

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; ADDING A NEW SECTION 4.3 RELATED TO THE LEON COUNTY CITIZEN UTILITY ADVISORY BOARD; 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 FURTHER 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 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

ARTICLE IV. POWERS RESERVED TO THE PEOPLE: INITIATIVE; AND RECALL; CITIZEN UTILITY ADVISORY BOARD

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 ten percent (10%) of the total number of electors qualified to vote in the County reflecting ten percent (10%) 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 **Sec. 4.2. Recall.**

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

22 **Sec. 4.3. Leon County Citizen Utility Advisory Board.**

1 (1) Created; duties and responsibilities. There is hereby created and made a part of
2 the government of Leon County, a utilities advisory board to be known and designated as the
3 Leon County Citizen Utility Advisory Board, which shall study, investigate, and make
4 recommendations to *all Utility Providers in Leon County*, the Board of County Commissioners
5 and City of Tallahassee City Commission concerning utility rates, planning for and expansion of
6 utility service areas, *Portfolio Diversification*, and maintenance activities to the providers of
7 water, sewer, natural gas, electric and other utility services within Leon County.
8 Recommendations, studies, and findings shall be made available to all utility providers within
9 Leon County. *Efforts should also be made to share these recommendations, studies, and*
10 *findings with citizens of Leon County by posting them on County, City, and Utility Providers*
11 *Websites and by other reasonable means.*

12 (2) Composition; membership, qualifications, appointments, compensation,
13 election and duties of officers, meetings, vacancies, removal.

14 (A) The Citizen Utility Advisory Board shall consist of *nine (9)* members of which
15 *two (2)* shall be appointed by the Leon County Board of County Commissioners,
16 *two (2)* shall be appointed by the City of Tallahassee City Commission, one (1)
17 shall be appointed by the Tallahassee-Leon County Council of Neighborhood
18 *Associations (CONA), and one each (1) shall be appointed by the four largest*
19 *Utility Consumers in the County (currently FSU, FAMU, LCS, & State of*
20 *Florida)* for staggered terms of four years each. The Leon County Administrator,
21 or his/her designee and City of Tallahassee City Manager, or his/her designee
22 shall serve as ex-officio members of the Citizen Utility Advisory Board.

1 (B) Each member shall be a resident and elector of Leon County. Elected officials and
2 employees of Leon County and the City of Tallahassee shall be prohibited from
3 serving on the Citizen Utility Advisory Board. When making appointments, the
4 Board of County Commissioners, City Commission, and Council of
5 Neighborhood Associations shall attempt to include citizens from all segments of
6 the Leon County community, reflecting the different viewpoints, age, gender, life
7 experiences, professions and employment, race and ethnic backgrounds of the
8 citizens in the County.

9 (C) The Board of County Commissioners, City Commission, and Council of
10 Neighborhood Associations, shall, within ninety (90) days upon this article
11 becoming law, appoint by a majority vote, their respective members as provided
12 herein, *three* of whom shall serve for one (1) year, *three* of whom shall serve for
13 two (2) years, two of whom shall serve for three (3) years, and one of whom shall
14 serve for four (4) years, each of such terms to commence the first day of each new
15 fiscal year. The Board of County Commissioners, City Commission, *and two of*
16 *the four largest utility consumers shall each appoint one member for the one*
17 *and two-year terms, the other two of the four largest utility consumers shall*
18 *each appoint one member for the three-year terms,* and the Council of
19 Neighborhood Associations shall appoint a member for the four-year term of the
20 Citizen Utility Advisory Board. Thereafter, the term of each member shall be for
21 four (4) years; however, each member shall hold such office until his successor
22 has qualified and been appointed. No member of the Citizen Utility Advisory
23 Board shall serve more than two (2) consecutive terms.

1 (D) Members of the Citizen Utility Advisory Board shall not be compensated.

2 (E) The Citizen Utility Advisory Board by majority vote shall elect from among its
3 members a chairman, who shall preside over the meetings of the Advisory Board,
4 a vice-chairman who shall act for the chairman during his/her absence, and a
5 recording secretary.

6
7 (F) The Advisory Board shall meet *at least once every three months, and once a*
8 *month when deemed necessary.* All meetings shall be open to the public and
9 minutes shall be kept of all meetings; copies of such minutes shall be furnished to
10 the Board of County Commissioners and City Commission within fourteen (14)
11 days of such meeting.

12 (G) Vacancies shall be filled for the unexpired term in the same manner as provided
13 for appointment. No vacancy shall impair the right of the remaining members to
14 exercise all the powers of the Advisory Board.

15 (H) Any member may be removed for malfeasance, misfeasance, or nonfeasance in
16 office, or upon conviction of a felony.

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

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

21 **Section 3. Ballot Question Form.**

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

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

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Question

SHOULD A CITIZEN UTILITY ADVISORY BOARD BE ESTABLISHED FOR THE PURPOSES OF STUDYING, INVESTIGATING, AND MAKING RECOMMENDATIONS CONCERNING UTILITY RATES, PLANNING FOR AND EXPANSION OF UTILITY SERVICE AREAS, PORTFOLIO DIVERSIFICATION, AND MAINTENANCE ACTIVITIES AND ADVISING CITIZENS AND PROVIDERS OF WATER, SEWER, NATURAL GAS, ELECTRIC AND OTHER UTILITY SERVICES ALIKE OF THEIR FINDINGS?

Yes for Approval _____

No for Rejection _____

1 **Section 4. Further Authorization.**

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

7 **Section 5. Severability.**

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

12 **Section 6. Effective Date.**

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