CITIZEN CHARTER REVIEW COMMITTEE
MEMORANDUM

DATE: August 4, 2010

TO: The Honorable Chairman and Board of County Commissioners

FROM: Christopher Holley, Sr., Chairman

SUBJECT: Transmittal of the Citizen Charter Review Committee's Proposed Charter Amendments

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This memorandum serves as the official transmittal of the Leon County Citizen Charter Review Committee's (Committee) Proposed Charter Amendments to the Leon County Charter. On March 18, 2010, the Committee adopted seven proposed charter amendments for the County Commission's consideration. These amendments seek to better position the County in its continued effort to effectively serve its citizens.

During its review process, the Committee held 14 meetings that were publicly advertised, broadcasted live over the Internet and re-broadcasted on the County's Channel. Over this period of time, the Committee received presentations and testimony from many citizens, as well as individual County Commissioners, County staff, and Constitutional officers. This input was vital to the review process as the Committee sought to identify issues for revision and addition to the County Charter.

After five months of considerable discussion and deliberation, the Committee adopted seven proposed charter amendments along with ballot titles and summaries, as required by its By-Laws. Pursuant to the County Charter, the Committee has transmitted the proposed charter amendments 90 days prior to the 2010 general election.

It is my understanding that the County Commission intends to consider the proposed amendments at its August 17, 2010 Public Hearings. I will be available for any questions or comments that the Commission may have regarding the attached proposed charter amendments.

cc: Citizen Charter Review Committee
Parwez Alam, County Administrator
Herb Thiele, County Attorney
Vincent S. Long, Deputy County Administrator
Patrick Kinni, Senior Assistant County Attorney
Shington Lamy, Special Projects Coordinator
Kurt Spitzer, Kurt Spitzer and Associates

Attachment #1: Leon County Citizen Charter Review Committee's Proposed Charter Amendments

Proposed Amendment to Citizen Petition on County Ordinances
and 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 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 NOVEMBER 2, 2010; 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.

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

(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~~. upon petition signed by not less than seven percent (7%) of the total number of electors qualified to vote in the County reflecting not less than five percent (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. The procedures prescribed in subsection 4.1(2) of the Charter shall apply to petitions to amend the Charter that are proposed by citizen initiative.

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

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

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

(A) A Citizen Charter Review Committee shall be appointed by the Board of County Commissioners at least twelve (12) 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.

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

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

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

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

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

<u>Section 3.</u> Ballot Question To Be Presented To Electorate.

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on November 2, 2010.

Section 4. Ballot Question Form.

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

ORDINANCE AND CHARTER AMENDMENT PETITION THRESHOLD AND PETITION PROHIBITED SUBJECTS

Question

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% 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.

Yes for Approval _____

No for Rejection _____

Section 5. 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 amendment referendum to be properly placed on the ballot for the special election of November 2, 2010. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

Section 6. 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 7. Effective Date.

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed Charter amendments are not duly approved at the November 2, 2010, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective January 1, 2011, if the Charter amendment is approved by a "yes" vote by a majority of those duly qualified electors voting on the question posed at the November 2, 2010, referendum.

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

LEON COUNTY, FLORIDA

By:_____
Bob Rackleff, Chairman
Board of County Commissioners

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

Proposed Amendment to the Citizen Charter Review Committee

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 NOVEMBER 2, 2010; 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

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

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

(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. 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. Public hearings shall be conducted as provided by Section 125.63, Florida Statutes.

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

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

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

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

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

Section 2. Ballot Question To Be Presented To Electorate.

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on November 2, 2010.

Section 3. Ballot Question Form.

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

CITIZEN CHARTER REVIEW COMMITEE

Question

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 9 votes go to Board for its consideration; and those by 12 votes go directly to ballot.

Yes for Approval _____

No for Rejection _____

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 amendment referendum to be properly placed on the ballot for the special election of November 2, 2010. 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 amendments are not duly approved at the November 2, 2010, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective January 1, 2011, if the Charter amendment is approved by a "yes" vote by a majority of those duly qualified electors voting on the question posed at the November 2, 2010, referendum.

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

LEON COUNTY, FLORIDA

By:_____
Bob Rackleff, Chairman
Board of County Commissioners

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

Proposed Amendment on Campaign Contribution Limitation

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 2.2, LEGISLATIVE BRANCH, BY ADDING A NEW SUBSECTION (7) ENTITLED LIMITATIONS ON CAMPAIGN CONTRIBUTIONS; AMENDING ARTICLE III, ELECTED COUNTY CONSTITUTIONAL OFFICERS, BY ADDING A NEW SECTION 3.4 ENTITLED LIMITATIONS ON CAMPAIGN CONTRIBUTIONS; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON NOVEMBER 2, 2010; 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 2.2 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 2.2. Legislative Branch.

(1) The County Commission. The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms 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 candidate seeks election at the

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

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

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

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

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

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

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

Section 2. Article III of the Home Rule Charter of Leon County, Florida, is hereby amended by adding a new Section 3.4 entitled "Limitation on Campaign Contributions," to read as follows:

Sec. 3.4. Limitation on Campaign Contributions.

No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of $250 per election.

Section 3. Ballot Question To Be Presented To Electorate.

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on November 2, 2010.

Section 4. Ballot Question Form.

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

LIMITATION ON CAMPAIGN CONTRIBUTION

Question

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

Yes for Approval _____

No for Rejection _____

Section 5. 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 amendment referendum to be properly placed on the ballot for the special election of November 2, 2010. Said referendum

shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

Section 6. 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 7. Effective Date.

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed Charter amendments are not duly approved at the November 2, 2010, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective January 1, 2011, if the Charter amendment is approved by a "yes" vote by a majority of those duly qualified electors voting on the question posed at the November 2, 2010, referendum.

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

LEON COUNTY, FLORIDA

By:_____
Bob Rackleff, Chairman
Board of County Commissioners

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

Proposed Amendment on Minimum Environmental Regulations

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 NOVEMBER 2, 2010; 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 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 shall 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. However, nothing contained herein shall prohibit a municipality from adopting ordinances, standards, procedures, requirements or regulations establishing a more stringent level of environmental protection within the incorporated area of the county.

Section 2. Ballot Question To Be Presented To Electorate.

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on November 2, 2010.

Section 3. Ballot Question Form.

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

MINIMUM COUNTYWIDE ENVIRONMENTAL STANDARDS

Question

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

Yes for Approval _____

No for Rejection _____

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 amendment referendum to be

properly placed on the ballot for the special election of November 2, 2010. 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 amendments are not duly approved at the November 2, 2010, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective April 1, 2011, if the Charter amendment is approved by a "yes" vote by a majority of those duly qualified electors voting on the question posed at the November 2, 2010, referendum.

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

LEON COUNTY, FLORIDA

By:_____
Bob Rackleff, Chairman
Board of County Commissioners

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

Proposed Amendment to the Tourist Development Council

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 NOVEMBER 2, 2010; 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. 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

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

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

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

(2) Senior Management.

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

Section 2. Ballot Question To Be Presented To Electorate.

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on November 2, 2010.

Section 3. Ballot Question Form.

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

TOURIST DEVELOPMENT COUNCIL STRUCTURE

Question

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

Yes for Approval _____

No for Rejection _____

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 amendment referendum to be properly placed on the ballot for the special election of November 2, 2010. 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 amendments are not duly approved at the November 2, 2010, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective January 1, 2011, if the Charter amendment is approved by a "yes" vote by a majority of those duly qualified electors voting on the question posed at the November 2, 2010, referendum.

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

LEON COUNTY, FLORIDA

By:_____
Bob Rackleff, Chairman
Board of County Commissioners

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

Proposed Amendment on Noninterference Clause

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 NOVEMBER 2, 2010; 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. 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.**

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on November 2, 2010.

Section 3. Ballot Question Form.

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

NON-INTERFERENCE POLICY

Question

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

Yes for Approval _____

No for Rejection _____

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 amendment referendum to be properly placed on the ballot for the special election of November 2, 2010. 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 amendments are not duly approved at the November 2, 2010, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective January 1, 2011, if the Charter amendment is approved by a "yes" vote by a majority of those duly qualified electors voting on the question posed at the November 2, 2010, referendum.

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

LEON COUNTY, FLORIDA

By:_____
Bob Rackleff, Chairman
Board of County Commissioners

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