

**LEON COUNTY
2009-2010 CITIZEN CHARTER
REVIEW COMMITTEE MEETING
FEBRUARY 4, 2010**

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on February 4, 2010, in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Catherine Jones, Chuck Hobbs, David Jacobsen, Donna Harper, Lance deHaven-Smith, Ralph Mason, Rick Bateman, Lester Abberger, Tom Napier and Sue Dick in attendance. Larry Simmons, Linda Nichol森 arrived late and Jon Ausman absent and excused. Also attending were County Administrator Parwez Alam, County Attorney Herb Thiele, Deputy County Administrator Vincent Long, Assistant County Attorney Patrick Kinni, Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and Deputy Clerk Rebecca Vause.

I. Call to Order

Chairman Holley Called the Meeting to Order at 11:35 a.m.

II. Invocation and Pledge

The Invocation was provided by Ralph Mason. Chairman Holley then led the Pledge of Allegiance.

III. Roll Call

The Roll was conducted by Shington Lamy who confirmed that a quorum was present.

IV. Approval of Minutes of Previous Meeting (January 28, 2010)

Ms. Harper voiced an objection to the paraphrase of the legal opinion regarding the unitary system currently utilized by Duval County/Jacksonville. She also, as a matter of personal privilege, expressed concern that Roberts Rule of Order was not being followed by the Committee.

Ms. Harper placed into the Record the following excerpt from Roberts Rules of Order, "The Chairman sometimes calls a member to the chair so that he may then take part in the debate. This should rarely be done, and nothing can justify it in a case where much feeling is shown and there is a liability to difficulty in preserving the order. If the Chairman has even the appearance of being a partisan, he loses much of his ability to control those who are on the opposite side of the question. There is nothing to justify the unfortunate habit some chairmen have of constantly speaking on questions before the assembly, even interrupting the member who have the floor. One who expects to take an active part in debate should never accept the Chair or at least should not resume the Chair until after his speech and after the pending question is disposed of."

Rick Bateman moved, duly seconded by Ralph Mason, to approve the January 28, 2010 meeting minutes. The motion carried 12-1 (Donna Harper in opposition and Jon Ausman and Larry Simmons absent)

I. Reports of Chairperson

Chairman Holley discussed the change in time for the February 11, 2010 CRC meeting from 11:30 a.m. to 10:00 a.m. Mr. Lamy confirmed that the legal notice posted listed the February 11, 2010 meeting to begin at 10:00 a.m.

Ms. Harper asked that when a change is made to the scheduled meeting time that enough warning be provided; so that members with less flexible schedules can attend and participate in the meeting.

In response to a request from Chairman Holley, Kurt Spitzer provided a schedule for the upcoming public hearings. Mr. Spitzer advised that public hearings are scheduled for: February 18, March 4 and March 18 and recommended that they be held in the evening.

Lester Abberger suggested that the hearings be conducted at 5:30 p.m. This suggestion was agreed to by the Committee majority.

II. Presentations by Invited Guests/Consultant

Jim VanRiper appeared before the CRC in his role as Chair of the County's Human Relations Advisory Committee (HRAC). He offered information on the HRAC's mission and the progress being made. He advised that the HRAC is developing a draft ordinance and offered that most counties address human relations issues within an ordinance not in a Charter. He provided that the HRAC, although appreciative of the initiative, asks that the CRC rethink the idea of adding human rights as a Charter amendment.

Chairman Holley shared that this issue is on the Committee's agenda for next week and invited Mr. VanRiper to attend.

Rick Bateman established with County Attorney Thiele that the difference in the issue being addressed through Ordinance or Charter would be in the detail that would be provided by Ordinance.

Ralph Mason commented that the language discussed by the CRC at its last meeting was very broad and expressed concern that the vagueness of the statement would lead to more legal problems than the community is willing to go through. He reiterated that an ordinance would be stronger and better equipped to address these issues.

Rick Bateman moved, duly seconded by Ralph Mason, to ask the County Attorney to review the draft language proposed by the CRC and bring language back that can be "fit" into an ordinance. The motion carried 12-0 (Jon Ausman, Larry Simmons and Linda Nicholsen absent)

III. Remarks of Interested Citizens

Speakers:

- John Buss, 4437 W. Shannon Lakes Drive, stated that he was the Manager of Water Resource Engineering, Underground Utilities, City of Tallahassee. He addressed Agenda Item IX 1. b. Countywide Environmental Standards advising that this was a complicated issue that had been looked at in-depth over time by two separate groups, both determining not to move ahead with the issue. He submitted that different rules are needed for urban area and urged the Committee not to move forward with this item. However, should the issue be deemed correct, he asked that it be addressed outside of the Charter so as to allow flexibility should expected results not be realized. He cited that the County's stormwater ordinances are stricter in about 10% of the County; and the City's stricter in 23% of the County (a large part of the County is national forest that is not subject to ordinance compliance).

Lester Abberger clarified for the record that Mr. Buss was speaking as a representative of the City of Tallahassee, Underground Utilities.

- Dennis Barton, 924 Hillcrest Court, offered comment on CRC Membership/Structure. He stated that although the proposed language presented for the CRC's consideration, is vastly improved over "no language", it lacks 1) a prohibition of appointees' who are active and have leadership roles in political parties or 2) positive language that supports the appointment of people who understand and know government, but are not deeply immersed on politics of government. He suggested that this type of language be included in the Charter.

IV. Unfinished Business

None

V. New Business

A. Audit Clarification

Chairman Holley announced that this issue was continued from last week's meeting. He introduced Bob Inzer, Clerk of the Court.

Mr. Spitzer, in response to request by Mr. Abberger, provided a brief overview of this issue.

Mr. Inzer acknowledged that he had raised a concern to the CRC that the Charter as currently written is not clear as to his authority to audit and had asked that language be proposed to clarify his Office's audit authority. Mr. Inzer added that the language, as proposed by the County Attorney, was very limiting and was shared with the Audit Committee who in turn expressed a concern that the proposed language would in fact limit the scope and independence of the Audit Committee and the audit function. He stated that further discussions had occurred with the County Attorney's Office and additional language had been prepared as a result. This revised language has been shared with the Audit Committee and Mr. Inzer asked that the issue be deferred until the February 11 CRC meeting to allow time for the Audit Committee to meet and provide comment.

Mr. Abberger moved, duly seconded by Donna Harper, to defer the item until the February 11, 2010 meeting.

Chairman Holley wanted to ensure that the Committee was informed of the issue so that it could be adequately addressed at the next meeting.

County Attorney Thiele, in response to Mr. Bateman, shared that an effort has been made, without conceding the state of the law, and revised language has been developed to address concerns expressed by the Clerk and the Audit Committee. Mr. Thiele indicated a desire to find a "middle ground" that the Clerk and Audit Committee has comfort with.

Mr. Bateman requested that a copy of the revised draft be e-mailed to Committee members for review prior to next week's meeting. Chairman Holley asked that the changes be identified. Mr. Thiele indicated that a copy would be distributed.

Mr. Inzer remarked that if agreement cannot be reached he would prefer that the language remain as currently stated with no change to the Charter.

Chairman Holley stated that it is the CRC's desire to address any ambiguity that may exist as current written in the Charter and encouraged Mr. Inzer and Mr. Thiele to resolve issues and bring back language that both entities can support.

The motion to defer the item until the February 11, 2010 meeting carried 14-0 (Jon Ausman absent).

b. Countywide Environmental Standards

Chairman Holley asked Mr. Spitzer to provide a brief summary of the issue. Mr. Spitzer stated that this topic originated through the CRC's discussions regarding adoption of minimal stormwater standards as well as offering an alternative to the consolidation of growth management functions. He advised that of the 20 Charter Counties, approximately one-half contain provision whereby the County Commission can adopt minimal standards in certain policy areas, such as environmental protection.

Vincent Long, Deputy County Administrator, utilized a power point presentation to explain how unified countywide environmental standards would provide consistency and certainty for the development community, while ensuring natural resources are protected. His presentation included a history, current consolidated efforts, and addressed issues such as stormwater standards and fees, different standards for urban and rural development, Environmental Protection Agency (EPA) and Department of Environmental Protection (EPA) pending regulatory changes, etc. He introduced David McDevitt, Growth Management Director and John Kraynak, Environmental Compliance Director, who were available to answer questions and address concerns from the CRC.

Mr. Long pointed out that in 1991 the Tallahassee-Leon County Comprehensive Plan adopted a policy which supported the return to one environmental management department and one set of regulations and the Comprehensive Plan required the establishment by 1993 of a unified single agency focused on environmental and natural resources protection and management. Mr. Long emphasized that the Comprehensive Plan is the law and the Charter is a mechanism to enforce that law.

Parwez Alam, County Administrator, addressed the Committee and explained that the Comprehensive Plan was developed by a group of citizens appointed by the City and County Commissions in 1986. He noted that the Comprehensive Plan requires that environmental regulations should be unified. He offered that the County has attempted consolidated efforts numerous times to no avail. Mr. Alam pointed out that the County incurred the entire cleanup cost of Lake Jackson and Lake Munson and opined that costs should be shared by the entire population of the county, not just unincorporated residents. He stressed the importance of a unified set of ordinances and codes and assured the CRC that both City and County staff and City and County Commissions would be involved in the development of the standards.

Speaker:

- Ann Bidlingmaier, 1920 Harriet Dr., stated that it was important and crucial to look at this issue, but opined it should not be done through the Charter as currently outlined as the result would be a degraded set of standards. She noted the need for a County Care of Premises Ordinance.
- William Proctor, 301 S. Monroe, expressed support for uniform environmental standards and expressed concern over the dumping of raw sewage in the Jake Gaither Community.

Mr. Bateman acknowledged that the Comprehensive Plan, which is the law, requires “one unified authority with regard to environmental” and this requirement can be enacted by the CRC’s endorsement of countywide standards. He stated that it was imperative that there be Countywide consistent unified standards.

There continued to be discussion and dialogue with staff on the establishment of minimum standards and countywide standards.

Ms. Harper conveyed her support for unified environmental regulations and suggested the following changes to the proposed language provided by staff.

Sec. 1.6 Relation to Municipal Ordinances. (2) Notwithstanding paragraph 1, County ordinances establishing minimum standards, procedures, requirements and regulations for the protection of the environment shall prevail over municipal ordinances. Such minimum standards, procedures, requirements and regulations 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.

Cathy Jones moved, duly seconded by Rick Bateman, to adopt the proposed language in the agenda packet which reads, “Section 1.6 Relation to Municipal Ordinances. Unified Environmental Regulations [2] County ordinances establishing standards, procedures, requirements and regulations for the protection of the environment shall prevail over municipal ordinances. Such standards, procedures, requirements and regulations 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”, and move the issue to public hearing.

Ms. Harper offered a friendly amendment that the language include the last sentence she proposed, which reads, “Standards shall be designed to place emphasis on supporting healthy natural systems occurring in the environment.” Ms. Jones accepted the friendly amendment.

The motion as amended carried 13-1 (Ralph Mason in opposition and Jon Ausman absent).

Chairman Holley requested that the CRC Membership/Structure Item be moved up on the Agenda.

Donna Harper moved, duly seconded by Lester Abberger, to change the order of the Agenda. The motion carried 14-0 (Jon Ausman absent)

c. CRC Membership/Structure

Mr. Spitzer provided an explanation of the issue.

Mr. Bateman voiced opposition to the prohibition of employees of the Commissioners.

Rick Bateman moved, duly seconded by Lester Abberger, to accept the proposed language amended to remove "and their employees" from the language.

The Committee continued to deliberate this issue. Comments from the members included, but not limited to, the need to define local government, opposition to elected officials staff, contentment with current process, and limitation on the number of public sector employees.

A substitute motion was offered by Lester Abberger, duly seconded by Dave Jacobsen, to remove the issue from the table and leave the Charter as it currently exists.

Shington Lamy provided clarity on the proposed language.

Mr. Bateman withdrew his original motion and Mr. Abberger withdrew his substitute motion.

A new motion was made by Rick Bateman and duly seconded by Donna Harper, to adopt the following language in Paragraph 2 (A) A Citizen Charter Review Committee shall be appointed by the Board of County Commissioners at least ~~twelve (12) months~~ fifteen (15) 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. All of the language in Paragraph 2 (B) and (C) shall remain as presented. The item is moved to public hearing.

Tom Napier offered a friendly amendment to prohibit husband, wife or relative living in the household. The friendly amendment was not accepted by Mr. Bateman.

Chuck Hobbs offered a friendly amendment to place into the language "When making appointments to the Citizen Charter Review Committee, the Board of County Commissioners shall attempt to include citizens from all segments of the Leon County community, reflecting the different viewpoints, age, gender, life experiences, professions and employment, race and ethnic backgrounds of the citizens in the County, and including consideration of representation of students currently enrolled in institutions of higher education." The friendly amendment was accepted by Mr. Bateman.

The motion as amended carried 12-2 (Sue Dick and Tom Napier in opposition and Jon Ausman absent).

d. Employment Policy of the County Administrator

Mr. Spitzer explained the issue to the Committee. He added to better clarify the language that "entire membership of the" be added after ".....majority plus one(1) of the...." In both the hiring and termination of the County Administrator.

Ralph Mason moved, duly seconded by Lester Abberger, to approve the proposed language to include the suggested changes from Mr. Spitzer. The new language now reads: Sec. 2.3 (A) The County Administrator shall be appointed by, ~~and~~ serve at the pleasure of the Board of County Commissioners 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 Administrator was adopted by majority vote of those present and voting. (remainder of the existing language remains intact.) The item is moved to public hearing. The motion carried 13-1 (Donna Harper in opposition).

e. Non-Interference Clause

Mr. Spitzer noted that the proposed language attempts to guarantee separation of duties between the legislative and executive branch. He advised that the current language now includes the County Attorney.

Rick Bateman moved, duly seconded by Tom Napier, to adopt the language as presented and move the item to public hearing. The motion carried 13-0 (Linda Nichol森 out of Chambers and Jon Ausman absent).

f. Petition Threshold/Petition Prohibitions

Mr. Spitzer explained the item and indicated that it contained amendments as directed by the CRC.

Rick Bateman moved, duly seconded by Dave Jacobsen, to adopt the language as presented and move the item to public hearing.

Patrick Kinni, Deputy County Attorney, stated that line three of Sec 4.1 (1) should read "...Florida Constitution, general law or this Charter, upon petition signed by not less than ten seven..."

The motion as amended carried 12-2 (Donna Harper and Cathy Jones in opposition; Jon Ausman absent).

An overview of the actions taken by the CRC was provided by Chairman Holley.

Issues moved to first public hearing include:

- Countywide Environmental Standards
- Non-Interference Clause
- Employment Policy of the County Administrator
- Petition Threshold/Petition Prohibitions
- CRC Membership/Structure
- TDC Language (adopted 2/4/10)

Chairman Holley announced the following issues for discussion at the February 11, 2010 meeting. He noted that this was the final decision meeting prior to public hearing.

- Audit Clarification
- Utility Advisory Board

- Limitation of Campaign Contributions
- Human Rights Policy

VI. Other Business

Mr. Spitzer commented that minor technical amendments can be made to the proposed amendments based on comments received from the public hearings; however, he opined that significant policy changes should not be made to the amendments without additional public hearings being held.

Mr. Bateman ardently opposed a process whereby only minor changes can be made to an amendment as a result of the public hearing. He avowed that additional public hearing would have to be scheduled. Chairman Holley assured Mr. Bateman that additional public hearings would be scheduled if necessary.

VII. Adjournment with Day Fixed for Next Meeting

Mr. Napier clarified that the February 11 meeting would be held from 10:00 – 12:00.

The meeting was adjourned at 2:10 p.m.

LEON COUNTY

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court