

**MINUTES
LEON COUNTY
2009-2010 CITIZENS CHARTER
REVIEW COMMITTEE
NOVEMBER 3, 2009**

The Leon County 2009-2010 Citizens Charter Review Committee (CRC) met on November 3 at 11:30 a.m. in the Commission Chambers with Committee members Rick Bateman, Larry Simmons, Jon Ausman, Ralph, Linda Nichol森, David Jacobsen, Marilyn Wills, Chuck Hobbs, Donna Harper, Sue Dick, Cathy Jones, Chris Holley, Lance deHaven-Smith, Lester Abberger, and Tom Napier present. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Deputy County Administrator Vince Long, and Recording Clerk Rebecca Vause.

County Administrator Alam called the meeting to order at 11:35 a.m. and welcomed committee members and introduced staff. He noted that a Committee Chair and Vice Chair would need to be appointed.

Mr. Alam shared that the County's Charter was passed in 2002 and this is its first review. He offered that the two most important questions to be considered are: 1) does the Charter as it stands today, reflect the preferences of the community in terms of its local government and 2) what changes or issues should be included to enable the County to tackle current and future challenges. Mr. Alam stated that Board members had identified and shared issues they deemed important for CRC consideration; however the Board was clear in its intent that the Committee not be restricted in issues they wished to address.

Mr. Alam called for nominations for the CRC Chair. The following nominations were made:

- *Chris Holley – nominated by Rick Bateman and seconded by Lester Abberger*
- *Donna Harper – nominated by Jon Ausman and seconded by Larry Simmons*
- *Marilyn Wills – nominated by Ralph Mason and seconded by David Jacobsen*

Mr. Thiele instructed members on the process to be used to tally the vote.

Mr. Long added brief remarks on the CRC process and noted that all meetings will be streamed live via the web. He added that a new website www.leoncountyfl.gov/charterrev has been established and has the functionality to allow the Committee to accept citizen input.

Mr. Long introduced Kurt Spitzer, President, KS&A Government Consultants. He noted that Mr. Spitzer was involved in the development of the County's original Charter and has been retained to provide consultative services to the CRC.

Mr. Spitzer indicated his role to the CRC is as an independent advisor. A power point presentation was utilized to provide an Overview of Charter Government and included:

- Florida History
- Origins of County Structure
- 1968 Florida Constitution
 - Dillon's Rule replaced by Home Rule
- Pressures
- Key Policies (Article VIII – Section 1)
 - Can only be adopted, amended, repealed by vote of the electorate;
 - May provide alternative methods of selecting County officers;
 - Size, terms, districting schemes of County Commission and the relationship between the Commission and Executive Branch can be revised, and

- Charter Counties have all powers not inconsistent with general law and the Charter must specify if County ordinance prevails over that of a City.

He summarized areas that are primarily affected by County Charters:

- Districting schemes (manner in which commissioners are elected)
- Election Methodology (partisan vs. non-partisan)
- Salaries
- Terms of Office (length and limit)
- Head of Executive Branch (appointed or elected)
- County Constitutional Officers
- Countywide Policy
- Countywide Programs
- Citizen Initiative
- Charter Amendment Process
- Preservation of Rural Lands

At this time, ballots for selection of the Chair were distributed. Mr. Thiele explained the voting process and upon the tally of the vote it was determined that the Committee had selected Mr. Chris Holley as its Chair.

At this point, Chairman Holley assumed the Chair and after brief discussion, Mr. Holley confirmed that it was acceptable to Ms. Wills and Ms. Harper that the selection of Vice Chair be conducted via a coin toss. Ms. Wills prevailed and was selected Vice-Chair.

Mr. Thiele provided an overview of Florida Public Records and Sunshine Laws. He advised that Public Records and Florida Sunshine Laws apply to CRC members, and to a certain extent, Statewide Ethics Code.

- Sunshine Law: CRC members should not discuss any matters that may or may not be recommended to the Board and includes communications such as in person, telephone, e-mail, twitter, text, secret hand shake, or use of a conduit. He added that any issue a member wishes to have considered or discussed should be brought to the Committee for action.
- Public Records Law – Any communications received relating to the CRC or potential issues brought forth by citizens for CRC consideration are considered public record and should be brought to the attention of staff for inclusion in the official CRC file.
- Florida Code of Ethics: Committee members are not subject to financial disclosure; however voting conflicts may arise during the process. He noted that County staff is available to assist; however, would not be able to conduct research on individual member requests.

Mr. Bateman suggested that Committee members be instructed not to e-mail each other about any potential committee discussion issues. Mr. Thiele agreed and added that if a communication is received from a citizen, this should be forwarded to staff for handling.

Mr. Spitzer indicated that a set of “draft bylaws” was included in the Committee packet and suggested that these be reviewed and comments/revisions can be addressed at the next meeting. He also referenced the proposed Committee schedule.

There was discussion regarding the proposed By-Laws.

- Mr. Bateman opined that the two-thirds requirement (Rule 10C) was too high.

- Ms. Harper agreed and added that Rule 19 should be amended to remove”present and voting” and that the bar be lowered from two-thirds to a simple majority.

Mr. Spitzer shared that the practice of other counties is “some sort of extra ordinary majority” to approve an issue to go before the Board.

Mr. Holley suggested that the recommendation be given thought; however, he remarked that more than a simple majority should be attained to these types of important decisions.

Mr. Bateman requested data be brought back on how these thresholds are approached by other CRC’s. Mr. Holley confirmed that there was consensus ask staff to bring back this information.

- Mr. Ausley suggested that by-laws contain some type of language which includes minority report.
- Ms. Harper offered that Rule 5 include an Approval of the Agenda and Rule 12 state that Roberts Rules of Order Governing Small Bodies apply.
- Mr. Ausman suggested that Section 6 be amended to remove “tapes and should reflect current technology.

A review of the Committee schedule was conducted and a brief discussion ensued. Chairman Holley stated that he would not be able to attend the November 12 meeting and asked that the November 12 and November 19 meeting agendas be “flip flopped”. The Committee agreed to the request and accepted the proposed timeline, as amended.

Chairman Holley pointed out that future agendas are only a framework and can be amended as needed.

There being no further business, the meeting was adjourned at 1: 25 p.m.

Christopher Holley, Chair

Bob Inzer, Clerk of Court