

**Leon County
2009-2010 Citizens Charter
Review Committee (CRC)
November 19, 2009**

The Leon County 2009-2010 Citizens Charter Review Committee (CRC) met on November 19 in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Linda Nichol森, David Jacobson, Lester Abberger, Tom Napier, Catherine Jones, Lance DeHaven-Smith, Rick Bateman, Donna Harper, and Jon Ausman in attendance. Members absent were: Ralph Mason, Sue Dick, Larry Simmons, and Chuck Hobbs. Also attending were County Administrator Parwez Alam, County Attorney Herb Thiele, Senior Assistant County Attorney Patrick Kinni; Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and Recording Clerk Dionte Gavin.

I. **Call to Order:**

Chairman Holley Called the Meeting to Order at 11:37 a.m.

II. **Roll Call:**

The Roll Call was conducted by Shington Lamy

III. **Invocation and Pledge:**

The Invocation was provided by Chris Holley who then led the Pledge of Allegiance.

IV. **Approval of the Minutes:**

Lance DeHaven-Smith moved for the approval of the November 12, 2009 minutes and it was seconded by Rick Bateman. The minutes were unanimously approved.

V. **Reports of Chairperson:**

- Reiterated his desire to open the meetings up for public input prior to summarizing and voting on issues to be presented to the Board.
- In response to suggestions he has received he will: 1) reach out to the local paper to indicate willingness for the process to be "open and transparent" and 2) welcome the Council of Neighborhood Associations (CONA) input into the process.

VI. **Presentations by Invited Guests/Consultant**

Commissioner Bob Rackleff commented on the importance for County government to understand the realities of the current economy and its role especially on the issue of increasing energy costs and how this can be managed. He also indicated support for partisan elections.

VII. **Remarks of Interested Citizens:**

None

VIII. **Unfinished Business:**

1. Review of Bylaws and Comparisons

Kurt Spitzer shared that a copy of the revised draft by-laws were provided and explained the revisions that had been made. He also noted that a summary of the process used by other charter counties to "move" issues were also provided. He further explained the process used by other Charter Counties and offered the options available to the Charter Review Committee (CRC).

After discussion the following additional changes and clarifications were made to the draft by-laws:

- Rule 19 Amendment was altered to require that changes to the by-laws would necessitate a two-thirds vote of the **entire Committee**.
- Rule 10 b. Decision Agenda was changed to reflect that the Committee could request, by a **majority of members present**, staff to prepare proposed amendments for review and discussion at public hearings.
- Donna Harper remarked on Rule 12 Official Rules of Order and suggested that “matters of procedural conflict” be deleted. **The suggestion was discussed and agreed to by the Committee.**
- Tom Napier established that Rule 8 Attendance intends that notification of an absence be made to Shington Lamy either by phone, e-mail or announcement at a prior meeting.
- Jon Ausman referenced Rule 5 Agenda for Regular Meetings and recalled that Ms. Harper had raised the issue that meeting agendas be approved at each meeting. He inquired if this recommendation could be considered.
Jon Ausman moved, duly seconded by Donna Harper to insert an “Approval of Agenda” to the meeting agenda for approval by the Committee at each meeting. The motion failed 2-9 (Chris Holley, Marilyn Wills, Linda Nichol森, David Jacobson, Lester Abberger, Catherine Jones, Tom Napier, Lance DeHaven-Smith, and Rick Bateman in opposition)
- Mr. Ausman voiced favor for the CRC to be enabled to put forward a “majority report” to the Board; these would be issues that would allow a secondary set of recommendation to be presented to the Board for consideration with only a majority of the CRC in support.

Mr. Spitzer advised that a vote of 10 by the CRC would place an issue before the Board for consideration; however would require a 4+1 vote by the County Commission to place the amendment on the ballot. Mr. Spitzer confirmed that an individual citizen can always bring an issue to a Commissioner to bring forward to the County Commission for consideration.

There was continued discussion with some concern expressed on there being too many issues before the CRC and the limited time to adequately address them. Concern was also noted about the volume of recommendations to be presented to the Board.

Jon Ausman moved, duly seconded by Donna Harper, to ask Mr. Spitzer to bring back a proposal that would allow the majority of the members of the CRC to also present recommendations to the full County Commission for their consideration. The motion failed 4-7 (Chris Holley, Marilyn Wills, Linda Nichol森, Catherine Jones, Tom Napier, Lance DeHaven-Smith, and Rick Bateman in opposition)

- Rule 12 Official Rules of Order Ms. Harper recapped her previous suggestion regarding the CRC’s use of procedures that pertain to small boards as opposed to Roberts Rules of Order in general. She provided examples of the differences in procedures and spoke in favor of implementation of the suggestion. **No action was taken by the Committee on this issue.**

A motion to approve the by-laws as amended was made by Tom Napier and duly seconded by Rick Bateman. The motion carried 11-0.

Chairman Holley requested that a copy of the approved by-laws be distributed to the Committee.

2. Board Identified Charter Issues

Mr. Lamy shared that the Board held a workshop on May 26 and identified policy issues that it wished to be considered by the CRC. He noted that the Board stressed that these should not be considered exhaustive or limit the committee's ability to address broad or specific issues. This list was included in the Committee's packet. Mr. Lamy added that a consolidated list of issues would be available at the next meeting which would incorporate these topics together with those issues commented on by Commissioners; along with a broader analysis of which issues can be addressed by the CRC.

Chairman Holley acknowledged the need for the Committee to receive public input and a tentative date of January 7 was set. He confirmed that there were no issues that individual Committee members would bring forward for the CRC review thus, the list the CRC will work from will consist of issues from the Board and the public.

Chairman Holley pointed out that the Constitutional Officers are scheduled to appear before the CRC at the next two meetings and acknowledged the need to move forward with discussion on some of the issues before the CRC. Acting on this suggestion the Committee settled on the following schedule:

December 10, 2009: Constitutional presentations; Tourist Development Council structure; non-partisan elections, and annexation policy;

December 17, 2009: Constitutional presentations; lower charter petition thresholds, and consolidation

3. Counties' Charter Comparison (Volusia County Charter)

Mr. Spitzer provided a brief overview and comparison of other Charter Counties, including an in-depth review of Volusia County's Home Rule Charter. A copy of the Charter was provided to the Committee.

IX. New Business:

1. Requested Information from County Attorney

County Attorney Thiele provided an overview of the current Federal Court Order related to the suit filed by the NAACP regarding the County's districting structure and explained that the County Commission or the Charter could not change the methodology of the current elections without Federal Court approval. He added that the plaintiff's agreement or disagreement to the change would significantly impact the Courts decision. He commented that current census data would be needed to demonstrate the County's ability to maintain the minority district and was concerned that this would not be available at this time. He stated that he would hold discussions with the NAACP should the CRC decide that it would recommend a change to the five district, two at-large methodology currently utilized.

Mr. Bateman pointed out that the intent of the Consent Decree was to establish a minority district and he was not sure there would be opposition as long as the minority district is maintained.

Mr. Ausman commented that he did not want discussions limited to a 5-2 or 4-3 Board composition.

Ms. Harper mentioned that an increase of districts would make more accessible and create a greater opportunity for residents of lesser income to be elected.

Mr. Ausman remarked that he was concerned regarding the reflection of votes on motions and asked that the record indicate the actual vote. Mr. Thiele confirmed that the record would reflect the vote and would show those individuals voting in opposition.

X. Adjournment with Day Fixed for Next Meeting:

Date of next meeting December 10, 2009 at 11:30 a.m. in Commission Chambers.

There being no further business, Tom Napier moved to adjourn the meeting at 1:32 p.m. The motion carried unanimously.

Christopher Holley, Chair

Bob Inzer, Clerk of Court