

**Board of County Commissioners
Leon County, Florida**

**Workshop on
Establishment of a Citizen
Charter Review Committee**

**April 4, 2017
1:30 p.m. – 3:00 p.m.**

**Leon County Board of County Commissioners
Leon County Courthouse, 5th Floor**

Leon County Board of County Commissioners

Notes for Workshop

Leon County Board of County Commissioners

Workshop

April 4, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator
Herbert W.A. Thiele, County Attorney

Title: Workshop on Establishment of a Citizen Charter Review Committee

Review and Approval:	Vincent S. Long, County Administrator Herbert W.A. Thiele, County Attorney
Department/ Division Review:	Patrick T. Kinni, Deputy County Attorney Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Andrew Johnson, Assistant to the County Administrator Heather Peeples, Special Projects Coordinator

Statement of Issue:

The Leon County Charter requires that a Citizen Charter Review Committee (CCRC) be appointed by the Board every eight years at least 12 months before the general election to review the County's Home Rule Charter and propose any amendments or revisions for placement on the general election ballot. This workshop item provides an overview of the proposed charter review process and provides options and recommendations regarding the establishment of a CCRC by November 6, 2017.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Direct staff to prepare an agenda item for the Board's October 10, 2017 meeting for the appointment of a 14-member Citizen Charter Review Committee (two appointments per commissioner) and consideration of preliminary committee by-laws.
- Option #2: Convene the Citizen Charter Review Committee on November 9, 2017 for a period of no more than 120 days to review the Leon County Charter and propose recommended amendments or revisions to the Board of County Commissioners for placement on the 2018 general election ballot.
- Option #3: 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's Comcast Channel and the County website.
- Option #4: Utilize County staff to provide staff support to the Citizen Charter Review Committee.
- Option #5: Provide Board direction on the policy issues referenced in this workshop item or any specific issues that the Citizen Charter Review Committee should be directed to address.

Report and Discussion

Background:

On November 5, 2002, the citizens of Leon County adopted a Home Rule Charter (Attachment #1), providing for full home rule authority under the law and citizen determination of the structure, powers, and functions of county government. A charter is a local “home rule constitution” approved by the local electorate, which specifies the structure, organization, and authority of county government. In non-charter counties, by contrast, the structure, organization, and authority of the county government are constructed as set forth in the Florida Constitution and general law. 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 greater ability to address 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’s Charter outlines the roles and responsibilities of the County’s 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. The Charter also establishes the process for amendments thereto. The Leon County Charter provides three ways in which amendments to the Charter may be proposed, one of which is through a Citizen Charter Review Committee (CCRC). The Board is required by the Charter to appoint a CCRC every eight years, 12 months prior to the general election.

Seven years following the adoption of the Charter, the Board considered the establishment of the first CCRC in March 2009. The Board subsequently appointed a 15-member committee (two appointments per Commissioner and one full Board appointment of a college student representative). The 2009-2010 CCRC convened on November 3, 2009 and held 14 meetings over the next five months, all of which were held in the Commission Chambers and broadcast both online and on television. During its meetings, the CCRC considered 24 different issues which were provided by the Board, Constitutional Officers, Committee members and the public. A complete list of issues considered by the CCRC is included in the Final Report on the 2009-2010 CCRC (Attachment #2). Through a series of votes and three separate public hearings, the CCRC narrowed the list of issues to seven items:

- Petition Thresholds and Prohibited Subjects
- Revising the Citizen Charter Review Committee Process
- Limitation on Local Campaign Contributions
- Minimum Countywide Environmental Regulations
- Tourist Development Council Management Structure
- Employment of the County Administrator
- Non-interference Policy

Additionally, on May 11, 2010, the Board held a workshop on potential Board-initiated Charter amendments (Attachment #3). The Board discussed the establishment of a utility board through the County Charter and determined that the issue should be addressed through other means. No additional Charter amendments were proposed during the workshop.

On August 17, 2010, public hearings were held for each of the proposed amendments recommended by the CCRC. The Board voted to place six of the seven amendments on the November 2, 2010 general election ballot, with the exception of the proposed amendment titled “Revising the Citizen Charter Review Committee Process.” This amendment proposed that Charter amendments that received a four-fifths (4/5) approval of the entire membership of the CCRC be placed directly on the next general election for the consideration of the voters and would not need the Board’s approval for this to occur.

To promote public awareness of the proposed Charter amendments on the 2010 ballot, staff developed an information booklet that was made available online and in hardcopy. On November 2, 2010, citizens voted to adopt all of the proposed amendments with the exception of the proposed amendment titled “Petition Thresholds and Prohibited Subjects,” which would have reduced the number of signatures required for petitions proposing ordinances or Charter amendments from 10% to 7% countywide, including 5% within each single-member district.

Pursuant to the Leon County Charter, the next CCRC must be established by November 6, 2017, 12 months before the 2018 general election.

The CCRC is essential to the following FY2017-FY2021 Strategic Initiative that the Board approved at the January 24, 2017 meeting:

- In accordance with the Leon County Charter, convene a CCRC to review the Leon County Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. (2016-38)

This particular Strategic Initiative aligns with the Board’s Governance Strategic Priority:

- (G5) Exercise responsible stewardship of County resources, sound financial management, and ensure that the provision of services and community enhancements are done in a fair and equitable manner.

Analysis:

The following analysis provides an overview of the provisions contained in the Leon County Charter relative to the CCRC, the charter review process and timeline, and options and recommendations that the Board may consider in establishing the 2017-2018 CCRC.

Amending the Charter

Section 5.2 of the Leon County Charter provides three ways by which amendments thereto may be proposed: (1) Petition; (2) Board of County Commissioners; or (3) a CCRC. All three methods require a referendum approved by the Leon County electorate in order to be included in the Charter. In each case, the County Commission plays a vital role in placing 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 206,327 qualified electors for the 2016 general election (Attachment #4). 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. If approved by majority of the Leon County electorate, the amendment would be effective on January 1 of the following year. Since the approval of the Charter, there have been no petition initiatives.

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 Board is required to place a Board-initiated amendment on the ballot. A public hearing to adopt the ordinance must be held at least 90 days prior to the general election in order to be placed on the ballot. Should the Board make any changes or edits to any of the proposed amendments transmitted by the CCRC (as described in detail below), it would be considered a Board-initiated Charter amendment and the same procedures would be followed. Since the approval of the Charter, there have been no Board-initiated amendments.

Citizens Charter Review Committee

As indicated above, the Charter requires the appointment of a CCRC once every eight years. The CCRC is charged with reviewing the County Charter and proposing any amendments or revisions for placement on the general election ballot. If the CCRC submits proposed charter amendments for recommendation, the Board has the discretion to place a proposed amendment onto the general election ballot by majority vote of the Board. The Board has the option to make changes or edits to the proposed amendments submitted by the CCRC; however, any change or edit to a proposed amendment of the CCRC by the Board would be considered a Board-initiated amendment requiring a vote of a majority plus one of the full Commission to be placed on the ballot.

Leon County Citizen Charter Review Committee

Structure/Composition

The County Charter states that the CCRC is "...to be composed and organized in a manner determined by the Board of County Commissioners..." [see Sec. 5.2 (2)(A), Leon County Charter]. Unlike charter commissions, which are commonly utilized during the initial charter adoption process, citizen charter review committees are not governed by Florida Statutes. The Board has discretion regarding the number of members and composition of the CCRC. While the membership and composition of charter review committees around the state of Florida vary, citizens from each county commission district are commonly represented on a CCRC.

In establishing the CCRC, the Board may include specific requirements regarding the composition of the CCRC to ensure representation by a diverse cross-section of the community, such as industry-specific appointments (i.e. Chamber of Commerce, CONA, etc.). However, Commissioners' individual appointments can accomplish the diversity and broad expertise needed to effectively address the issues that will be considered by the CCRC without establishing explicit requirements for membership.

As part of the appointment agenda item, staff will also include preliminary CCRC by-laws. The draft by-laws would be provided to the CCRC at its first meeting for consideration.

Recommendation:

- Direct staff to prepare an agenda item for the Board's October 10, 2017 meeting for the appointment of a 14-member Citizen Charter Review Committee (two appointments per commissioner) and consideration of preliminary committee by-laws.

Timeline

A CCRC must be appointed by November 6, 2017 (12 months prior to the 2018 general election). The County Charter states that the CCRC is "to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot" [see Sec. 5.2(2)(A), Leon County Charter].

It is recommended that the Board follow the same timeline utilized for the 2009-2010 CCRC and convene the Committee on November 9, 2017 for 120 days. Following is staff's proposed timeline for the 2017-2018 CCRC:

Date	Action
April 4, 2017	Workshop on Establishment of a Citizen Charter Review Committee (CCRC)
October 10, 2017	Agenda item for the Board to make appointments to the CCRC
November 9, 2017	First meeting of the 2017-2018 CCRC
March 1, 2018	CCRC submits its final report
April 3, 2018	Board workshop to consider final report of the CCRC and consider any Board proposed amendments
May/June	If necessary, time to conduct public hearings to consider any Board proposed amendments
July	Board recess
Wednesday, August 8, 2018 <i>90 Days Prior to Election</i>	CCRC submits proposed amendments with ballot titles and summaries
August 21, 2018	Board holds public hearings for proposed charter amendments
August 22, 2018*	Tentative deadline to submit ballot language to Supervisor of Elections for general election
August - November	Public education campaign on proposed charter amendments
November 6, 2018	2018 General Election

** The Supervisor of Elections Office has not finalized the calendar for the 2018 election cycle; however, the SOE staff has stated the submission date for general election ballot language will not be sooner than August 22, 2018.*

This timeframe meets all deadlines established within the Charter and provides ample time for the CCRC to conduct its review. This recommendation also allows time for the Board to propose amendments or make revisions to amendments proposed by the CCRC should the Board choose to do so. The Charter requires the Committee to hold at least three public hearings prior to submitting amendments to the Board in accordance with Section 125.63, F.S. Proposed amendments by the Committee must be submitted to the Board by August 8, 2018 (90 days prior to the 2018 general election); if the Committee does not submit proposed amendments by this date, it will automatically dissolve.

If the Committee submits proposed Charter amendments 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, it would then be considered a Board-initiated Charter amendment. As stated in the Charter, a public hearing must be held **90 days prior to the general election** to consider Board-initiated Charter amendments. The calendar includes time in May or June to conduct this public hearing. Additionally, the Charter requires a majority plus one of the full Commission for these amendments to be placed on the ballot.

The Charter also requires the Board to consider the Committee's proposed Charter amendments in accordance with Section 125.64, F.S., which states that upon submission of the amendments, the Board must call a **special election to be held at least 45 days but no later than 90 days** after submission. Historically, the special election on the proposed Charter amendments has been held simultaneously with the general election, which will require that public hearings for the Board to consider each proposed Charter amendment be held prior to the Supervisor of Elections deadline to submit ballot language for the 2018 general election no sooner than August 22, 2018. There is higher voter turn-out and a reduced cost is achieved by placing the amendments on the general election ballot as opposed to calling for a special election.

It is recommended that the Board follow the same timeline utilized for the 2009-2010 CCRC and convene the Committee on November 9, 2017 for 120 days and submit its report including any Charter amendments by March 1, 2017. This timeframe meets all deadlines established within the Charter, provides ample time for the Committee to conduct its review. Also considered in the timeline is time for the Board to propose amendments or make revisions to amendments proposed by the CCRC should the Board choose to do so.

Recommendation:

- Convene the Citizen Charter Review Committee on November 9, 2017 for a period of no more than 120 days to review the Leon County Charter and propose recommended amendments or revisions to the Board of County Commissioners for placement on the 2018 general election ballot.

Meetings

The CCRC is a decision-making body as defined in County Policy 03-15 (Attachment #5). Its meetings will be governed by the State's Sunshine Laws and Section 286.011, F.S. 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 as proposed herein), and schedule by which the CCRC meets or allow it the flexibility to set its meetings. The Board may also choose to broadcast the meetings of the CCRC through the County's Comcast Channel and the County website to enhance public access.

The Board may desire to allow the CCRC to determine the extent of public input and solicitation of recommendations from community organizations in order to complete its work. For instance, the 2009-2010 CCRC received presentations from the City, Constitutional Officers, and the County's Human Relations Advisory Committee. It should be noted that the CCRC is also required to hold at least three public hearings prior to submitting amendments to the Board.

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's Comcast Channel and the County website.

Staff Support

The work of the CCRC will require a thorough review of the County Charter. The County Administrator and County Attorney have the resources to provide staff support to the CCRC, and Leon County Community & Media Relations is well-equipped to produce all public education materials.

For the 2009-2010 CCRC, the County used an outside consultant to staff the CCRC. Consulting services were performed for a fee of \$200 an hour, not to exceed \$15,000. The CCRC voted during the 2009-10 review process to extend its deadline, which required a subsequent extension of the consultant contract. As a result, the contract was increased to \$25,000.

Although consultant services were previously provided to the CCRC, County staff continued to provide significant assistance in the process and recommendations presented to the Board. The County Administrator and County Attorney are prepared to provide the necessary staff support required during the Charter review process and have considerable expertise to assist the CCRC in its efforts. Should, however, 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.

Consideration of Charter Issues

The Board may wish to request that the CCRC address specific issues and consider any guidance that the Board deems appropriate. Should the Board wish to do so, this would provide the CCRC with direction and indicate policy areas which the Board considers important and wishes to receive the CCRC's consideration and recommendations, potentially as proposed Charter amendments.

Staff has prepared the following list of policy issues for the Board's consideration, several of which were included in the 2009-2010 CCRC's review but were not included in the final list of proposed Charter amendments. This is not an exhaustive list, nor should this list be construed as recommended policy issues that the Board may wish to charge the CCRC with considering.

- **Commission Structure/Districting:** The Board may wish to have the Committee consider the number of single member and at-large districts as part of its review.
- **Charter Review Committee and Board Public Hearing Deadlines:** The Charter currently references Florida Statutes regarding when the Board shall consider the CCRC's recommended charter amendments. However, for purposes of streamlining the overall process, Florida law does not require these timelines to be utilized and permits for the County Charter to establish timelines that meet the needs of the community.
- **Charter Officers/Constitutional Officers:** The Charter currently states that the offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections are independently elected constitutional offices, rather than appointed charter officers. However, a county charter may specify that constitutional officers can be appointed.
- **Campaign Finance:** The Charter currently places a \$250 limit on campaign contributions, which is less than the statutory \$1,000 limit. The \$250 limit was previously established through a Charter amendment. At the time the Charter amendment was adopted, the statutory limit on campaign contributions to countywide offices was \$500; legislation enacted in 2013 increased this limit to \$1,000.

Recommendation:

- Provide Board direction on these or any specific issues that the Citizen Charter Review Committee should be directed to address.

Options:

1. Direct staff to prepare an agenda item for the Board's October 10, 2017 meeting for the appointment of a 14-member Citizen Charter Review Committee (two appointments per commissioner) and consideration of preliminary committee by-laws.
2. Convene the Citizen Charter Review Committee on November 9, 2017 for a period of no more than 120 days to review the Leon County Charter and propose recommended amendments or revisions to the Board of County Commissioners for placement on the 2018 general election ballot.
3. 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's Comcast Channel and the County website.
4. Utilize County staff to provide staff support to the Citizen Charter Review Committee.
5. Provide Board direction on the policy issues referenced in this workshop item or any specific issues that the Citizen Charter Review Committee should be directed to address.
6. Board direction.

Recommendation:

Options #1- 4, and ***Board Direction for Option #5.***

Attachments:

1. Leon County Charter
2. Final Report on the 2009-2010 Citizen Charter Review Committee
3. Workshop on Potential Board-Initiated Charter Amendments
4. Supervisor of Elections Office Report on 2016 Qualified Leon County Electors
5. Leon County Policy No. 03-15 Board-Appointed Advisory Committees

LEON COUNTY FLORIDA - CHARTER^[1]

Footnotes:

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Editor's note— The Leon County Home Rule Charter was originally enacted by Ord. No. 2002-07 adopted May 28, 2002; to be presented at special election of Nov. 5, 2002. Ord. No. 2002-16, adopted Sept. 10, 2002, repealed Ord. No. 2002-07 in its entirety. Subsequently, Ord. No. 2002-17, adopted Sept. 10, 2002, special election of Nov. 5, 2002; effective Nov. 12, 2002, enacted the Home Rule Charter to read as set out herein.

SECTION 1. - HOME RULE CHARTER

The proposed Home Rule Charter of Leon County, Florida, shall read as follows:

PREAMBLE

We, the citizens of Leon County, Florida, united in 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 of the County and should serve them in achieving a more responsive and efficient form of government and in order to empower the people of this County to make changes in their own government, do ordain and establish this Home Rule Charter for Leon County, Florida.

ARTICLE I. - CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT

Sec. 1.1. - Creation and general powers of Home Rule Charter government.

The County shall have all powers of self- government not inconsistent with general law, with special law approved by vote of the electors, or with this Charter. The County shall have all county and municipal powers of self-government granted now or in the future by the Constitution and laws of the State of Florida.

Sec. 1.2. - Body corporate, name and boundaries.

Leon County shall be a body corporate and politic. The corporate name shall be Leon County, Florida. The County seat and boundaries shall be those designated by law on the effective date of this Home Rule Charter.

Sec. 1.3. - Construction.

The powers granted by this Home Rule Charter shall be construed broadly in favor of the charter government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government as stated in this article. It is the intent of this article to grant to the charter government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the charter government.

Sec. 1.4. - County purposes.

The County, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter, heretofore granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

Sec. 1.5. - Municipal purposes.

The County shall have all necessary municipal powers to accomplish municipal purposes within the County.

In the event the board of county commissioners levies the municipal public services tax on utilities, any additional recurring or non-recurring fee or charge imposed on a utility relating to the use or occupation of the public rights-of-way shall not exceed what is reasonably necessary to properly monitor and enforce compliance with the county's rules and regulations concerning placement and maintenance of utility facilities in the public rights-of-way.

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.

(Ord. No. 2010-22, § 1, 8-17-10)

Sec. 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.

Sec. 1.8. - Division of powers.

This Charter establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Administrator.

Sec. 1.9. - Relation to state law.

Special laws of the state legislature relating to or affecting Leon County and general laws of local application which apply only to Leon County, except those laws relating exclusively to a municipality, the school board, or a special district, shall be subject to approval by local referendum to the extent that they are not in conflict with this Charter. All special laws so approved shall become ordinances, and may be subject to amendment or repeal by the Board of County Commissioners.

ARTICLE II. - ORGANIZATION OF COUNTY GOVERNMENT

Sec. 2.1. - Elected Commission and appointed County Administrator form of government.

Leon County shall operate under an elected County Commission and an appointed County Administrator form of government with separation of legislative and executive functions in accordance with the provisions of this Home Rule Charter. The legislative responsibilities and powers of the County shall be assigned to, and vested in, the Board of County Commissioners. The executive responsibilities and power of the County shall be assigned to, and vested in, the County Administrator, who shall carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances and regulations of the Board, the Charter and all applicable general law to assure that they be faithfully executed.

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.

(Ord. No. 2010-21, § 1, 8-17-10)

Sec. 2.3. - Executive branch.

- (1) *The County Administrator.*
 - (A) The County Administrator shall be appointed by an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Administrator shall serve at the pleasure of the Board of County Commissioners until such time as the County Administrator shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled

meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Administrator was adopted by majority vote of those present and voting. The County Administrator shall be the chief executive officer of the County and all executive responsibilities 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 Staff, shall serve at the pleasure of the County Administrator, who may suspend or discharge senior management personnel with or without cause.

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

(Ord. No. 2010-23, § 1, 8-17-10; Ord. No. 2010-24, § 1, 8-17-10; Ord. No. 2010-25, § 1, 8-17-10)

Sec. 2.4. - County attorney.

- (1) There shall be a County Attorney selected by the Board of County Commissioners who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and shall reside within the County during his/her tenure as County Attorney.
 - (A) The County Attorney shall provide legal services to the Board of County Commissioners, the County Administrator, and County departments, boards and agencies organized under the Board of County Commissioners.
 - (B) The compensation of the County Attorney 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.

ARTICLE III. - ELECTED COUNTY CONSTITUTIONAL OFFICERS

Sec. 3.1. - Preservation of constitutional offices.

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 amendments hereto, except as provided in Section 5.2 below. The constitutional officers shall perform their executive and administrative functions as provided by law.

Sec. 3.2. - Non-partisan elections.

(1) *Non-Partisan Offices.* The Supervisor of Elections shall be non-partisan.

(A) *Non-Partisan Election Procedures.* If three or more candidates, none of whom is a write-in candidate, qualify for such office, the names of those candidates shall be placed on a non-partisan ballot at the first primary election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot.

(B) *Qualification by Petition.* A candidate for non-partisan office may qualify for election to such office by means of the petitioning process provided in general law.

Sec. 3.3. - Clerk auditor.

(1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission as specified by law. The Clerk shall employ a Certified Internal Auditor, Certified Public Accountant, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls, which shall include at least five (5) years experience in professional accounting, auditing, governmental fiscal administration or related experience, unless the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit function of the Clerk.

(2) Audit Committee. There shall be a five member Audit Committee of which two members shall be appointed by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan of work for the Auditor and shall oversee the work of the Auditor. The Audit Committee members shall be residents of Leon County, none of whom may be an employee or officer of County government, and who have experience as a public accountant, internal auditor, or as a financial manager for a public, private or not for profit institution. The purpose of the Committee is to promote, maintain, and enhance the independence and objectivity of the internal audit function by ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on recommendations. Clerk shall provide for the organization and duties of the audit committee, including membership terms, voting procedures, officers, sub-committees, meeting schedules and staff support.

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.

(Ord. No. 2010-21, § 2, 8-17-10)

ARTICLE IV. - POWERS RESERVED TO THE PEOPLE: INITIATIVE AND RECALL

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.

- (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 therefor. 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.
- (3) *Consideration by Board of County Commissioners.* Within sixty (60) days after the requisite number of signatures has been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board of County Commissioners shall give notice and hold public hearing(s) as required by general law on the proposed ordinance and vote on it. If the Board fails to enact the proposed ordinance it shall, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least forty-five (45) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared, by resolution of the Board of County Commissioners, to be enacted and shall become effective on the date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general election, without the approval of a majority of the electors voting at a referendum called for that purpose.
- (4) *Limitation on Ordinances by Initiative.* The power to enact, amend or repeal an ordinance by initiative shall not include ordinances or provisions related to County budget, debt obligations, capital improvement programs, salaries of County officers and employees, the assessment or collection of taxes, or the zoning of land.

Sec. 4.2. - Recall.

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

ARTICLE V. - HOME RULE CHARTER TRANSITION, AMENDMENTS, REVIEW, SEVERANCE, EFFECTIVE DATE

Sec. 5.1. - Home Rule Charter Transition.

- (1) *General Provisions.* Unless expressly provided otherwise in this Home Rule Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Leon County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected County officer, whose term shall continue as if this charter had not been adopted.
- (2) *Initial County Commissioners.* The persons comprising the Leon County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the Charter government and shall perform the functions thereof until the normal expiration of their terms or until the election and qualification of their successors as provided by law.
- (3) *Outstanding Bonds.* All outstanding bonds, revenue certificates, and other financial obligations of the County outstanding on the effective date of this Charter shall be obligations of the Charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from, and charged solely against, funds derived from the same sources from which such payment would have been made had this Charter not taken effect.
- (4) *Employees Continuation.* All employees of the former County government shall, on the effective date of this Charter, become employees of the County government created by this Charter. All existing wages, benefits, and agreements, and conditions of employment shall continue, until modified by lawful action of the County Commission.

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 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 F.S. § 125.63.
 - (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 F.S. § 125.64.
 - (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.

Sec. 5.3. - Severance.

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter which can be given effect without the invalid provision or application, and to this end the provisions of the Charter are declared severable.

Sec. 5.4. - Home rule charter effective date.

This Charter shall become effective November 12, 2002.

SECTION 2. - BALLOT QUESTION TO BE PRESENTED TO ELECTORATE

The proposed 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 5, 2002.

SECTION 3. - BALLOT QUESTION FORM

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

CHARTER FOR LEON COUNTY, FLORIDA
AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2002- _____

Question

Shall there be a Home Rule Charter for Leon County, Florida, establishing all rights and powers of local self government; authorizing the proposal and adoption of ordinances by voter initiative and referendum; preserving elected constitutional county officers; providing a non-partisan Supervisor of Elections; providing for non-partisan elections of county commissioners; allowing recall of commissioners by citizen referendum; and providing a method of amendment, which shall take effect November 12, 2002?

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 referendum proposition and those propositions referenced in the Preamble and Articles of the proposed Charter herein to be properly placed on the ballot for the special election of November 5, 2002. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

SECTION 5. - SEVERABILITY

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

SECTION 6. - EFFECTIVE DATE

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed Charter is not duly approved at the November 5, 2002, special election. The Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective November 12, 2002, if the Charter is approved by a "yes" vote by a majority of those duly qualified electors voting on the question posed at the November 5, 2002, referendum.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 9th day of September, 2002.

LEON COUNTY, FLORIDA

BY:

/s/ DAN WINCHESTER
CHAIRMAN
BOARD OF COUNTY
COMMISSIONERS

ATTESTED BY:

/s/ BOB INZER
CLERK OF THE COURT

BY:

CLERK

APPROVED AS TO FORM:

COUNTY ATTORNEY'S OFFICE

LEON COUNTY, FLORIDA

BY:

/s/ HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

CHARTER DISPOSITION TABLE—ORDINANCES

This table shows the disposition of legislation which amended the Charter.

Ordinance Number	Adoption Date	Election Date	Section	Disposition
2002-07	5-28-02	11- 5-02	1 Added	Char. §§ 1—6
2002-16	9-10-02		1 Rpld	Char. §§ 1—6
2002-17	9-10-02	11- 5-02	1 Added	Char. §§ 1—6
2010-21	8-17-10	11- 2-10	1 Added	Char. § 2.2(7)
			2 Added	Char. § 3.4
2010-22	8-17-10	11- 2-10	1	Char. § 1.6
2010-23	8-17-10	11- 2-10	1	Char. § 2.3(2)
2010-24	8-17-10	11- 2-10	1	Char. § 2.3
2010-25	8-17-10	11- 2-10	1 Added	Char. § 2.3(3)

**Leon County
Citizens Charter Review Committee**

FINAL REPORT

March 2010

prepared by

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

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INTRODUCTION and OVERVIEW

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

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

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

Generally, adopting a charter form of government permits the public to exercise greater control in matters concerning governance in their county. Absent a charter, the structure and service delivery mechanisms of the county government are fixed by the State of Florida, no matter how complex the problems confronting a county may be to resolve. The local community in a non-charter county is (to a great extent) prohibited from making changes that can result in more efficient and effective governance.

With a charter form of government the public, through the exercise of their rights as provided in the Florida Constitution, are able to more fully realize the principles of Home Rule: Structure, service delivery mechanisms and intergovernmental relationships can be tailored to address local problems in the county.

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

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

COMMITTEE MEMBERSHIP AND STAFF

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

Christopher Holley, Chair

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

Marilyn Wills, Vice-Chair

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

Lester Abberger

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

Jon Ausman

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

Rick Bateman

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

Lance deHaven-Smith

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

Sue Dick

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

Donna Harper

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

Chuck Hobbs

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

David Jacobsen

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

Catherine Jones

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

Ralph Mason

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

Tom Napier

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

Linda Nichol森

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

Larry Simmons

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

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

SUBJECTS REVIEWED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ISSUES CONSIDERED for RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATIONS for AMENDMENTS to the CHARTER

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

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

1. *Tourist Development Council Structure* – The proposed amendment codifies into the charter the current practice of the Executive Director of the Tourist Development Council reporting to the County Administrator as opposed to reporting to the Board of County Commissioners. If adopted, only the two appointed charter officers would report directly to the County Commission – the County Attorney and the County Administrator. The proposed amendment was adopted 15-0.
2. *Countywide Environmental Standards* – There was significant debate after the conclusion of the hearings as to whether the Charter should be amended to authorize the County Commission to adopt environmental ordinances that are applicable on a countywide basis and prohibiting the City of Tallahassee from adopting similar regulations that were either less stringent or more stringent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CURRENT LEON COUNTY CHARTER

PROPOSED CHARTER AMENDMENTS

MEETING DATES and AGENDAS

MEETING MINUTES

Board of County Commissioners

Leon County, Florida

Workshop on Potential Board-Initiated Charter Amendments

May 11, 2010
1:30 - 3:00 p.m.



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

Board of County Commissioners Workshop Item

Date of Meeting: May 11, 2010

Date Submitted: May 5, 2010

To: Honorable Chairman and Members of the Board

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

Subject: Workshop on Potential Board-Initiated Charter Amendments

Statement of Issue:

This workshop item seeks Board direction on potential Board-initiated charter amendments for the 2010 general election.

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).

Pursuant to the County Charter, the Board established a Citizen Charter Review Committee (Committee) on October 13, 2009 and appointed 15 Leon County residents to the Committee. The Committee was charged with reviewing the Leon County Charter and proposing any amendments or revisions for placement on the November 2, 2010 general election ballot. During the last five months, the Committee held 14 meetings, considered 24 issues, and adopted seven proposed charter amendments. The proposed amendments will be transmitted to the Board on August 4, 2010.

On April 13, 2010, the Board conducted a workshop on a status report of the Citizen Charter Review Committee, at which time it received a presentation from County staff, the Board's consultant Kurt Spitzer of Kurt Spitzer and Associates, and Chris Holley, Chairman of the Committee (Attachment #2). In addition, the Board had a brief discussion on potential Board-initiated charter amendments; however, no charter amendments were scheduled at that time for public hearing.

On April 27, 2010, the Board directed staff to schedule a workshop on May 11, 2010 from 1:30 p.m.-3 p.m. to hold further discussions on potential Board-initiated charter amendments.

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As previously mentioned, the Committee adopted seven proposed charter amendments which are scheduled to be transmitted to the Board on August 4, 2010. Pursuant to Section 5.2 (3) of the Charter, amendments may be proposed by the Board at anytime 90 days prior to a general election. Board- initiated amendments require an affirmative vote of a majority plus one of the membership of the County Commission. Therefore, the Board may place any additional proposed charter amendments (separate from the CRC's proposed amendments) on the 2010 general election ballot for referendum by August 4, 2010 (90 days prior). The last regular Board meeting prior to the deadline is scheduled for Tuesday, July 13, 2010.

During the April 13, 2010 Board workshop, Commissioner Akin Akinyemi distributed a proposed charter amendment on the establishment of a citizen utility advisory board for consideration. However, the Board determined that the issue of a citizen utility advisory board should be addressed through other means, rather than the County Charter, and directed staff to provide a status report on the City of Tallahassee's (City) Utility Citizen Advisory Committee within the next six months.

In the interim, County staff has requested that the City provide a status report of its Utility Citizen Advisory Committee (Utility Committee) which will be included under a separate cover to the Board prior to the workshop (Attachment #3). The Utility Committee held its first meeting since 2006 on April 15, 2010. It is comprised of 10 residents appointed by the City Manager. Eight members live within the City limits and two members are City utility customers that reside in unincorporated Leon County. The Committee is scheduled to meet on the third Thursday of each month. Although the meetings are open to the public, the City does not advertise the meeting via its website, television channel, or other media outlets. The next meeting of the Utility Committee is scheduled for May 13, 2010, 11:30 a.m. at the City's Gemini Building.

Should the Board wish to consider a Board-initiated charter amendment on a citizen utility advisory board or any other charter amendments for the 2010 general election, staff recommends that the Board identify the issues during its May 11th workshop, and direct staff to schedule a public hearing on July 13th 2010. It is important to note that Board-initiated charter amendments, identified during the workshop, require a simple majority vote; however, will require an affirmative vote of a majority plus one of the membership of the County Commission at the time of the public hearing to be placed on the 2010 general election ballot.

Option:

Board Direction

Recommendation:

Board Direction.

Attachments:

1. Leon County Charter
2. Workshop on the Status Report of the Citizen Charter Review Committee
3. City of Tallahassee's Status Report on the Utility Citizen Advisory Committee (to be provided under separate cover)

ORDINANCE NO. 2002- 17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, PROVIDING FOR THE ADOPTION OF A HOME RULE CHARTER; PROVIDING FOR THE PREAMBLE; PROVIDING FOR THE CREATION AND POWERS OF HOME RULE CHARTER GOVERNMENT; PROVIDING FOR THE RELATIONSHIP OF COUNTY ORDINANCES TO MUNICIPAL ORDINANCES; PROVIDING FOR AN ELECTED COMMISSION AND APPOINTED COUNTY ADMINISTRATOR FORM OF GOVERNMENT; PROVIDING FOR NON-PARTISAN ELECTIONS OF COUNTY COMMISSIONERS; PROVIDING FOR THE LEGISLATIVE AND EXECUTIVE BRANCHES OF GOVERNMENT; PROVIDING FOR THE APPOINTMENT OF A COUNTY ADMINISTRATOR AND COUNTY ATTORNEY; PROVIDING FOR THE PRESERVATION OF ELECTED COUNTY CONSTITUTIONAL OFFICERS; PROVIDING THAT THE SUPERVISOR OF ELECTIONS SHALL BE NON-PARTISAN; PROVIDING THAT THE LEON COUNTY CLERK OF COURT SHALL SERVE AS AUDITOR TO THE COMMISSION; PROVIDING FOR AN AUDIT COMMITTEE; PROVIDING FOR CITIZEN INITIATIVES FOR COUNTY ORDINANCES AND CHARTER AMENDMENTS; PROVIDING FOR THE RECALL OF COMMISSIONERS; PROVIDING FOR TRANSITION PROCEDURES; PROVIDING FOR CHARTER AMENDMENT PROCEDURES; PROVIDING FOR A CHARTER REVIEW COMMISSION; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON NOVEMBER 5, 2002; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Article VIII, Sections 1(c) and 1(g), Florida Constitution, provide that a county government may be established by charter, which shall be adopted upon a majority vote of the electors of the county; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1. HOME RULE CHARTER.

The proposed Home Rule Charter of Leon County, Florida, shall read as follows:

PREAMBLE

We, the citizens of Leon County, Florida, united in 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 of the County and should serve them in achieving a more responsive and efficient form of government and in order to empower the people of this County to make changes in their own government, do ordain and establish this Home Rule Charter for Leon County, Florida.

**ARTICLE I. CREATION, POWERS AND
ORDINANCES OF HOME RULE
CHARTER GOVERNMENT**

Sec. 1.1. Creation and general powers of Home Rule Charter government.

The County shall have all powers of self- government not inconsistent with general law, with special law approved by vote of the electors, or with this Charter. The County shall have all county and municipal powers of self-government granted now or in the future by the Constitution and laws of the State of Florida.

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Sec. 1.2. Body corporate, name and boundaries.

Leon County shall be a body corporate and politic. The corporate name shall be Leon County, Florida. The County seat and boundaries shall be those designated by law on the effective date of this Home Rule Charter.

Sec. 1.3. Construction.

The powers granted by this Home Rule Charter shall be construed broadly in favor of the charter government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government as stated in this article. It is the intent of this article to grant to the charter government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the charter government.

Sec. 1.4. County Purposes.

The County, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter, heretofore granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

Sec. 1.5. Municipal Purposes.

The County shall have all necessary municipal powers to accomplish municipal purposes within the County.

In the event the Board of County Commissioners levies the Municipal Public Services Tax on utilities, any additional recurring or non-recurring fee or charge imposed on a utility relating to the use or occupation of the public rights-of-way shall not exceed what is reasonably necessary to

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1 properly monitor and enforce compliance with the County's rules and regulations concerning
2 placement and maintenance of utility facilities in the public rights-of-way.

3 **Sec. 1.6. Relation to Municipal Ordinances.**

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

9 **Sec. 1.7. Transfer of Power.**

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

15 **Sec. 1.8. Division of Powers.**

16 This Charter establishes the separation between legislative and administrative functions of
17 this government. The establishment and adoption of policy shall be the responsibility of the Board
18 of County Commissioners and the execution of that policy shall be the responsibility of the County
19 Administrator.

20 **Sec. 1.9. Relation to State Law.**

21 Special laws of the state legislature relating to or affecting Leon County and general laws of
22 local application which apply only to Leon County, except those laws relating exclusively to a

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1 municipality, the school board, or a special district, shall be subject to approval by local referendum
2 to the extent that they are not in conflict with this Charter. All special laws so approved shall
3 become ordinances, and may be subject to amendment or repeal by the Board of County
4 Commissioners.

5 ARTICLE II. ORGANIZATION OF COUNTY GOVERNMENT

6 Sec. 2.1. Elected Commission and appointed County Administrator form of 7 government.

8 Leon County shall operate under an elected County Commission and an appointed County
9 Administrator form of government with separation of legislative and executive functions in
10 accordance with the provisions of this Home Rule Charter. The legislative responsibilities and
11 powers of the County shall be assigned to, and vested in, the Board of County Commissioners. The
12 executive responsibilities and power of the County shall be assigned to, and vested in, the County
13 Administrator, who shall carry out the directives and policies of the Board of County Commissioners
14 and enforce all orders, resolutions, ordinances and regulations of the Board, the Charter and all
15 applicable general law to assure that they be faithfully executed.

16 Sec. 2.2. Legislative Branch.

17 (1) The County Commission.

18 The governing body of the County shall be a Board of County Commissioners composed of
19 seven (7) members serving staggered terms of four (4) years. There shall be one (1) Commissioner
20 elected for each of the five (5) County Commission districts, established pursuant to general law or
21 by ordinance, and they shall be elected by the electors of that district. There shall be two (2) At-large
22 Commissioners elected on a countywide basis by the electors of the County. Elections for all seven

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(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.

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.

Sec. 2.4. County Attorney.

(1) There shall be a County Attorney selected by the Board of County Commissioners who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and shall reside within the County during his/her tenure as County Attorney.

(A) The County Attorney shall provide legal services to the Board of County Commissioners, the County Administrator, and County departments, boards and agencies organized under the Board of County Commissioners.

(B) The compensation of the County Attorney 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.

ARTICLE III. ELECTED COUNTY CONSTITUTIONAL OFFICERS

Sec. 3.1. Preservation of Constitutional Offices.

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 amendments hereto, except as provided in Section 5.2 below. The constitutional officers shall perform their executive and administrative functions as provided by law.

Sec. 3.2. Non-Partisan Elections.

(1) Non-Partisan Offices.

The Supervisor of Elections shall be non-partisan.

(A) Non-Partisan Election Procedures.

If three or more candidates, none of whom is a write-in candidate, qualify for such office, the names of those candidates shall be placed on a non-partisan ballot at the first primary election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot.

(B) Qualification by Petition.

A candidate for non-partisan office may qualify for election to such office by means of the petitioning process provided in general law.

Sec. 3.3. Clerk Auditor.

(1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission as specified by law. The Clerk shall employ a Certified Internal Auditor, Certified Public Accountant, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls, which shall include at least five (5) years experience in professional accounting, auditing, governmental fiscal administration or related experience, unless the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit function of the Clerk.

(2) Audit Committee.

There shall be a five member Audit Committee of which two members shall be appointed by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan of work for the Auditor and shall oversee the work of the Auditor. The Audit Committee members shall be residents of Leon County, none of whom may be an employee or officer of County

1 government, and who have experience as a public accountant, internal auditor, or as a financial
2 manager for a public, private or not for profit institution. The purpose of the Committee is to
3 promote, maintain, and enhance the independence and objectivity of the internal audit function by
4 ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on
5 recommendations. Clerk shall provide for the organization and duties of the audit committee,
6 including membership terms, voting procedures, officers, sub-committees, meeting schedules and
7 staff support.

8 **ARTICLE IV. POWERS RESERVED TO THE PEOPLE:**
9 **INITIATIVE AND RECALL**

10
11 **Sec. 4.1. Citizen Initiative.**

12 **(1) Right to Initiate.**

13 The electors of Leon County shall have the right to initiate County ordinances in order to
14 establish new ordinances and to amend or repeal existing ordinances, not in conflict with the Florida
15 Constitution, general law or this Charter, upon petition signed by at least ten percent (10%) of the
16 total number of electors qualified to vote in the County reflecting ten percent (10%) of the total
17 number of electors qualified to vote within each of the five (5) commission districts. The total
18 number of electors qualified shall mean the total number of electors qualified to vote in the last
19 preceding general election.

20 **(2) Procedure for Petition.**

21 The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a
22 proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form
23 on which signatures will be affixed and obtain a dated receipt therefor. Any such ordinances shall

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

19 **(3) Consideration by Board of County Commissioners.**

20 Within sixty (60) days after the requisite number of signatures has been verified by the
21 Supervisor of Elections and reported to the Board of County Commissioners, the Board of County
22 Commissioners shall give notice and hold public hearing(s) as required by general law on the

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1 proposed ordinance and vote on it. If the Board fails to enact the proposed ordinance it shall, by
2 resolution, call a referendum on the question of the adoption of the proposed ordinance to be held
3 at the next general election occurring at least forty-five (45) days after the adoption of such
4 resolution. If the question of the adoption of the proposed ordinance is approved by a majority of
5 those registered electors voting on the question, the proposed ordinance shall be declared, by
6 resolution of the Board of County Commissioners, to be enacted and shall become effective on the
7 date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The
8 Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior
9 to the next succeeding general election, without the approval of a majority of the electors voting at
10 a referendum called for that purpose.

11 **(4) Limitation on Ordinances by Initiative.**

12 The power to enact, amend or repeal an ordinance by initiative shall not include ordinances
13 or provisions related to County budget, debt obligations, capital improvement programs, salaries of
14 County officers and employees, the assessment or collection of taxes, or the zoning of land.

15 **Sec. 4.2. Recall.**

16 All members of the Board of County Commissioners shall be subject to recall as provided
17 by general law.
18

**ARTICLE V. HOME RULE CHARTER
TRANSITION, AMENDMENTS, REVIEW,
SEVERANCE, EFFECTIVE DATE**

Sec. 5.1. Home Rule Charter Transition.

(1) General Provisions.

Unless expressly provided otherwise in this Home Rule Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Leon County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected County officer, whose term shall continue as if this charter had not been adopted.

(2) Initial County Commissioners.

The persons comprising the Leon County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the Charter government and shall perform the functions thereof until the normal expiration of their terms or until the election and qualification of their successors as provided by law.

(3) Outstanding Bonds.

All outstanding bonds, revenue certificates, and other financial obligations of the County outstanding on the effective date of this Charter shall be obligations of the Charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from, and charged solely against, funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

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(4) Employees Continuation.

All employees of the former County government shall, on the effective date of this Charter, become employees of the County government created by this Charter. All existing wages, benefits, and agreements, and conditions of employment shall continue, until modified by lawful action of the County Commission.

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 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.

Sec. 5.3. Severance.

If any provision of this Charter or the application thereof to any person or circumstance is

1 held invalid, the invalidity shall not affect other provisions or applications of the Charter which can
2 be given effect without the invalid provision or application, and to this end the provisions of the
3 Charter are declared severable.

4 **Sec. 5.4. Home Rule Charter effective date.**

5 This Charter shall become effective November 12, 2002.
6

7 **SECTION 2. BALLOT QUESTION TO BE PRESENTED TO ELECTORATE.**

8 The proposed Charter of Leon County, Florida, shall be presented to the qualified Leon
9 County electorate by placing the question of whether to adopt same on the ballot at the special
10 election to be held on November 5, 2002.
11

12 **SECTION 3. BALLOT QUESTION FORM.**

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

14 **CHARTER FOR LEON COUNTY, FLORIDA**
15 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2002-____**
16

17 **Question**

18
19 Shall there be a Home Rule Charter for Leon County, Florida, establishing all rights
20 and powers of local self government; authorizing the proposal and adoption of
21 ordinances by voter initiative and referendum; preserving elected constitutional
22 county officers; providing a non-partisan Supervisor of Elections; providing for non-
23 partisan elections of county commissioners; allowing recall of commissioners by
24 citizen referendum; and providing a method of amendment, which shall take effect
25 November 12, 2002?

26
27 Yes for Approval _____

28
29 No for Rejection _____
30

SECTION 4. FURTHER AUTHORIZATION.

The Board of County Commissioners of Leon County, Florida, is authorized to adopt all resolutions and take all actions necessary in order for this Charter referendum proposition and those propositions referenced in the Preamble and Articles of the proposed Charter herein to be properly placed on the ballot for the special election of November 5, 2002. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed Charter is not duly approved at the November 5, 2002, special election. The Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective November 12, 2002,

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


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

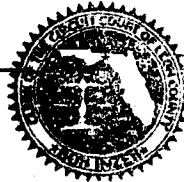
6 LEON COUNTY, FLORIDA

7
8
9 BY: 

10 DAN WINCHESTER, CHAIRMAN
11 BOARD OF COUNTY COMMISSIONERS
12

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

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



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
29
30
31



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Board of County Commissioners Workshop Item

Date of Meeting: April 13, 2010

Date Submitted: April 7, 2010

To: Honorable Chairman and Members of the Board

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

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

Statement of Issue:

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

Background:

On November 5, 2002, the residents of Leon County adopted a Home Rule Charter with the belief that governmental decisions affecting local interests should be made locally, rather than by the State, and that County government should be reflective of the people and serve them in achieving a more responsive and efficient form of government (Attachment #2). The Leon County Charter requires the Board to establish a Citizen Charter Review Committee at least 12 months prior to the general election occurring every eight years.

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

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

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

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

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

Analysis:

Duties of the Committee

As previously mentioned, Section 5.2 (2)(A) of the Leon County Charter requires that the Board appoint a Citizen Charter Review Committee at least 12 months prior to the general election occurring every eight years. The Committee is charged with reviewing the County Charter and proposing any amendments or revisions for placement on the general election ballot. The Charter Review Committee must submit proposed amendments, if any, to the Board of County Commissioners at least 90 days prior to the general election for consideration. The Board has the discretion to place an amendment onto the general election ballot submitted by the Charter Review Committee by simple majority vote. The Board may also make changes or edits to the amendments submitted by the Committee; however the placement of an amendment of the Committee revised by the Board would require an affirmative vote of a majority plus one of the membership of the Board.

Since its adoption, there has not been a formal attempt to amend the Charter by placing a proposed amendment on the ballot. The 2009-10 Committee final report provides a summary of the first effort to propose amendments to the County Charter.

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Meetings of the Committee

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

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

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

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

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

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

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Charter Issues

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

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

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

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

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

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

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

Proposed Charter Amendments

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

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

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

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

Ballot Title: Tourist Development Structure

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

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

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

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

Ballot Title: Employment Policy of the County Administrator

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

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

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

Ballot Title: Non-interference Policy

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

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Petition Threshold/Petition Prohibition

(Committee Vote Count: 11-4)

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

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

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

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

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

Citizen Charter Review Committee

(Committee Vote Count: 15-0)

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

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

Ballot Title: Citizen Charter Review Committee

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

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Limitation on Campaign Contribution

(Committee Vote Count: 12-3)

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

Ballot Title: Limitation on Campaign Contribution

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

Minimum Countywide Environmental Regulations

(Committee Vote Count: 11-4)

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

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

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

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

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

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

Ballot Title: Minimum Countywide Environmental Standards

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

Amendments Not Approved by the Committee

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

Transmittal of Proposed Charter Amendments to the Board

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

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August 24th Board Meeting

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

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

Consideration Proposed Committee Amendments & Charter Amendments Initiated by the Board

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

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

Options:

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

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

Recommendations:

Options #1-#4.

Attachments:

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

Attached is
Attachment #3
for the
**Workshop on Potential Board-Initiated Charter
Amendments**

“City of Tallahassee’s Status Report on the Utility Citizen
Advisory Committee”

Workshop on May 11, 2010

Distributed: May 10, 2010



May 6, 2010

Leon County Board of County Commissioners
301 S. Monroe Street, 5th Floor
Tallahassee, FL 32301

Dear Mr. Chairman and County Commissioners:

I am writing to provide an update to you regarding the City of Tallahassee's Utility Advisory Committee and its history. During the Leon County Charter Review Committee process, some members expressed concern that citizens may not have sufficient input into the utility process, and thus a discussion emerged relating to the creation of a Citizens Advisory Board. Even though there has been such a committee functioning for more than 10 years, I still took the members' comments very seriously.

As you know, citizen feedback and customer service are very important to me personally and the Mayor and City Commissioners have high expectations in that same regard. At the March 18, 2010 Leon County Charter Review Committee meeting, Rick Fernandez committed on my behalf to renew the existing Citizen Advisory Committee (CAC) to address the concerns expressed by some of the members. We were already in the process of revitalizing the membership and tasks of the committee, so the concerns expressed were very timely. Ultimately, the Charter Review Committee decided not to recommend a charter amendment establishing an advisory board.

I am pleased to report that ten citizens with diverse backgrounds are serving on the CAC and have already met on April 15, 2010. It is important that the members represent the make-up of the utility system including citizens living in the unincorporated area of the county, as they do. The following is a list of the ten members:

Stephen Beasley, Vice President, Southside Manufacturing
Dominic Calabro, President and CEO, Florida Tax Watch (founding member)
Mathew Carter II, Past Chairman of the Florida Public Service Commission
William Crona, CPA/Investor
Benjamin Crump, Esq., Attorney at Law, Parks & Crump Law Firm
Altha Flowers Manning, Retired Administrator, Business Owner
Frank Jameson, Vice President, Wachovia Bank
Karen Moore, Founder and CEO, Moore Consulting, Inc.
Carol "Sunny" Phillips, Legislative Affairs Administrator, FL House of Representatives
Ted Thomas, Realtor and Business Owner (founding member)

Leon County Board of County Commissioners
Page 2
May 6, 2010

serves approximately 115,000 customers in and around the city; approximately 85% reside within the corporate limits and 15% reside in unincorporated Leon County. Consistent with the composition of our customer base, two members, Dominic Calabro and Karen Moore, reside outside of the corporate limits.

Previous members over the years have included Williams (Bill) Smith (CEO, Capital City Bank), Cliff Hinkle (CEO, Flagler Holdings, Inc.), Joan Heggen (former City Mayor and County Administrator), Dr. Melvin Stith (FSU, College of Business), Nancy Dell Lawhorn (March of Dimes), and William Lindner (Department of Management Services).

The previous committee discussions included topics such as deregulation, electric and gas strategies, telecommunications, wholesale power, fuel prices, ECRC (energy cost recovery), utility bill mitigation and low income assistance, comparative rate analysis, fire services fee, IRP (Integrated Resource Plan), Hopkins 2 repowering, fuel diversity, biomass, green energy, Eastern Transmission Line, energy risk management, digital canopy, marketing, etc.

At the April 15, 2010 meeting, City staff provided an overview of the utility system and updates on key issues. The committee members were engaged and eager to provide support. The agenda and draft minutes of the meeting are attached to this letter. The committee will continue to meet on a monthly basis on the second Thursday of each month. Accordingly, the committee's next meeting is scheduled for May 13, 2010.

This issue is important to our community and to me personally. I trust you will find that the City is committed to our customers and to providing services that enrich the quality of life in the Tallahassee community, and I welcome your comment and feedback regarding this process. Please do not hesitate to call me if you have any questions or comments.

Sincerely,



Anita Favors Thompson
City Manager

AFT/rg

Attachments

cc: Mayor and City Commissioners
Parwez Alam, County Administrator
Vince Long, Deputy County Administrator
Ricardo Fernandez, Assistant City Manager

CITIZENS ADVISORY COMMITTEE
THURSDAY APRIL 15, 2010
11:30AM TO 12:30PM
CITY HALL, ROOM 4F

Committee Members

Stephen Beasley	Dominic Calabro
Dr. Matthew Carter	Bill Crona
Ben Crump	Frank Jameson
Altha Manning	Karen Moore
Sunny Phillips	Ted Thomas

- I. Welcome Members
 - a. City Manager Anita Favors Thompson
- II. Overview of Utility Systems
 - a. Ricardo Fernandez
- III. Discussion of Current Topics
 - a. Demand Side Management
 - b. Smart Grid
 - c. Advanced Wastewater Treatment
 - d. Rates
 - e. Operating Reserves
- IV. Member Discussion
- V. Schedule Future Meetings
- VI. Adjournment





UTILITY CITIZEN ADVISORY COMMITTEE

April 15, 2010
11:30 a.m. – 12:30 p.m.
City Hall Conference Room 4F

Meeting Summary

Attendees: Committee Members: Stephen Beasley, Dr. Matthew Carter, Ben Crump, Sunny Phillips and Ted Thomas; City Representatives: City Manager Anita Favors Thompson, Assistant City Manager Rick Fernandez, Reese Goad, Kevin Wailes, David Byrne, Mike Tadros, Cynthia Barber, Sandra Manning and Lorin Pratt; and Council of Neighborhood Associations President Stephen Hogge.

Welcome and Overview: City Manager Anita Favors Thompson

The City Manager provided introductions and began the meeting with a brief overview of City Utility goals, particularly the new Energy Smart Plus e+ initiative. A wide variety of programs and services have been implemented to promote energy efficiency, reduce peak electric demand and help customers reduce their monthly utility bills. She noted that the Utility Citizen Advisory Committee serves a vital purpose in assisting with communication efforts, providing feedback and determining key issues to address on a priority basis. One topic will be the potential impact of high utility bills on seniors, unemployed or underemployed residents and other customers with limited incomes. Future meetings will address specific issues more in depth.

Ben Crump indicated that the City has been doing a great job in offering a wide variety of programs but that high utility bills remain a key issue. He suggested that staff take proactive measures to inform customers of cost-saving opportunities. He recommended that staff intensify media campaigns, increase advertising and to rely more heavily on local churches and religious leaders to disseminate information. Dr. Carter concurred, noting the hardship on low-income residents and the much-needed support they receive through churches and governmental assistance. The City Manager agreed that effective communication efforts are crucial and noted that, historically, the challenge has been to encourage residents to take advantage of the many financial incentives and grants offered by the City. Ms. Phillips suggested utilizing the Council of Neighborhood Associations' database and newsletter for targeted campaigns, which could include flyers, ads and informational articles.

Overview of Utility Systems: Assistant City Manager Rick Fernandez

The City of Tallahassee's Electric Utility serves more than 100,000 homes and businesses with electric power. The system has three electric generating stations: C.H. Corn (hydroelectric), Arvah B. Hopkins and Sam O. Purdom. And three wastewater treatment facilities: Lake Bradford Wastewater Treatment Plant, the T.P. Smith Water Reclamation Facility and the Southeast Farm. In addition, City Utilities provide gas and stormwater services, while balancing a wide variety of divergent operational requirements and customer needs. Customer service has always been the top priority, and this committee will offer a new perspective in helping the City improve operations and meet the varied needs of a growing population.



Discussion of Current Topics:

Demand-Side Management – Energy Services Director David Byrne

Brought before the City Commission in February, 2008, the Demand Side Management (DSM) plan is an integral part of the City's Energy Smart Plus (e+) program. It has been determined to be a cost-effective method for increasing energy efficiency and meeting future energy needs with fewer environmental impacts than other power generating alternatives. DSM focuses on providing programs and incentives designed to reduce peak energy consumption through energy efficiency programs, pricing incentives and other residential and commercial customer-based tools. As a resource to the City, DSM defers or eliminates the need to construct new power plants, reduces operational costs, helps stabilize rates and reduces the pressure of market volatility. Upon successful implementation, it will help boost the local economy, lower customers' utility bills, provide local job opportunities and reduce natural gas expenditures outside of the City's service area.

Smart Grid Update – Utility Business and Customer Services Director Reese Goad

The City's new Smart Grid consists of advanced technology and an underlying network of electric, water and gas infrastructure. The three phases of system development include: 1) infrastructure of which the electric and water meter change out is nearly complete, 2) Software and web applications, and 3) New programs and pricing plans designed to offer customers greater choices for managing their household energy consumption, using resources wisely and saving money on their utility bills. The system is central to the City's e+ programs by providing customers with two-way communication and the ability to utilize interactive tools such as Smart Thermostats and In-Home Energy Monitors. New products will be forthcoming and will be introduced to customers over the next year and beyond.

Advanced Wastewater Treatment (AWT) Update – Underground Utilities Director Mike Tadros

Guided by the Florida Department of Environmental Protection and in an effort to protect local water resources, such as Wakulla Springs, the City has begun the process of upgrading its treated effluent to Advanced Wastewater standards. The goal is to reduce nitrogen, which fuels plant growth and surface water degradation, to 3 ppm by 2014 based on a DEP permit schedule. Multiple nitrogen-reduction measures have been applied to achieve reductions above and beyond those set by DEP permit requirements. Construction began in August 2009, with best available technology and new equipment. Costs are expected to be \$200 million and will be funded by bonds. Costs associated with the increased debt service have already been scheduled in the sewer rate schedules. As the work progresses, the City continue to meet with stakeholders, community groups and regulatory agencies to make necessary schedule modifications and ensure project success.

Rates Update - Utility Business and Customer Services Director Reese Goad

Currently, the City's electric rates are just below the state average, they have increased historically and have been subject to the volatility of natural gas prices in the past. The City is working to address rate volatility through financial instruments, operations and decreased peak demand. With regard to other utility services, the City's water rates are among the lowest in Florida, natural gas rates are generally average statewide, and AWT and related factors have placed upward pressure on sewer rates.

Operating Reserves: Electric Utility Director Kevin Wailes

The Electric Utility Operating Reserve Fund provides the City with a wide range of capital advantages, such as liquidity, margin funding for financial hedging and rate stabilization. Despite serious economic conditions affecting municipal governments nationwide, the City has maintained or enhanced its energy system bond ratings in part due to the operating reserve fund. Recently, the nation's three major bond-rating services reaffirmed the City's sound



financial stewardship referencing strong reserves and unrestricted liquidity as strengths in the energy system bond ratings. Of the three major rating services, Fitch maintained its AA- rating and Moody's maintained its Aa3 rating of City of Tallahassee energy system bonds. In addition, Standard & Poor's raised its rating of the energy system bonds from AA- to AA, citing the City's "good management practices, support from the City Commission and sustained strong financial metrics."

Committee Discussion:

- Identify ways to get free energy audits for low-income citizens (Crump/Carter)
- At future meetings, provide Committee members with total energy audits broken down by demographics, such as income class, neighborhood and other relevant categories. (City Manager)
- Investigate commercial DSM incentives (Thomas)
- Survey to determine their desire to underground electric facilities at a cost. (Thomas)
- Committee members encouraged to listen for e+ ads on radio and provide feedback (City Manager)
- Focus on renewable energy, new technologies for Smart Grid (Carter)

Communication Strategies:

- Utilize church leaders as well as Council of Neighborhood Association's database in communication efforts (Crump/Phillips)
- Keep message concise and simple (Carter)
- Focus on low-income residents, renters, etc. (Hogge)
- Increase school-based education, including PTA meetings, school functions, etc. (Crump)
- Continue partnerships with Tallahassee Housing Authority and other local agencies

Adjourn 1:15 p.m.

Future Meetings:

Second or third Thursday of each month – To be determined
11:30 a.m. to 1 p.m.
City Hall Conference Room 4F

Ion Sancho**Supervisor of Elections****LEON COUNTY, FLORIDA**

Date 11/19/2016

Time 03:44 PM

District Voter Turnout Analysis for 2016 General Election

Election 74

Nov/08/2016

Excludes duplicate votes by the same voter; Voters in missing precincts not analyzed to precincts/districts (5211)

<u>District</u>	<u>Total</u>	<u>DEM</u>	<u>REP</u>	<u>NPA</u>	<u>Other</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Male</u>	<u>Female</u>	<u>Unkn</u>
All County												
Eligible	206,327	109,502	57,143	35,055	4,627	126,086	57,162	8,607	14,472	88,777	110,513	7,037
Voted at Polls	55,798	27,726	17,658	9,201	1,213	34,406	14,018	2,265	5,109	23,542	28,820	3,436
Absentee Voted	31,809	17,697	9,819	3,678	615	21,811	7,162	997	1,839	12,452	18,658	699
Early Voted	67,576	38,576	19,028	8,734	1,238	42,651	18,075	2,870	3,980	27,922	37,781	1,873
Total Voted	155,183	83,999	46,505	21,613	3,066	98,868	39,255	6,132	10,928	63,916	85,259	6,008
% Turnout	75.2	76.7	81.4	61.7	66.2	78.4	68.7	71.2	75.5	72.0	77.1	85.4
County Commission 1												
Eligible	38,626	25,827	4,920	7,315	564	11,675	22,029	1,802	3,120	15,120	21,464	2,042
Voted at Polls	10,702	6,921	1,727	1,905	149	3,229	5,585	489	1,399	3,652	5,866	1,184
Absentee Voted	4,540	3,416	558	502	64	1,439	2,656	158	287	1,587	2,820	133
Early Voted	10,247	7,477	1,230	1,424	116	3,004	5,996	558	689	3,612	6,153	482
Total Voted	25,489	17,814	3,515	3,831	329	7,672	14,237	1,205	2,375	8,851	14,839	1,799
% Turnout	66.0	69.0	71.4	52.4	58.3	65.7	64.6	66.9	76.1	58.5	69.1	88.1
County Commission 2												
Eligible	36,358	19,520	7,670	8,313	855	18,745	11,396	2,898	3,319	15,546	18,875	1,937
Voted at Polls	9,744	5,030	2,335	2,172	207	4,771	2,683	792	1,498	3,800	4,744	1,200
Absentee Voted	3,681	2,205	854	548	74	2,120	1,087	227	247	1,400	2,170	111
Early Voted	10,057	6,097	2,113	1,672	175	5,078	3,317	925	737	3,980	5,649	428
Total Voted	23,482	13,332	5,302	4,392	456	11,969	7,087	1,944	2,482	9,180	12,563	1,739
% Turnout	64.6	68.3	69.1	52.8	53.3	63.9	62.2	67.1	74.8	59.1	66.6	89.8
County Commission 3												
Eligible	41,578	22,695	11,607	6,285	991	27,776	10,062	1,324	2,416	17,911	22,668	999
Voted at Polls	11,408	5,696	3,721	1,714	277	7,755	2,551	352	750	5,030	5,961	417
Absentee Voted	7,052	4,047	2,154	708	143	5,263	1,268	170	351	2,699	4,222	131
Early Voted	14,359	8,627	3,761	1,690	281	9,519	3,681	447	712	5,916	8,158	285
Total Voted	32,819	18,370	9,636	4,112	701	22,537	7,500	969	1,813	13,645	18,341	833
% Turnout	78.9	80.9	83.0	65.4	70.7	81.1	74.5	73.2	75.0	76.2	80.9	83.4
County Commission 4												
Eligible	45,037	18,114	19,766	6,062	1,095	36,490	4,856	1,127	2,564	20,517	23,511	1,009
Voted at Polls	11,513	3,958	5,764	1,527	264	9,604	1,032	268	609	5,448	5,779	286
Absentee Voted	8,261	3,500	3,681	911	169	6,903	758	183	417	3,448	4,650	163
Early Voted	18,049	7,991	7,665	2,018	375	14,586	2,072	456	935	8,093	9,597	359
Total Voted	37,823	15,449	17,110	4,456	808	31,093	3,862	907	1,961	16,989	20,026	808
% Turnout	84.0	85.3	86.6	73.5	73.8	85.2	79.5	80.5	76.5	82.8	85.2	80.1
County Commission 5												
Eligible	44,728	23,346	13,180	7,080	1,122	31,400	8,819	1,456	3,053	19,683	23,995	1,050
Voted at Polls	12,430	6,121	4,111	1,883	315	9,047	2,167	364	852	5,612	6,470	348
Absentee Voted	8,275	4,529	2,572	1,009	165	6,086	1,393	259	537	3,318	4,796	161
Early Voted	14,864	8,384	4,259	1,930	291	10,464	3,009	484	907	6,321	8,224	319
Total Voted	35,569	19,034	10,942	4,822	771	25,597	6,569	1,107	2,296	15,251	19,490	828
% Turnout	79.5	81.5	83.0	68.1	68.7	81.5	74.5	76.0	75.2	77.5	81.2	78.9

Board of County Commissioners

Leon County, Florida

Policy No. 03-15

Title: Board-Appointed Advisory Committees

Date Adopted: October 11, 2011

Effective Date: October 11, 2011

Reference:

- Florida Statute Chap. 112, Part III, Code of Ethics for Public Officers and Employees
- Florida Statute Chap 119, Public Records
- Florida Statute §286.011, Government-in-the-Sunshine Law
- Leon County Board of County Commissioners (LCBCC) Policy No. 03-05, Code of Ethics

Policy Superseded: Policy No. 00-5, "Volunteer Boards and Committees;" Policy No. 97-9, "Voting Conflicts on Boards, Committees, Councils, and Authorities"; Policy No. 03-15, Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution, adopted September 23, 2003; Policy No. 03-15, revised April 12, 2011

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a revised policy entitled "Board-Appointed Advisory Committees" be hereby adopted, to wit:

POLICY

1) Authority, Purpose, Intent, and Scope

- a) **Authority:** to the extent the Policy delegates any authority, it is so delegated to the County Administrator.
- b) **Purpose:** to establish a policy and procedure to govern the establishment, appointment, function, operation, and dissolution of all Advisory Committees appointed by the Board.
- c) **Intent:**
 - i) to efficiently manage the resources available to Leon County by assuring that all Advisory Committees function in the most fiscally responsible manner and, when no longer needed, are dissolved as soon as practicable;
 - ii) to assure that all Advisory Committees appointed by the Board comply with all applicable Government-in-the-Sunshine, Public Records, and Code of Ethics Laws; and
 - iii) to assure that all citizens, who volunteer their time to serve on an Advisory Committee, are protected from unknowingly committing an unlawful act by appointing them only to appropriate committees and providing them with a thorough Orientation.
- d) **Scope:** governs all Board-appointed Advisory Committees in existence on the Effective Date of the Policy and to any Board-appointed Advisory Committees thereafter established; and shall not apply to any committees or groups appointed by, or under the delegation of, the County Administrator under his/her executive powers, duties, or responsibilities as provided under the Administrative Code of Leon County, as may be amended from time to time, or any other executive power provided under any other statute, ordinance, or rule promulgated by federal, state, or local law.

2) Definitions

The following terms, when used in the Policy in their capitalized form, shall be defined as follows:

- a) **Ad Hoc Advisory Committee.** an Advisory Committee established for a specific task or objective, and dissolved after the completion of the task or achievement of the objective.
- b) **Advisory Committee:** any board, Committee, or group previously or hereafter established by the Board to provide input, advice, and/or recommendations regarding matters to be brought before the Board for approval, and which is identified in its Enabling Resolution as either a Decision Making Committee or a Focus Group.
- c) **Applicant:** a person who is interested in serving on an Advisory Committee and who is required to submit an Application, completed in accordance with the Policy.
- d) **Applicant Pool:** the group of Applicants eligible for appointment to an Advisory Committee.

Policy No. 03-15
Board-Appointed Advisory Committees

- e) **Application:** the form to be completed and submitted by those persons interested in serving on an Advisory Committee, other than those persons whose public positions are specifically identified by statute, code, rule, policy, or other state, federal, or local law as a required member of the Advisory Committee as identified in such law. For example, the Chairman of the Board of County Commissioners, the Secretary of the Department of Transportation, or the President of Florida State University, provided, however, that persons who are identified in such laws only through their occupation, for example a building contractor or a real estate broker, are not exempt from the application process.
- f) **Board:** the Leon County Board of County Commissioners.
- g) **Commissioner:** a member of the Leon County Board of County Commissioners.
- h) **County:** Leon County, Florida.
- i) **Decision Making Committee:** an Advisory Committee intended to become part of the Board's decision-making process by virtue of direction in its Enabling Resolution to provide to the Board recommendations regarding matters to be considered for Board approval. A Decision Making Committee conducts its meetings under the direction of a Chairperson, with Staff acting only in a role of facilitator; operates under Bylaws approved by the County Administrator and the County Attorney; considers alternatives and narrows or eliminates options for Board consideration; and conducts a vote to either make its final recommendations to the Board as directed in its Bylaws, or make a final binding decision without returning to the Board, based on authority delegated by statute, code, rule, policy, or other state, federal, or local law - because of the voting requirement strongly discourages the appointment of Stakeholders as members.
- j) **Enabling Resolution:** the Resolution adopted by the Board, pursuant to the procedures set forth herein, which authorizes the creation of an Advisory Committee and which establishes the Advisory Committee as either a Decision Making Committee or a Focus Group.
- k) **Focus Group:** an Advisory Committee *not* intended to become part of the Board's decision-making process, but rather is intended, by virtue of its Enabling Resolution, to merely provide a fact-finding source of community input and technical resources for use by Staff in developing a Staff recommendation regarding a matter to be considered for Board approval. A Focus Group conducts its meetings under the direction of Staff, provides collective input to Staff through individual comments of the Focus Group members, has no need for Bylaws, takes no vote as a group and, therefore, appointment of Stakeholders as members does not present a conflict of interest.
- l) **Lobbying:** influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication, or an attempt to obtain the goodwill of a member of the Board, a member of a quasi-judicial board, a member of an Advisory Committee, a County Commission aide, the County Administrator, the County Attorney, the Assistant County Administrator, a Department/Division Director, the Director of Purchasing, the Chief Building Inspector, or other employees who have binding administrative authority.
- m) **Lobbyist:** any of the following persons:

- i) any natural person who, for compensation, seeks, or sought during the preceding twelve months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency;
 - ii) any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of Lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity for the purpose of Lobbying on behalf of that other person or governmental entity; or
 - iii) a person who registers with the Clerk of the Court as a Lobbyist pursuant to Section 8 of Board Policy No. 03-05, Code of Ethics.
- n) **Model Bylaws:** the Board-approved Bylaws template which includes the provisions applicable to every Decision Making Committee, and which is used as the basis for drafting the Bylaws to govern the function and operation of a Decision Making Committee.
- o) **Model Rules of Procedure:** the Board-approved Rules of Procedure template which includes the provisions applicable to every Focus Group and which is used as the basis for drafting the Rules of Procedures to govern the function and operation of a Focus Group.
- p) **Orientation:** the Board-approved publication intended to educate Applicants, Board members, and Staff about the applicability of the Government-In-The-Sunshine Laws, Code of Ethics Laws, and Public Records Laws to Advisory Committees.
- q) **Staff:** any individual(s) employed by the Leon County Board of County Commissioners.
- r) **Staff Support Person:** the member of Staff assigned by the County Administrator to assist an Advisory Committee in carrying out the Board direction as set forth in the Enabling Resolution.
- s) **Stakeholder:** an Applicant that would be potentially subject to an unusually high number of voting conflicts under Florida Statute §112.3143, including any of the following persons:
- i) a person to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established;
 - ii) a person with a relative to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established; for purposes of this subsection, the term "relative" includes any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law;
 - iii) a person with a business associate to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established;

- iv) a person who is retained by any principal to whom he or she knows would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established; or
- v) a person who is retained by any parent organization or subsidiary of a corporate principal, other than an agency as defined in Florida Statute §112.312(2), to which he or she knows would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established.
- t) **Standing Advisory Committee.** an Advisory Committee with a continued existence, and established to carry out its assigned tasks or objectives on an ongoing basis.

3) Establishment of Advisory Committees

Any and all Advisory Committees to be formed on or after the Effective Date of the Policy shall be established only as follows:

- a) **Who May Request:** an Advisory Committee may be established only upon the request of any member of the Board, the County Administrator, or the County Attorney.
- b) **How Request is Made:** a request to establish an Advisory Committee shall be made only as directed by the Board.
- c) **Enabling Resolution:** upon Board approval to establish an Advisory Committee, the County Administrator, or designee, shall, as soon as reasonably possible, coordinate an agenda item for the Board's adoption of the Enabling Resolution establishing the approved Advisory Committee; the Enabling Resolution shall, to the extent possible, be based on the information provided in the Committee Request Form and shall include, but not be limited to, the following:
 - i) identification of the Advisory Committee as either a Decision Making Committee or a Focus Group;
 - ii) a statement of the purpose, function, goals, and responsibilities of the Advisory Committee;
 - iii) the configuration of the membership of the Advisory Committee which, unless precluded by state, federal, or local law, shall be determined by the Board, at its discretion;
 - iv) a statement indicating whether the members of the Advisory Committee shall be subject to full and public disclosure of financial interests;
 - v) identification of the Staff assigned to assist the Advisory Committee, as needed; and
 - vi) identification of a date, or an occurrence of an event, after which the Advisory Committee will dissolve unless otherwise continued with Board approval prior to the date of dissolution.

- d) When Appointments are Made: upon Board adoption of an Enabling Resolution establishing the Committee, the County Administrator shall, as soon as reasonably possible, coordinate a Board agenda item for the appointment of the selected Applicants to the approved Advisory Committee in accordance with Section 6) herein.

4) Responsible Departments

- a) County Administrator, or designee, shall be responsible for the implementation and compliance of the Policy, and shall be charged with the following responsibilities to be carried out in accordance with the Policy:
 - i) developing and implementing the application process;
 - ii) developing and implementing a process for the selection and appointment of members to Advisory Committees;
 - iii) developing and implementing an Orientation program;
 - iv) assuring that all Advisory Committees are properly functioning and operating; and
 - v) developing and implementing a centralized custodial system for retaining minutes, Rules of Procedure, and Bylaws of Advisory Committees.
- b) County Attorney: shall be responsible for providing any legal guidance necessary for the County Administrator to carry out his/her responsibilities under the Policy.

5) Application Process for Advisory Committees

- a) Application Form
 - i) The County Administrator shall develop and maintain an Application in a form to be approved by the Board.
 - ii) The Application shall include, but not be limited to:
 - (1) an inquiry sufficient to establish the Applicant's experience, qualifications, and interests for the purpose of determining for which Advisory Committees the Applicant would be best suited;
 - (2) an inquiry sufficient to establish whether the Applicant would be a potential Stakeholder on any Advisory Committee or would otherwise be subject to an unusually high number of voting conflicts on any Advisory Committee;

- (3) an inquiry sufficient to establish whether the Applicant, if appointed to an Advisory Committee, would be subject to the requirements of the Code of Ethics for "doing business with one's agency" under Florida Statutes §112.313(3) and Leon County Board of County Commissioners Policy No. 03-05 §6(II) and/or having a "conflicting employment or contractual relationship" under Florida Statutes §112.313(7) and Leon County Board of County Commissioners Policy No. 03-05 §6(VI);
 - (4) an inquiry sufficient to establish whether the Applicant is a Lobbyist;
 - (5) an inquiry sufficient to confirm that the Applicant has completed Orientation, provided on the County's Citizen Committees website: www.leoncountyfl.gov/bcc/committees/list;
 - (6) an inquiry sufficient to confirm that the Applicant is a resident of Leon County;
 - (7) an inquiry sufficient to confirm that the Applicant, if appointed, will not be serving on more than one Standing Advisory Committee (there shall be no such prohibition against serving on more than one Ad Hoc Advisory Committee); and
 - (8) a notice to the Applicant, set off in bold typeface in a font size slightly larger than the surrounding text, which will inform the Applicant of his/her obligation, if appointed to an Advisory Committee, to follow the applicable Sunshine Laws, Code of Ethics, and Public Records Laws, and of the consequences of violating the applicable law including criminal penalties, civil fines, and the voiding of any subsequent Board action.
- b) Preliminary Application Review
- i) the County Administrator, or designee, shall review all Applications for completeness:
 - (1) confirmation that the Applicant has completed all applicable sections of the Application;
 - (2) confirmation that the Applicant is a resident of Leon County; and
 - (3) confirmation that the Applicant is not currently serving on any other County Advisory Committee
 - ii) in the event that any Application is found to be incomplete, or that any Applicant is found not to be a resident of Leon County, the Applicant shall be notified of such deficiency in the Application.
 - iii) Upon approval of the Applicant, the Application will be maintained, on file, for a period of two years.

6) Appointment of Members to Advisory Committees

- a) **Assignment of Staff Support Person:** each Advisory Committee shall have a Staff Support Person assigned by either the County Administrator or appropriate agency;
- b) **Review of Applications:** In the event of a need for appointments of members to an Advisory Committee, the County Administrator, or designee, shall work with the Staff Support Person to collectively review the Applications;
- c) **Appointment of Members by Individual Commissioners:** upon review of the Applications, in accordance with Section 6)b) herein, the County Administrator, or designee, shall coordinate the selection of Applicants as follows:
 - i) the list of Applicants available and eligible for selection, together with the required Application in accordance with Section 6)b) herein, shall be provided to each Commissioner;
 - ii) the matter shall be placed, as soon as reasonably possible, on the Board's agenda for appointment of each selection to the Advisory Committee; and
 - iii) selections shall be made from the list of Applicants, provided by the County Administrator, or designee, in accordance with the Policy.
- d) **Appointment of Members by Full Board:** the selection of Applicants by the Full Board, in accordance with Section 6)c) herein, shall be approved by a majority vote of the Board.
 - i) the list of Applicants available and eligible for selection, together with the required Application in accordance with Section 6)b) herein, shall be provided to each Commissioner;
 - ii) the matter shall be placed, as soon as reasonably possible, on the Board's agenda for appointment by the Board of each selection to the Advisory Committee; and
 - iii) selections shall be made from the list of Applicants, provided by the County Administrator or designee in accordance with the Policy.
- e) **Limitation on Reappointment of Members.** a current member of an Advisory Committee may be reappointed at the expiration of their term provided, however, that no member may serve more than three consecutive terms.

7) Orientation

- a) **Preliminary Matters:** the Staff Support Person shall be responsible to assure that, prior to any participation by a newly appointed Advisory Committee member, the member has completed Orientation.

- b) **Availability to Applicants:** the County Administrator shall assure that the Orientation publication is made available to all Applicants in an easily accessible manner; available at the County's Citizens Committees website: www.leoncountyfl.gov/bcc/committees/list.
- c) **Updates and Revisions to Orientation:** the County Administrator, in conjunction with the County Attorney, or their designees, shall be responsible for updating and revising the Orientation, as necessary, to reflect any changes in the applicable laws.

8) Focus Groups - Function and Operation

- a) **Model Rules of Procedure:** the County Administrator, in conjunction with the County Attorney, or their designees, shall develop and maintain the Rules of Procedure, which shall include an attendance requirement and shall govern the function and operation of a Focus Group.
- b) **Staff Responsibility:** upon the adoption of an Enabling Resolution identifying the Advisory Committee as a Focus Group, the Staff Support Person shall be responsible for the following:
 - i) drafting Rules of Procedure, to include an attendance requirement, for the Focus Group, using the Model Rules of Procedure as a basis;
 - ii) at or before the first meeting, providing a copy of the Rules of Procedure to all members of the Focus Group and to the Rules of Procedure custodian, as designated by the County Administrator;
 - iii) coordinating and providing Staff assistance, as necessary, for the meetings of the Focus Group;
 - iv) conducting, on behalf of the Board, each meeting of the Focus Group;
 - v) assuring that all members of the Focus Group have completed Orientation before being allowed to participate in any meeting of the Focus Group;
 - vi) assuring that the Focus Group functions and operates in accordance with the Rules of Procedure for the Focus Group and the Enabling Resolution;
 - vii) notifying the County Administrator and/or the County Attorney, as soon as reasonably possible, of any violations of any law applicable to the Focus Group and any other problems encountered with the function and operation of the Focus Group;
 - viii) preparing an agenda item, as necessary, to advise the Board of the collective input from the individual members of the Focus Group with regard to the matter for which the Focus Group was established; and
 - ix) assuring that the Focus Group is dissolved in accordance with Section 10) herein.

9) Decision Making Committees - Function and Operation

- a) **Model Bylaws:** the County Administrator or designee, in conjunction with the County Attorney, or their designees, shall develop and maintain Bylaws, which shall govern the function and operation of a Decision Making Committee to include, but not be limited to, attendance requirements and procedures for replacement of members when appropriate.
- b) **Staff Responsibility:** upon the adoption of an Enabling Resolution identifying the Advisory Committee as a Decision Making Committee, the Staff Support Person shall be responsible for the following:
 - i) using the Model Bylaws as a basis, and assuring that the Bylaws are approved by the Decision Making Committee, the Bylaws for the Decision Making Committee shall not deviate from the provisions of the Model Bylaws unless such deviations are approved by the County Attorney;
 - ii) at or before the first meeting, providing a copy of the Model Bylaws template to all members of the Decision Making Committee;
 - iii) coordinating and providing Staff assistance, as necessary, for the meetings of the Decision Making Committee;
 - iv) assuring that all members of the Decision Making Committee have completed Orientation before being allowed to participate in any meeting of the Decision Making Committee;
 - v) assuring that reasonable notice to the public is given for each meeting of the Decision Making Committee;
 - vi) assuring that, at the first meeting of the Decision Making Committee, a Chairperson is elected and that the Bylaws are reviewed and the Decision Making Committee finalizes language;
 - vii) assuring that a copy of the adopted Bylaws is provided to the Bylaws custodian as designated by the County Administrator;
 - viii) assuring that minutes of each meeting of the Decision Making Committee are prepared as soon as reasonably possible after each meeting, and copies of such minutes are provided to the minutes custodian as designated by the County Administrator;
 - ix) assuring that the Decision Making Committee functions and operates in accordance with the Bylaws for the Decision Making Committee and the Enabling Resolution;
 - x) notifying the County Administrator and the County Attorney as soon as reasonably possible of any violations of any law applicable to the Decision Making Committee and of any other problems encountered with the function and operation of the Decision Making Committee.

- xi) preparing an agenda item, as necessary, to advise the Board of the recommendations of the Decision Making Committee with regard to the matter for which the Decision Making Committee was established; and
- xii) assuring that the Decision Making Committee is dissolved in accordance with Section 10) herein.

10) Dissolution of Advisory Committees

The Advisory Committee shall be dissolved only as follows:

- a) No later than thirty (30) days prior to the date, or the occurrence of the event, after which the Advisory Committee is to be dissolved, as directed in the Enabling Resolution.
 - i) The Staff Support Person shall inform the County Administrator, or designee, by e-mail or written memorandum, as to whether the Advisory Committee will require additional time in which to accomplish the goals and directives set forth in the Enabling Resolution.
 - ii) In the event additional time is required, the Staff Support Person will be responsible for preparing an agenda item seeking the Board's approval for additional time.
 - iii) If additional time is not required, the Staff Support Person shall, upon the completion of the goals and directives in the Enabling Resolution, notify the County Administrator, or designee, by submitting a Committee Dissolution Form, of such completion, and the Advisory Committee shall thereupon be dissolved.
- b) The County Administrator, or designee, shall conduct biennial reviews of the Advisory Committees' purpose and function.
 - i) The County Administrator, or designee, will be responsible for preparing an agenda item that provides the status of focus groups and decision-making committees, created at the sole discretion of the Board, and provide staff recommendations regarding whether the committee's purpose and function continues to support the Board's intended goals.
 - ii) If the Board determines a Committee is no longer needed, the County Administrator, or designee, will submit a Committee Dissolution Form, and the Advisory Committee shall thereupon be dissolved, as soon as practicable.

Revised 10/11/2011