’s books, accounts and internal controls pursuant to work plan of the Audit Committee; and that the Clerk may conduct performance audits upon approval of the Board; effective January 1, 2011. **The substitute motion failed 9-6** (Lester Abberger, Rick Bateman, Chuck Hobbs, Chris Holley, Cathy Jones, and Linda Nichol森 in opposition). *requires approval by minimum of 10 members.

The original motion proposed by Mr. Bateman to take no action to amend the Charter language as it currently exists. **The motion failed 7-8** (Jon Ausman, Lance de-Haven Smith, Donna Harper, David Jacobsen, Ralph Mason, Tom Napier, Larry Simmons, and Marilyn Wills). Ms. Harper requested that the motion and vote be forward to the County Commission. Mr. Spitzer indicated that this information would be provided in the Final Report.

8. Citizen Utility Advisory Board

Jon Ausman moved, duly seconded by Larry Hobbs, to adopt the proposed amendment, ballot title and summary: Citizen Utility Advisory Board, Whether the Leon County Home Rule Charter shall be amended to establish a Utility Advisory

Board to study and make recommendations to City and County on utility rates; planning or expansion of Utility Service Areas; maintenance activities; and which shall consist of 7 members: 3 appointed by City; 3 appointed by County; and 1 appointed by Council of Neighborhood Associations; effective January 1, 2011.

Mr. Lance deHaven-Smith moved, duly seconded by Chuck Hobbs, to amend the motion to include the addition of language on page 4, line 5 of the proposed ordinance. Line 5 now reads "...Commission concerning utility rates, planning for an expansion of utility service areas, siting and expanding of solid waste facilities, and....." **The motion to approve the amendment carried 11-3** (Lester Abberger, Sue Dick and Chris Holley in opposition; Rick Bateman declined to vote).

Rick Bateman moved, duly seconded by Lester Abberger, to insert into Paragraph (C) of Section 4.3(2) language stating "Should the City Commission and/or the Council of Neighborhood Associations (CONA) not appoint its members within the 90 days upon this article becoming law, the County Commission shall make the appointment". **The motion carried 13-2** (Chris Holley and Tom Napier in opposition).

Ralph Mason moved, duly seconded by Lance de-Haven Smith to Call the Question. **The motion carried 9-6** (Jon Ausman, Donna Harper, Chuck Hobbs, Catherine Jones, Tom Napier, Larry Simmons in opposition).

The original motion made by Mr. Ausman, as amended, failed 7-8 (Lester Abberger, Jon Ausman, Rick Bateman, Sue Dick, Chris Holley, Tom Napier, Linda Nichol森 and Marilyn Wills in opposition).

9. Unified Environmental Standards

Donna Harper moved, duly seconded by Lance deHaven-Smith, to amend page 1, line 31 of the proposed ordinance by inserting "when such county ordinances provide a higher degree of protection of environmental resources" after "municipal ordinances"; and to approve the ballot title and summary: Unified Countywide Environmental Standards, Whether the Leon County Home Rule Charter shall be amended to provide that county ordinances shall prevail over city ordinances, when such county ordinances provide a higher degree of protection of environmental resources establishing standards, procedures, requirements and regulations for the protection of the environment; with an effective date of January 1, 2011.

Ralph Mason moved, duly seconded by Rick Bateman, a substitute motion to allow the County set minimum standards; with the City being allowed to pass more stringent environmental ordinances as deemed appropriate; effective April 1, 2011. (Revised language incorporating the minimum standards language, was provided by Mr. Spitzer. This language was accepted by Mr. Mason as his motion.)

Ms. Harper withdrew her motion.

Mr. Bateman withdrew his second of the motion. Mr. Mason's motion was then seconded by Dave Jacobsen.

Rick Bateman moved, duly seconded by Cathy Jones, offered a substitute motion to move the original language provided by staff, ballot title and summary, effective April 1, 2011. **The substitute motion failed 7-8** (Jon Ausman, Lance deHaven-Smith, Donna Harper, Chris Holley, Ralph Mason, Linda Nichol森, Larry Simmons, and Marilyn Wills in opposition).

Mr. Kinni suggested that the Committee provide an opportunity for staff to formulate the appropriate language on this issue for the CRC's review and consideration.

Chairman Holley recessed the Committee at 9:45 p.m. and reconvened at 10:10 p.m.

Staff provided the Committee with revised ordinance language. In addition, Mr. Kinni advised that revisions were made to the Ballot Title and Summary. These amendments are attached.

The current motion on the floor, to approve the revised language as provided by staff, was made by Mr. Mason and seconded by Mr. Jacobsen. **The motion carried 11-4** (Lester Abberger, Sue Dick, Chuck Hobbs, Cathy Jones in opposition).

Donna Harper requested the Committee to reconsider the motion to limit campaign contributions to \$250. This was not allowed as Ms. Harper was not on the prevailing side of the vote which carried.

Jon Ausman moved, duly seconded by Larry Simmons, to reconsider the motion which adopted the \$250 campaign limitation, per election. **The motion failed 3-12** (Lester Abberger, Sue Dick, Lance deHaven-Smith, Rick Bateman, Chuck Hobbs, Chris Holley, Dave Jacobsen, Cathy Jones, Ralph Mason, Linda Nichol森, Marilyn Wills, Tom Napier in opposition)

Mr. Kinni advised that a motion was needed to transmit the charter amendments to the Board of County Commissioners effective August 4, 2010; which will meet the Committee's and the Board's 90 day provision.

Linda Nichol森 moved, duly seconded by Ralph Mason, to transmit amendments to the Board on August 4, 2010. **The motion carried 15-0.**

VIII. Member Discussion

There was discussion regarding the upcoming workshop scheduled April 13 workshop with the Board. Mr. Lamy provided that the workshop is provided to give the Board a status of the Committee's accomplishments. It was concluded that the Chairman would determine the need for the workshop and a meeting to adopt the final report. Mr. Kinni reminded the CRC that until the charter amendments are transmitted, the Committee is still established; therefore discussions are not allowed between members outside of a scheduled meeting.

IX. Adjournment

Rick Bateman moved, duly seconded by Tom Napier to adjourn the meeting. The meeting adjourned at 10:30 p.m.

Christopher Holley, Chairman
Citizen Charter Review Committee

Bob Inzer, Clerk of Court

ORDINANCE NO. 2002- 17

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF LEON COUNTY, FLORIDA,
5 PROVIDING FOR THE ADOPTION OF A HOME RULE
6 CHARTER; PROVIDING FOR THE PREAMBLE;
7 PROVIDING FOR THE CREATION AND POWERS OF
8 HOME RULE CHARTER GOVERNMENT; PROVIDING FOR
9 THE RELATIONSHIP OF COUNTY ORDINANCES TO
10 MUNICIPAL ORDINANCES; PROVIDING FOR AN
11 ELECTED COMMISSION AND APPOINTED COUNTY
12 ADMINISTRATOR FORM OF GOVERNMENT; PROVIDING
13 FOR NON-PARTISAN ELECTIONS OF COUNTY
14 COMMISSIONERS; PROVIDING FOR THE LEGISLATIVE
15 AND EXECUTIVE BRANCHES OF GOVERNMENT;
16 PROVIDING FOR THE APPOINTMENT OF A COUNTY
17 ADMINISTRATOR AND COUNTY ATTORNEY;
18 PROVIDING FOR THE PRESERVATION OF ELECTED
19 COUNTY CONSTITUTIONAL OFFICERS; PROVIDING
20 THAT THE SUPERVISOR OF ELECTIONS SHALL BE NON-
21 PARTISAN; PROVIDING THAT THE LEON COUNTY
22 CLERK OF COURT SHALL SERVE AS AUDITOR TO THE
23 COMMISSION; PROVIDING FOR AN AUDIT COMMITTEE;
24 PROVIDING FOR CITIZEN INITIATIVES FOR COUNTY
25 ORDINANCES AND CHARTER AMENDMENTS;
26 PROVIDING FOR THE RECALL OF COMMISSIONERS;
27 PROVIDING FOR TRANSITION PROCEDURES;
28 PROVIDING FOR CHARTER AMENDMENT PROCEDURES;
29 PROVIDING FOR A CHARTER REVIEW COMMISSION;
30 PROVIDING FOR A BALLOT QUESTION TO BE POSED TO
31 THE LEON COUNTY ELECTORATE AT THE SPECIAL
32 ELECTION ON NOVEMBER 5, 2002; PROVIDING FOR
33 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
34 DATE.
35

36 WHEREAS, Leon County, Florida, is presently a non-charter county government as
37 established under Article VIII, Section 1(f), Florida Constitution; and

38 WHEREAS, Article VIII, Sections 1(c) and 1(g), Florida Constitution, provide that a
39 county government may be established by charter, which shall be adopted upon a majority vote
40 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

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 _____

28 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,

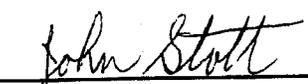
1 if the Charter is approved by a "yes" vote by a majority of those duly qualified electors voting on the
2 question posed at the November 5, 2002, referendum.

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

6 LEON COUNTY, FLORIDA

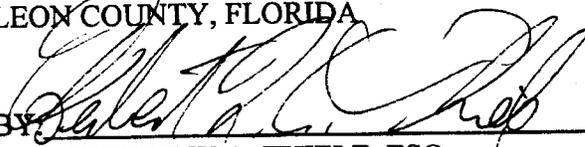
7
8
9 BY: 
10 DAN WINCHESTER, CHAIRMAN
11 BOARD OF COUNTY COMMISSIONERS
12

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

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



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

24
25 BY: 
26
27 HERBERT W.A. THIELE, ESQ.
28 COUNTY ATTORNEY
29
30
31



Board of County Commissioners
Leon County, Florida
www.leoncountyfl.gov

Agenda Item
Executive Summary

April 9, 2009

Title:

Ratification of the March 26, 2009 Workshop on Establishment of a Citizen Charter Review Committee

Staff:

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

Issue Briefing:

This agenda item requests Board ratification of the March 26, 2009 Workshop on the Establishment of a Citizen Charter Review Committee (CRC). The Leon County Charter requires the Board establish a Charter Review Committee in November 2009.

During the workshop, staff provided a comprehensive presentation of the Leon County Charter and the establishment of the CRC. At the conclusion of the presentation, a number of options and recommendations were presented related to the establishment and review process of the CRC. The Board addressed each option and recommendation, providing amendments and further direction to staff.

In addition, the Board directed staff to schedule a workshop on the CRC policy issues and on the recommendations of the City of Tallahassee's Citizen Charter Review Committee in order to refine Board guidance to the CRC. Staff has identified Tuesday, May 26, 2009 from 11:30 a.m.-1:30 p.m. to conduct the workshop.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Ratify the Board actions taken at the March 26, 2009 Workshop on Establishment of a Citizen Charter Review Committee.

Option #2: Schedule the Workshop on Citizen Charter Review Committee Policy Issues for Tuesday, May 26, 2009 from 11:30 a.m. to 1:30 p.m.

Title: Ratification of the March 26, 2009 Workshop on Establishment of a Citizen Charter Review Committee
April 9, 2009
Page 2

Report and Discussion

Background:

On March 26, 2009, the Board conducted a workshop on the establishment of a Citizen Charter Review Committee (CRC). The Leon County Charter requires the Board to establish the first CRC in November 2009.

Analysis:

During the workshop, staff provided a comprehensive presentation of the Leon County Charter and the establishment of the first CRC. At the conclusion of the presentation, a number of options and recommendations were presented related to the establishment and review process of the CRC. There was considerable discussion by the Board regarding the current Leon County Charter and the recommendations presented. The following information provides additional detail on the actions taken by the Board on each recommendation.

Recommendation #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.

The Board directed staff to prepare an agenda item for a Commission meeting in October to include the appointment of a 14-member committee (2 appointments per commissioner) and proposed by-laws.

Recommendation #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.

The Board accepted staff's recommendation to 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.

Recommendation #3: Direct the Leon County Citizen Review Committee to address any or all of the issues presented and any additional issues identified by the Board, or amend as deemed as appropriate by the Board.

Overall, the Board discussed the need for the CRC to consider options to strengthen the County Charter to better position the County to most effectively deal with current and anticipated challenges and opportunities facing Leon County. A specific number of issues were presented by each Commissioner for consideration by the CRC in addition to those that were identified in the workshop item.

Title: Ratification of the March 26, 2009 Workshop on Establishment of a Citizen Charter Review Committee
April 9, 2009
Page 3

The issues identified during the workshop were as follows:

- Campaign Finance Reform
- Lower Charter Petition Threshold
- Elected Countywide Executive or County Manager
- Functional Consolidation
- Protection of Water Supply
- Annexation Policy
- Charter officers/Constitutional Officers
- Commission Structure/Districting Schemes
- Utility Board
- Countywide Stormwater Regulation/Environmental ordinances

The Board directed staff to provide further information on options available under the Charter to improve efficiency, curtail costs, and align policies and procedures of the constitutional officers. In addition, the Board directed staff to schedule a workshop on the policy issues identified and on the recommendations of the City of Tallahassee's Citizen Charter Review Committee in order to refine Board guidance to the CRC on these and other policy issues identified by the Commission. Staff has identified Tuesday, May 26, 2009 from 11:30 a.m.-1:30 p.m. to conduct the workshop.

Recommendation #4: Utilize County staff to provide staff support to the Citizen Charter Review Committee, or amend as deemed as appropriate by the Board.

The Board directed that both County staff and a consultant provide staff support to the Citizen Charter Review Committee.

Recommendation #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.

The Board accepted staff's recommendation to establish the meetings of the Citizen Charter Review Committee weekly on Thursdays; broadcast Citizen Charter Review Committee meetings on the County website; and, continue to work with Comcast to broadcast the Citizen Charter Review Committee meetings on Comcast Channel 16.

It is important to note that during the March 26, 2009 Board meeting, Sheriff Larry Campbell provided a presentation on the cost of law enforcement in Leon County and the City of Tallahassee. The Board discussed whether law enforcement consolidation should be an issue addressed by the CRC.

Title: Ratification of the March 26, 2009 Workshop on Establishment of a Citizen Charter Review Committee
April 9, 2009
Page 4

Options:

1. Ratify the Board actions taken at the March 26, 2009 Workshop on Establishment of a Citizen Charter Review Committee.
2. Schedule the Workshop on Citizen Charter Review Committee Policy Issues for Tuesday, May 26, 2009 from 11:30 a.m. to 1:30 p.m.
3. Do not ratify the Board actions taken at the March 26, 2009 Workshop on Establishment of a Citizen Charter Review Committee.
4. Board Direction.

Recommendation:

Options #1 and #2.

PA/VSL



Board of County Commissioners
Leon County, Florida
www.leoncountyfl.gov

Agenda Item
Executive Summary

July 14, 2009

Title:

Ratification of the May 26, 2009 Workshop on Citizen Charter Review Committee Policy Issues

Staff:

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

Issue Briefing:

This agenda item requests Board ratification of the May 26, 2009 Workshop on the Citizen Charter Review Committee (CRC) Policy Issues. The Leon County Charter requires the Board establish the first Charter Review Committee in November 2009.

During the workshop, staff presented a brief overview of the actions that were taken by the Board at its March 26, 2009 workshop as well as the recommendations of the City Charter Committee. County staff and the County's consultant, Kurt Spitzer of Kurt Spitzer and Associates, provided a comprehensive presentation on charter counties and policy issues commonly addressed by county charter review committees. Following the presentation, staff presented a list of policy issues that had been identified at the initial Charter workshop for Board discussion. After considerable discussion, the Board identified several policy issues it wished to be considered by the CRC to strengthen the County Charter to better position the County to effectively deal with current and anticipated challenges and opportunities facing the community. The Board stressed that the issues identified should not be considered exhaustive or limit the CRC's ability to address broad or specific issues.

In addition, the Board directed that CRC membership include a college student and, as a result, increased the number of members on the CRC to 15. Staff will prepare an agenda item for the October 13 Board meeting for each Commissioner to appoint two individuals to the CRC; and, additionally, to authorize the Chairman to appoint the CRC college student representative.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Ratify the Board actions taken at the May 26, 2009 Workshop on Citizen Charter Review Committee Policy Issues.

Option #2: Authorize the Chairman to appoint the college student representative to the Leon County Charter Review Committee.

Title: Ratification of the May 26, 2009 Workshop on Citizen Charter Review Committee Policy Issues
July 14, 2009
Page 2

Report and Discussion

Background:

The Leon County Charter requires the Board establish the first Charter Review Committee (CRC) in November 2009. On March 26, 2009, the Board conducted a workshop on the establishment of a Citizen Charter Review Committee. At that time, the Board directed staff to schedule a workshop to address CRC policy issues exclusively. Subsequently, a workshop was held May 26, 2009 from 11:30 a.m. to 1:30 p.m.

At the Workshop, the Board discussed policy issues for identifying those issues that the CRC needs to address in its review of the County Charter. In addition, staff provided information on the recommendations of the City of Tallahassee's Charter Review Committee (City Charter Committee).

Analysis:

During the workshop, staff presented a brief overview of the actions that were taken by the Board at its March 26, 2009 workshop, as well as the recommendations of the City Charter Committee. The Board's consultant, Kurt Spitzer, Kurt Spitzer and Associates, provided a comprehensive presentation on charter counties and policy issues commonly addressed by county charter review committees. Following the presentation, staff presented a list of policy issues that have been identified in the past for Board discussion. After considerable discussion, the Board identified several policy issues it wished to be considered by the CRC to strengthen the County Charter to better position the County to effectively deal with current and anticipated challenges and opportunities facing our community. The issues identified during the workshop were as follows:

- County/city consolidation and/or functional consolidation
- Countywide stormwater standards/environmental ordinances
- Codification of revised Tourist Development Council Structure
- Non-partisan elections
- Lower Charter Petition Threshold
- Protection of Water Supply
- Annexation Policy
- Charter officers/Constitutional Officers
- Commission Structure/Districting Schemes

The Board stressed that the issues identified should not be exhaustive or limit the CRC's ability to address broad or specific issues it determines should be considered. Additionally, the Board discussed including campaign finance reform as an issue to be considered by the CRC; however, the County Attorney stated that the issue may be preempted by the State and that he would prepare a memorandum on the issue. The County Attorney's June 16, 2009 memorandum opines that Florida Statutes implicitly preempts the local regulation of campaign contribution limits (Attachment #1).

Title: Ratification of the May 26, 2009 Workshop on Citizen Charter Review Committee Policy Issues
July 14, 2009
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The Board addressed the recommendations of the City Charter Committee, specifically regarding the consolidation of the County and City Growth Management Departments. Staff informed the Board that a charter amendment would not be required to consolidate County and City departments and could be achieved by an Interlocal agreement. As part of the Budget Workshop conducted on June 9, 2009, staff prepared a budget discussion item regarding present and past issues of consolidation of the County and City Growth Management Departments including Building Inspection (Attachment #2). At that time, the Board directed staff to prepare an agenda item for Board approval of a Memorandum of Understanding (MOU) outlining broad tenets and mutual commitment for pursuing a functional consolidation of County and City growth management functions. Once approved, the MOU will be sent to the City Commission for consideration.

In addition, the Board directed that CRC membership include a college student, and, as a result increased the number of members on the CRC to 15. Staff will prepare an agenda item for the October 13 Board meeting regarding appointments to the CRC. At that time, each Commissioner will appoint two individuals to the CRC. Staff recommends that the Chairman be authorized to appoint the college student representative.

Options:

1. Ratify the Board actions taken at the May 26, 2009 Workshop on Citizen Charter Review Policy Issues.
2. Authorize the Chairman to appoint the college student representative to the Leon County Charter Review Committee.
3. Do not ratify the Board actions taken at the May 26, 2009 Workshop on Citizen Charter Review Committee Policy Issues.
4. Do not authorize the Chairman to appoint the college student representative to the Leon County Charter Review Committee.
5. Board Direction.

Recommendation:

Options #1 and #2.

Attachments:

1. County Attorney's June 16, 2009 Memorandum
2. June 9, 2009 budget discussion item on County/City growth environmental management/building inspection consolidation

PA/VSL



Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
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Attachment # 5
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NEWS RELEASE

FOR IMMEDIATE RELEASE: October 30, 2009

CONTACT: Jon D. Brown
Public Information Officer
(850) 606-5300

Citizen Charter Review Committee Meets Tuesday *County Launches Charter Review Website*

On Oct. 13, 2009, the Leon County Board of County Commissioners established the first Citizen Charter Review Committee, appointing 15 local residents. The Committee is charged with reviewing the County Charter and proposing any changes for the 2010 General Election. The Committee will meet for 120 days to review and evaluate the County Charter and provide recommendations that will shape the role and function of County government.

In 2002, the citizens of Leon County adopted a Home Rule Charter with the belief that governmental decisions affecting local interests should be made locally and that County government should be reflective of the people. The Charter governs the County's structure, organization, and relationship with other local agencies. Every eight years, the County Commission is required to establish a Citizen Charter Review Committee one year prior to the next general election. The County Commission has held a number of workshops and discussions in preparation for the charter review process.

The committee will hold its first meeting on Tuesday, Nov. 3, at the Leon County Courthouse in the Commission Chambers, located on the fifth floor, from 11:30 a.m. to 1:30 p.m. The initial meeting will also be shown on Comcast Channel 16 and webcast on the Leon County website.

In order to provide greater access and information to all citizens, the County has also launched a charter review website available at www.LeonCountyFL.gov/CharterRev. There, residents can access materials and documents related to the charter review process, as well as view the Committee meetings.

"Local government is the government closest to the people, and nothing exemplifies that more than this process," said County Commission Chairman Bryan Desloge. "It gives citizens the ability to shape how County government will impact our community in the near future."

Residents are encouraged to visit the charter review website for the latest updates. Comments and questions can be sent via email to 2010charter@LeonCountyFL.gov, or they can call (850) 606-5300 for more information.

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Leon County
Board of County Commissioners
301 South Monroe Street, Tallahassee, Florida 32301
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NEWS RELEASE

FOR IMMEDIATE RELEASE: December 30, 2009

CONTACT: Jon D. Brown
Public Information Officer
(850) 606-5300

Citizen Charter Review Committee Seeking Citizen Input

The Leon County Citizen Charter Review Committee is seeking citizen input as it reviews the Leon County Charter on Thursday, Jan. 7, 2010. The Committee will hold an evening meeting to provide greater access for citizen participation at the Leon Courthouse in the County Commission Chambers located on the fifth floor at 5:30 p.m. The meeting will also be webcast on the Leon County website, www.leoncountyfl.gov/charter.

Since its first meeting in November 2009, the 15-member committee has heard presentations from County Commissioners, staff, elected officials and Leon County residents.

"Citizens have the ability to shape how County government can impact our community," said Committee Chairman Chris Holley.

In order to provide further information about the Charter, the County has also launched a charter review website, www.leoncountyfl.gov/charter. There, residents can access materials and documents related to the charter review process as well as view the meetings of the Committee online.

In 2002, the citizens of Leon County adopted a Home Rule Charter with the belief that governmental decisions affecting local interests should be made locally and that County government should be reflective of the people. The Charter governs the County's structure, organization, and relationship with other local agencies. Every eight years, the County Commission is required to establish a Citizen Charter Review Committee one year prior to the next general election. The County Commission has held a number of workshops and discussions in preparation for the charter review process.

"The Board values citizen input," said Commission Chairman Bob Rackleff. "We encourage more residents to take part in this important process."

Residents are encouraged to visit the charter review website for the latest information. Comments and questions can be sent via email to 2010charter@leoncountyfl.gov or by phone to (850) 606-5300.

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Leon County

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Attachment # 5
Page 3 of 6

NEWS ADVISORY

FOR IMMEDIATE RELEASE: January 22, 2010

CONTACT: Jon D. Brown
Public Information Officer
(850) 606-5300

Citizen Charter Review Committee Enters Next Phase

Committee to begin discussing proposed amendments at Jan. 28 meeting

The Leon County Citizen Charter Review Committee will begin consideration of proposed amendments to the Leon County Charter on Thursday, Jan. 28, 2010, at 5:30 p.m. The Committee recently completed its discussion process that identified issues for amendments to the County Charter. Since November, the Committee has heard presentations and comments from the public, County Commissioners, staff, local organizations and other elected County and City officials on ways to enhance the effectiveness and efficiencies of County government through the Charter.

In the decision phase, the Committee will consider proposed amendments for issues that it has identified for addition or revision in the County Charter. As always, the Committee encourages citizens to provide input on the proposed amendments that will be discussed during this process.

The meeting will be held at the Leon Courthouse in the Commission Chambers, located on the fifth floor. The meeting will be broadcast at the Leon County Charter Review website, www.leoncountyfl.gov/charter. There, residents can also access the agenda for the meeting and other materials related to the charter review process as well as view past meetings of the Committee.

Comments and questions can be sent via email to 2010charter@leoncountyfl.gov or by phone to (850) 606-5300.

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Leon County

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NEWS ADVISORY

FOR IMMEDIATE RELEASE: February 4, 2010

CONTACT: Jon D. Brown
Public Information Officer
(850) 606-5300

Citizen Charter Review Committee Meets Today

The Citizen Charter Review Committee will meet today, Thursday, Feb. 4, at 11:30 a.m. in the Commission Chambers of the Leon County Courthouse, located at 301 S. Monroe Street.

In order to provide greater access and information to all citizens, the County has also launched a charter review website available at www.LeonCountyFL.gov/CharterRev. There, residents can access materials and documents related to the charter review process, as well as view the Committee meetings live.

Residents are encouraged to visit the charter review website for the latest updates. Comments and questions can be sent via email to 2010charter@LeonCountyFL.gov, or residents can call (850) 606-5300 for more information.

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Leon County
Board of County Commissioners
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NEWS RELEASE

FOR IMMEDIATE RELEASE: February 12, 2010

CONTACT: Jon D. Brown
Public Information Officer
(850) 606-5300

Citizen Charter Review Committee Holds Public Hearings
Public Comment on Proposed Amendments to be Taken Beginning Next Week

The Leon County Citizen Charter Review Committee will hold the first of three public hearings on proposed amendments to the Leon County Charter on Thursday, February 18, 2010 at 5:30 p.m. The committee recently completed its decision phase at which time it considered proposed charter amendments for elevation to the public hearing phase. Since November, the committee has received presentations and comments from the public, County Commissioners, staff, local organizations, and other elected County and City officials on ways to enhance the effectiveness and efficiencies of County government through the charter.

During the public hearing process, the public will have the opportunity to provide comments on the proposed amendments that have been identified for addition or revision to the County charter. The amendments include a revision on the petition threshold for charter amendments and ordinances, the establishment of a citizen utility advisory board and the limitation of campaign contributions in County elections.

The committee will hold a total of three public hearings – February 18, March 4 and March 18. All meetings will be held at 5:30 p.m. at the Leon Courthouse in the County Commission Chambers located on the 5th floor. At the final public hearing scheduled for March 18, the committee will vote on each proposed amendment to be forwarded to the Leon County Board of County Commissioners. A two-thirds vote of the committee membership will be required for each amendment to be transmitted to the Board.

As always, the committee is encouraging citizen input during this process. The meetings will be broadcast on the Leon County Charter Review website at www.leoncountyfl.gov/charter. Residents can also access the agenda for these meetings and other materials related to the charter review process as well as view past committee meetings. Comments and questions can be sent via email to 2010charter@leoncountyfl.gov or addressed by phone at (850) 606-5300.

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Board of County Commissioners
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NEWS ADVISORY

FOR IMMEDIATE RELEASE: March 12, 2010

CONTACT: Jon D. Brown
Public Information Officer
(850) 606-5300

Citizen Charter Review Committee Holds Final Public Hearing
Committee to Vote on Proposed Amendments

The Leon County Citizen Charter Review Committee will hold the third and final public hearing on proposed amendments to the Leon County Charter on Thursday, March 18, 2010 at 5:30 p.m. at the Leon Courthouse in the County Commission Chambers located on the 5th floor.

The committee will vote on each proposed amendment that will be forwarded to the Leon County Board of County Commissioners. A two-thirds vote of the committee membership will be required for each amendment to be transmitted to the Board.

Since November, the committee has received presentations and comments from the public, County Commissioners, staff, local organizations, and other elected County and City officials on ways to enhance the effectiveness and efficiencies of County government through the charter.

During the public hearing process, the public will have the opportunity to provide comments on the proposed amendments that have been identified for addition or revision to the County charter. The amendments include a revision on the petition threshold for charter amendments and ordinances, the establishment of a citizen utility advisory board and the limitation of campaign contributions in County elections.

In the event that the general meeting business must be continued, an extension of Thursday's meeting will take place on Monday, March 22, 2010, at 8:30 a.m. in the same location.

As always, the committee is encouraging citizen input during this process. The meeting will be broadcast on the Leon County Charter Review website at www.leoncountyfl.gov/charter. Residents can also access the agenda for this meeting as well as the proposed amendments that will be considered by the committee. Comments and questions can be sent via email to 2010charter@leoncountyfl.gov or addressed by phone at (850) 606-5300.

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Leon County

Board of County Commissioners

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Attachment # 6
Page 1 of 2

Commissioners

February 17, 2010

BILL PROCTOR
District 1

Ms. Anita Favors Thompson, City Manager
City of Tallahassee

300 South Adams, Box. A21

Tallahassee, FL 32301

JANE G. SAULS
District 2

JOHN DAILEY
District 3

BRYAN DESLOGE
District 4

Re: Proposed County Charter Amendment Regarding Unified Countywide Environmental Standards

BOB RACKLEFF
District 5

Dear Anita:

CLIFF THAELL
At-Large

I write this letter to clarify the intent of the County Charter Amendment regarding unified countywide environmental standards being proposed by the Citizen Charter Review Committee. As you are aware, the City and County have separate, but similar regulations for protecting our community's environmental resources. A unified environmental regulations ordinance would benefit the entire community by providing consistency, reliability and uniformity.

AKIN AKINYEMI
At-Large

PARWEZ ALAM
County Administrator

HERBERT W.A. THIELE
County Attorney

We believe that enhancements to the regulations in both jurisdictions are necessary. This does not, however, necessarily mean that one uniform set of environmental regulations would be appropriate for both jurisdictions. Instead, regulations should be based on science and not political boundaries. Therefore, should the proposed Charter Amendment pass, I will assure you that County staff will make every effort to work together with City staff to develop standards that would allow flexibility to promote density in the urban core while at the same time, protecting the water quality of our surface waters countywide.

One area of the regulations that has received the most attention centers on the differences in our stormwater regulations. Water quality treatment for protection of our lakes and rivers should be based on physiographic regions and not on political boundaries. We understand that some areas in the County have higher water quality treatment levels than the City, and some areas in the City have higher treatment levels than the County. However, both regulatory approaches need to be enhanced and unified to protect the water quality of our surface waters countywide. I believe we can do this in a way that also simplifies the maze of regulations that currently exists and promotes a level of consistency and certainty for our community. It is anticipated that these improvements would result in locational-based regulatory standards for stormwater that recognize the difference between the densities in the urban core and rural areas as established in our Comprehensive Plan. This approach would be codified in a unified countywide regulation which would be implemented by our Growth Management Departments.

Ms. Anita Favors Thompson
February 15, 2010
Page 2

As previously noted, it is anticipated that any proposed changes to countywide environmental regulations would be the result of a collaborative effort between City and County staff and would include participation from a citizen advisory committee. The resulting unified environmental regulations would provide the consistency, reliability and uniformity that would make permitting less problematic for the developers, consultants and the general community, and in so doing, would promote greater compliance with the protection of our natural resources.

Furthermore, it should be clarified that should the proposed Charter Amendment pass, the County would not assume all environmental permitting responsibilities. There would still be two distinct permitting entities; City Growth Management reporting to the City Manager, and County Growth and Environmental Management reporting to the County Administrator. However, both staffs would be enforcing a unified set of countywide environmental regulations. We believe that this approach would better serve the citizens in both jurisdictions.

For many years, going back to the early 1990s, the Board of County Commissioners has consistently identified the issue of unifying environmental regulations as a priority for the community. Over the last decade, the Board has made protection of waterbodies and unification of stormwater standards a perennial retreat priority. I know that you will agree that over the years, we have made significant progress working together on issues of great community importance like this one. After all of the years of effort working toward this important issue, sometimes the right time chooses us. I understand the political realities of the environment that we both have been working in for a very long time. However, I truly hope that the City does not view this approach as hostile, but as an opportunity for us to collectively achieve something of great importance for our community, our citizens (now and future generations), the sustainability of our environment; something which is long overdue and bigger than our political/jurisdictional issues.

We look forward to working with you and your staff on this important endeavor. I hope this clarifies our position on this matter. If you have any questions, please call me.

Sincerely,



Parwez Alam
County Administrator

- cc: Board of County Commissioners
- Vincent Long, Deputy County Administrator
- David McDevitt, Director of Leon County Growth & Environmental Management
- John Kraynak, Director of Leon County Environmental Compliance