

**Leon County
2009-2010 Citizens Charter Review (CRC)
Committee
January 7, 2010**

Attending: Chris Holley (Chair), Marilyn Wills, David Jacobsen, Linda Nichol森, Donna Harper, Jon Ausman, Ralph Mason, Catherine Jones, Lester Abberger, Chuck Hobbs, Lance deHaven-Smith, Sue Dick, Larry Simpson, Tom Napier, and Rick Bateman. Also attending were Vincent Long, Herb Thiele, Patrick Kinni, Kurt Spitzer, Shington Lamy and Rebecca Vause.

I. Call to Order

Chairman Holley called the meeting to order at 5:30 p.m.

II. Invocation and Pledge

The invocation was provided by Sue Dick. Chairman Holley then led the Pledge of Allegiance

III. Roll Call

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

Chairman Holley noted that the dates January 10, 2010, should read January 14, 2010 and Mr. Jacobsen noted the correction to his name.

Lester Abberger moved, duly seconded by Linda Nicholson, to approve the December 10, 2009 minutes, as amended. The motion carried unanimously.

V. Reports of Chairperson

Chairman Holley reminded members that tonight meeting was the last opportunity for issues to be added to the Issues Agenda.

Chairman Holley inquired if there was an interest by the Committee to invite Frank Bruno from Volusia County to come speak to the group and share his thoughts and opinions on Volusia County's Charter. He established that there was interest among the Committee to invite Mr. Bruno to address the CRC.

Sue Dick deemed that more time was needed for the Committee to thoroughly discuss and process the issues pending before the group and opined that continued discussion was needed. She recommended that the January 21, 2010 meeting be scheduled as an "Issues Meeting". Chairman Holley confirmed that it was the consensus of the Committee that at least one more meeting was needed to process issues.

Sue Dick moved, duly seconded by Donna Harper, to change the January 21, 2010 to a discussion of issues meeting. The motion carried unanimously.

Chairman Holley suggested that the next evening meeting be scheduled when the Decision Agenda would be discussed (January 28, 2010).

VI. Presentation by Invited Guests/Consultant

a. Mayor John Marks, City of Tallahassee

Mayor Marks spoke on "change" and stated that it was the CRC's responsibility to give elected officials the ability and tools to manage change and that the

Charter provides a unique opportunity to examine, refocus and provide input into community governments. He remarked that the City was committed to focusing on what works best for the community.

He provided three areas of thought for the Committee's consideration:

1. Efficiency and effectiveness of local government;
2. Be mindful of integrity of process of government, and
3. Access and Accountability

Mayor Marks stated that it was important that the City maintain flexibility within the County framework to best serve and meet the needs of unique conditions; this is called "Home Rule" and should be maintained. He cited stormwater standards as a good example of when the City may require the flexibility to reasonably govern operations based on underlying characteristics that are specific to the City and not necessarily the unincorporated areas.

He commented on collaborative efforts such as the Big Bend Regional Partnership and American Recovery and Reinvestment Act efforts; and to address concerns about the annexation policy, he offered that since 1999 to date, the total land mass of the City grew less than 4.87 square miles.

Mayor Marks emphasized the need for economic development and the creation of jobs and job development. He mentioned that local governments must proactively engage State decision makers to ensure that any local outsourced government jobs are retained by a private firm within the same community where the job is lost. He remarked on the creation of a Community Master Plan to assist in economic development and the creation and maintenance of jobs.

He spoke on the City's smart grid technology and proclaimed that we need to be mindful of energy resources and how needs are addressed.

Mayor Marks discussed consolidation and offered that the Committee should assess what problems would be solved through consolidation. He commented that consolidation can initially cost more than the efficiencies it attempts to create. He referenced a 2005 study that revealed that the majority of communities that have that have successfully consolidated claim economic development as the primary reason for consolidation. He acknowledged that consolidation can be more efficient and pointed out that areas such as Planning, Fire/EMS have been functionally consolidated and other areas to consider include parks and recreation, animal services, growth management and the building inspection process.

b. City Commissioner Debbie Lightsey:

Commissioner Lightsey addressed the issue of City/County stormwater and shared her insights on this topic:

She provided a history of the City's stormwater efforts and shared that the City has consistently taken a proactive approach to water quality and flood control. She advised that there have been two major City/County conversations regarding consolidation of stormwater utilities, both of which ended with the County deciding not to pursue the issue until it had adopted a stormwater fee similar to the higher fee structure established by the City, and thus could support a more comprehensive stormwater program. She added that the County does not have an effective billing system.

Commissioner Lightsey shared that she put together a Watershed Policy Board (WPB) which included County Commissioner Cliff Thaele and three local experts and its first task was the development of a single ordinance. Their comparison review of the two ordinances revealed that in 43% of the area inside the County the Ordinances were similar; 10% of the area the County's standards were higher, and in 23% the City's regulation were more stringent. The remaining percentage is the National Forest where development is prohibited. Ms. Lightsey noted that differences exist because "one size doesn't fit all" and that urban stormwater volumes are much higher.

Commissioner Lightsey shared that the WPB has recommended that a single stormwater ordinance not be pursued until both the State and Federal Environmental Protection Agencies complete their rewrite of their standards, which will supersede all local regulations. She advised that changing an ordinance regulating development requires a lot of time, technical work, staff time and public input to achieve. Commissioner Lightsey remarked that both new standards are expected to dramatically change the approach to stormwater treatment and all local regulations will have to be rewritten to conform to these rules.

She noted that the City has committed \$220 million to overhaul its entire treatment system and its being done to protect Wakulla Springs.

Rick Bateman established with Commissioner Lightsey that she did not believe that a single ordinance was necessary, as differing standards would have to be maintained. She asked that the CRC take into account 1) that whoever collects the fee would be accountable to the public and 2) the issuing of permits. Mr. Bateman followed up that a single ordinance did not mean that the same standards would have to apply throughout the City and County.

Lester Abberger inquired if the new state and federal standards would preempt local standards, even if the local standards were more stringent. Commissioner Lightsey indicated that this has not yet been resolved.

Jon Ausman remarked that at one time the City, under Mayor Scott Maddox, had considered privatizing City utilities and inquired if the City would consider a transfer of authority to the County or establishing some type of cooperative management of utilities. Commissioner Lightsey responded that she was unaware of discussion of the Public Energy Authority and could not address Mr. Ausman's question.

Chairman Holley expressed the Committee's appreciation for the Mayor and Commissioner Lightsey's presentations.

VII. Remarks of Interested Citizens

- Curtis Banes, 1323 E. Tennessee St., distributed a letter to each Committee member with his comments on functional consolidation; partisan or non-partisan elections and non-interference clause. He requested that strong language be included in the Charter that would require before any consolidation occur, that it demonstrate clearly that it is going to reduce the cost of the consolidated functions and reduce the cost of government. He opined that the County cannot afford consolidation - at any cost.

- Bob Fulford, 231 Westridge Dr., opined that the petition threshold was too high and asked that his be addressed by the Committee. He also mentioned that it was important for qualifications to be established for sitting on the Committee.

David Jacobsen inquired the petition threshold recommended by Mr. Fulford. Mr. Fulford responded that a six percent would be reasonable.

Ralph Mason established with Mr. Spitzer that the threshold requirement in other Charter Counties to amend Charters typically is seven-eight percent.

- Kevin Koelemij, 2225 Amelia Circle, requested that the Committee consider the correct relationship between government and the public and that accountability not be diminished.
- Dale Landry, 1940 Nanticoke Circle, President of the local NAACP Chapter, shared that they were interested in the Committee's discussions regarding the makeup of the County Commission; specifically in the possibility of changing from five to four districts, with three at-large seats. He reminded members that the NAACP had filed legal action that helped establish the current County Commission make-up and indicated there would be opposition to changes. He added that the NAACP would work and participate in the process.

Jon Ausman and Donna Harper dialogued with Mr. Landry on the NAACP's position on such areas as: addition of single member districts; party affiliations on ballots, and criteria for district schemes. Mr. Landry affirmed that he did not come prepared to address these issues at this time; however confirmed that the NAACP supported single member districts and any system that maximized voter turnout. He added that the NAACP would value the opportunity and accessibility for fair representation before an elected body.

Chairman Holley thanked Mr. Landry for his remarks and encouraged the organization's input and participation in future meetings.

- Randy Agerton, 2305 Killearn Center Blvd., opined that government is exceeding its authority and stated that the Charter should be changed to give authority to make changes. He also suggested that the size of government be reduced.
- Michael Rosenthal, 4045 Kilmartin Dr., professed the need for principles that promotes a more efficient and effective government, such as a Taxpayer Bill of Rights and Sunset Provisions.
- Rick Malphrus, 6538 Treasure Oaks Circle, voiced opposition to partisan elections and submitted that incumbents have an unfair advantage. He suggested that the "incumbent tag" be removed from the ballot.
- Charles McDonald, 4184 Pamela Lane, requested that when considering topics such as consolidation that fundamental differences between the City and County be considered, especially in areas such as Parks and Rec.
- Dennis Barton, 924 Hillcrest Court, expressed opposition to restoring partisanship to local elections.
- Larry Hendricks, 406 Alpha Avenue, indicated concern that the CRC meetings are not being broadcast and those individuals without Comcast service have no access to Commission meetings. He suggested that this be mandated in the Charter. He provided comment on a number of issues such as partisan elections, campaign contribution, and functional consolidation. He professed that the Charter should define essential services and that incentives should be provided for locally run businesses. He confirmed that issues would be individually listed on the ballots.

- Shirley Thompson, 200 Hawk Meadow Dr., expressed concern about the review process as it relates to “home rule” and which ordinance prevails, non partisan election process and the County’s taxing authority. She opined that the general public is not aware of what the Charter sets forth, its impact on the community and their lives and opined that something should be done to ensure that residents are aware of this before changes are proposed and put forth for vote.
- Lisa Williams, 2822 Parr Lane, asked that Committee members consider the citizens in every decision that is made.

Chairman Holley announced that this concluded the public comment portion of the agenda and thanked all citizens for attending the meeting and providing input.

VIII. Unfinished Business

None.

IX. New Business

1. Charter Issues

Mr. Spitzer announced that information on the four tagged issues has been provided.

a. Functional Consolidation

Mr. Spitzer added that direction was needed if there was an interest in pursuing further. He noted that full consolidation was not within the Committee purview.

Rick Bateman inquired about the survey conducted by *TallahasseeVoices* and verified that this was not conducted or endorsed by the County. He indicated that he would be interested hearing specifics regarding the poll. There was discussion on the value of the poll and its use in discussions.

Speaker:

Bryan Lupiani, 607 McDaniel St., appeared to explain the *TallahasseeVoices* poll. He indicated that the survey was conducted in January and 507 of the 6,000 panel members responded.

Rick Bateman moved to schedule discussion regarding the results of the TallahasseeVoices poll. The motion failed for lack of a second.

Chairman Holley opened the floor up for discussion on functional consolidation.

Sue Dick offered that she would like to see functional consolidation of Growth Management moved forward to discussion. She recalled that the City Charter Committee had recommended the move toward a functional consolidation. (Note: staff advised that a list of the City’s recommendations was provided to the Committee and can be found under Tab 2 in the back of their notebook).

Mr. Ausman indicated an interest in the functional consolidation of economic development and pointed out that both entities have contracts with the Economic Development Council.

Cathy Jones noted that the County Commission had agreed for County and City staffs to meet regarding the consolidation of Growth Management.

Ms. Harper acknowledged the importance in job training and education in economic development.

Ms. Dick offered to schedule a short presentation on the current structure of economic development and job creation and how these efforts work together. There was support to schedule a presentation at a future meeting from experts in job development and job training.

Deputy County Administrator Long reiterated that with regard to any consolidated issues, the Charter cannot effectuate a functional consolidation; however the CRC can develop a list of non charter recommendations along with a list of policy statements.

There was discussion on functional consolidation, what could be placed on the ballot, those considered “policy issues” and the types of issues that can be accomplished by Interlocal Agreements between the City and County. Mr. Spitzer noted that information on these types of questions was addressed in his memorandum of January 4 to the Committee. He advised that consolidation of Parks and Recreation and Growth Management can be done through Interlocal Agreement.

Lance deHaven Smith moved, duly seconded by Jon Ausman, to move consolidation of Growth Management to the Decision Agenda.

Mr. Lance deHaven Smith commented that the Committee should not make decisions based on whether the City will go along with it or not.

Motion carried unanimously.

Ms. Dick reaffirmed that she would schedule an economic development/job creation presentation for a future meeting.

b. Countywide Stormwater Standards

Lester Abberger stated that pending state and federal legislation will prohibit the County’s action on this activity.

Cathy Jones pointed out that the changes are pending and stated that there was no harm in having one ordinance in place.

Lester Abberger moved, duly seconded by Lance deHaven Smith, to move consolidation of Stormwater Standards Policy to the Decision Agenda. The motion carried unanimously.

Mr. Long recommended that John Kraynak, Environmental Services Director, be invited to provide the Committee with an overview of the County’s stormwater standards. The recommendation was accepted by the Committee.

c. Volunteer Annexation:

Jon Ausman moved, duly seconded by Lester Abberger, to defer the item indefinitely. The motion carried unanimously.

d. Charter/Constitutional Officers:

Chairman Holley confirmed that the Committee had, in response to Clerk Bob Inzer's request for Charter language regarding State Statute and the Clerk's role in auditing functions, asked staff to prepare proposed language on this topic. In effect, the issue (Charter/Constitutional County Officers) had been technically moved to the "Decision Agenda".

County Attorney Thiele Herb shared that language, as a proposed Charter amendment, had been prepared and sent to Clerk Inzer's Office; no response has been received to date. Mr. Thiele confirmed that language has been prepared as part of the Decision Agenda Item.

Rick Bateman moved, duly seconded by Jon Ausman, that the CRC allow each Constitutional Officer, as requested, to retain their current status of independent County Constitutional Officers and make no changes in that status; except for consideration of the issue raised by Clerk Bob Inzer as related to audits and possible discrepancy between the interpretation of current State Statutes and recent case law. (Item to be placed on Decision Agenda)

Ms. Harper offered a friendly amendment that the end of the motion be left open to the issues raised by Mr. Inzer. The friendly amendment was accepted by Mr. Bateman.

The motion as amended carried 14-1 (Cathy Jones in opposition).

2. Identification of Additional Charter Issues

Mr. Spitzer stated that the CRC had asked that he review the Charter and provide suggestions on policies that may need to be revised or added to the Charter. He identified policies such as, hire/fire of County Administrator, non-interference clause, clarification of petition prohibitions, etc. Further details on those topics were included in a memo from Mr. Spitzer dated January 4, 2010 and included in the Committee's packet.)

Donna Harper moved, duly seconded by Rick Bateman, to agenda for the January 21, 2010 Issues Agenda the issues raised by Mr. Spitzer's January 7, 2010 memo. The motion carried unanimously.

a. Identification of Additional Charter Issues

Cathy Jones moved, duly seconded by Sue Dick, to agenda for the January 21 Issues Agenda, the establishment of a Citizen Utility Review Committee. The motion carried unanimously.

Dave Jacobsen suggested that campaign contribution limitations be considered also. Mr. Spitzer advised that this was not within the purview of the Charter and Mr. Thiele opined that campaign finance area is preempted to the State in its totality.

Mr. Abberger moved, duly seconded by Cathy Jones, to request staff contact the individuals who conducted the TallahasseeVoices poll and prepare a memo that describes the survey methodology and background information.

The motion carried 9-6 (Jon Ausman, Donna Harper, Lance deHaven Smith, Chris Holley, Marilyn Wills, Larry Simmons in opposition)

Staff was asked to provide a summary of issues and asked that the timeline be revised and provided by the next meeting.

Chairman Holley announced that he would not be able to attend the next meeting and pled for civility when discussing the tough issues pending before the Committee.

Staff identified the following items as having been identified by the Committee to move forward:

Decision Agenda:

- Functional Consolidation of Growth Management
- TDC Status
- Authorization for Countywide Stormwater Policy
- Audit Clarification

Issues Agenda:

- Non partisan elections
- Districting Scheme for County Commission
- Question of a change in the manner the Chairman is selected
- Utility Advisory Board
- Issues identified by Mr. Spitzer
- Petition Threshold
- CRC Structure

X. Adjournment with Day Fixed for Next Meeting

The next meeting of the Citizen Charter Review Committee is scheduled for Thursday, January 14, 2010 at 11:30 a.m.

Tom Napier moved, duly seconded by David Jacobsen, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:10 p.m.

LEON COUNTY:

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court