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 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 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 AS PROPOSED BY THE CITIZEN CHARTER REVIEW COMMITTEE

Question

Shall the Home Rule Charter of Leon County, Florida be amended to provide for a non-interference policy which will not inhibit County Commissioners ability to address the concerns of citizens with the County Administrator or County Attorney, but prohibit interference with the performance of the duties of County employees under the direct or indirect supervision of the County Administrator or County Attorney; effective January 1, 2011?

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