

Board of County Commissioners Workshop Item

Date of Meeting: March 26, 2009
Date Submitted: March 20, 2009
To: Honorable Chairman and Members of the Board
From: Parwez Alam, County Administrator *PAI*
Vincent S. Long, Deputy County Administrator *VL*
Subject: Workshop on Establishment of a Citizen Charter Review Committee

Statement of Issue:

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

Background:

On November 5, 2002, the residents of Leon County adopted a Home Rule Charter with the belief that governmental decisions affecting local interests should be made locally, rather than by the State, and that County government should be reflective of the people and serve them in achieving a more responsive and efficient form of government (Attachment #1).

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

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 2

Analysis:

Charter Counties

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

Leon County Charter

Historical Background

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

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

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

Starter Charter

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 3

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

Current Charter Provisions

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

Constitutional Officers

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

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

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 4

ARTICLE III SECTION 3.1 PRESERVATION OF CONSTITUTIONAL OFFICERS

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

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

ARTICLE III SECTION 3.2 NON-PARTISAN ELECTIONS

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

Relationship to Municipalities

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

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

ARTICLE I SECTION 1.6 RELATION TO MUNICIPAL ORDINANCES

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

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

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 5

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

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

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

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

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 6

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

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

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

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

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

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 7

ARTICLE I SECTION 1.7 TRANSFER OF POWER

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

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

Organization of County Government

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

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

ARTICLE II SECTION 2.2 LEGISLATIVE BRANCH

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 8

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

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

Amending the Charter

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

Petition

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

Board of County Commissioners

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

Citizens Charter Review Committee

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 9

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

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

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

Citizens Charter Review Committee

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

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

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

Structure/Composition

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 10

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

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

Recommendation:

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

Timeline/Process/Scope

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

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 11

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

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

Recommendation:

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

Consideration of Charter Issues

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

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

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 12

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

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

Recommendation:

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

Staff Support

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

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 13

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

Recommendation:

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

Meetings

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

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

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

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

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 14

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

Recommendation:

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

Options:

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

Recommendation:

Options #1-#5.

Attachments:

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

Workshop Item: Workshop on Establishment of a Citizen Charter Review Committee
March 26, 2009
Page 15

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