

Leon County
2009-2010
Citizen Charter Review
Committee Meeting
March 18, 2010

THIRD PUBLIC HEARING

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on Thursday, March 18, 2010 in the Commission Chambers with Committee members Chris Holley (Chair), Marilyn Wills, Larry Simmons, Tom Napier, Rick Bateman, Linda Nicholzen, Cathy Jones, Chuck Hobbs, Donna Harper, Dave Jacobsen, Jon Ausman, Sue Dick, Lester Abberger, Lance deHaven-Smith, and Ralph Mason in attendance. Also attending were County Administrator Parwez Alam, 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 5:35 p.m.

II. Invocation and Pledge

The invocation was provided by Chuck Hobbs. The Pledge was led by Chairman Holley.

III. Roll Call

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

IV. Approval of Minutes of Previous Meeting

Donna Harper requested that the next to last paragraph on page five be amended to state "Ms. Harper expressed concern about rushing decisions immediately following the public hearing and suggested that should deliberations run late the Committee recess and continue the meeting at a date to be determined in the future". Donna Harper moved, duly seconded by Tom Napier, to approve the minutes, as amended. **The motion carried 15-0.**

V. Presentations by Invited Guests/Consultant

At the request of Chairman Holley, Kurt Spitzer provided an abbreviated overview of the proposed charter amendments. Following is a list and brief summary of the proposed charter amendments:

1. Tourist Development Council (TDC) Structure: Codifies into charter the current practice of TDC staff reporting to the County Administrator.
2. Countywide Environmental Standards: Permits the Board of County Commissioners to adopt ordinances that are effective countywide concerning any environmental standard, regulation or policy and eliminates different standards/regulations between the county and city in environmental policy.

3. Employment Policy for County Administrator: Provides that the County Administrator is employed by an affirmative vote of at least five members of the Board. Also provides that the County Administrator is terminated by an affirmative vote of at least five members of the Board occurring at the first regularly scheduled meeting of the Board after a motion expressing intent to remove the Administrator was approved.
4. Non-Interference Policy: Prohibits individual County Commissioners from giving instructions or directives to employees under the direct or indirect control of the County Attorney or County Administrator.
5. Petition Thresholds/Prohibitions: Lowers signatures required for petitions proposing ordinances or charter amendment from 10% countywide, including at least 10% in each single-member district to 7% countywide and 5% within each single-member district. Also clarifies that existing prohibited subjects apply to charter amendments in addition to ordinances.
6. Future Citizen CRCs: Provides that the CRC is appointed 15 months prior to the general election, instead of 12 months and requires the Board to consider a wide variety of factors when appointing CRC members so as to reflect diversity in the community. Also provides that CRC recommendations approved by nine votes go to the Board for their consideration; however, those recommendations receiving 12 votes would go directly to the ballot.
7. Clerk's Audit Function: Provides that the Clerk to the Board may conduct audits of the County Commission's books, accounts and internal controls pursuant to a work plan developed and approved by the Audit Committee. Also provides that the Clerk may conduct performance audits upon approval by the County Commission.
8. Utility Advisory Board: Comprised of seven members (3 appointed by City; 3 appointed by County and 1 appointed by CONA) to study and make recommendations to the City/County regarding utility rates, planning or expansion of utility service areas and maintenance activities.
9. Campaign Finance Reform: Limits campaign contributions for candidates for county offices to \$250 from individuals or committees.

Chairman Holley introduced Mayor John Marks, to provide follow-up remarks to his presentation to the CRC on March 4, 2010.

Mayor Marks thanked the Committee for its service. He referenced an e-mail dated March 16 to the CRC, which responded to the Committee's comments and concerns regarding the City's electric utility system and citizen assistance programs. He shared that City staff were available to provide more detail if requested.

Sandra Manning, City of Tallahassee, provided a brief overview of the City's Energy Smart Plus (e+) Initiative and other programs provided by the City of Tallahassee. She shared that the City Manager has responded to the CRC comments, discussions and feedback about the creation of a Utility Advisory Board by directing staff to activate the Citizen Advisory Committee, which was originally established in December 1997 and was active through March 2006. Ms. Manning explained that the 10-member

committee is comprised of a cross section of individuals from the community with the purpose to advise the City on utility-related matters. She reported that their first meeting is scheduled for April 15. (A list of the committee members was provided as part of the March 16 e-mail.)

Dot Inman-Johnson, Executive Director, Capital Area Action Agency, shared information on the weatherization and other energy assistance programs available throughout the community.

Cathy Jones, although appreciative of the City's efforts, went on record stating that the re-establishment of a disbanded committee did not respond to her concerns, as the County was not invited to have a role or representative on the proposed Citizen Advisory Committee.

Rick Fernandez, Acting City Manager, responded to questions regarding the make-up of the Citizen Advisory Committee and reiterated that the City Manager would, in an effort to satisfy the CRC's concerns, consider any recommendations or comments offered.

Committee members expressed concern regarding the City's reluctance to open the appointments up to a broader selection of individuals or to allow appointments by the County.

VI. Opening of Third Public Hearing:

Public Speakers:

- Akin Akinyemi, Leon County Commissioner, commended the CRC on its work and encouraged members to vote their consciences. He suggested that citizen concerns be agendaed for discussion. He asked the CRC to consider and deliberate on the eight year cycle of review and reduction of petition threshold. Commissioner Akinyemi voiced his support of the Utility Advisory Board.
- Bill Proctor, Leon County Commissioner, opined that commissioners and citizens should hope to influence through their comments the CRC and asserted his support for the establishment of the Utility Advisory Board. He opined that the City's proposal to re-activate Citizen Advisory Committee was not sufficient and maintained his endorsement for the installation of sewer services to the southside.
- Ira Chester asserted that County residents need relief from the City's fiscal policies. He deemed the proposed reduction in campaign contribution as an "incumbent protection act" and suggested that the County Administrator be hired/fired by a vote of four commissioners.
- Steve Stewart, 2904 Tyron Circle, disclosed that he is a candidate for Mayor. He spoke in support of the establishment of a Citizen Utility Board.
- Curtis Bayne, 1323 E. Tennessee, Street, provided written comments to the CRC. He offered that he supported the TDC restructuring, petition threshold, clerk auditor and CRC provision; however suggested that the adoption of countywide environmental standards and citizen utility board would lessen City/County relations. He deemed employment policy and non interference provisions are not necessary and submitted that campaign finance reform is no real reform at all.

- Ann Bidlingmaier, 1920 Harriet Dr., discussed her concerns regarding the merging of environmental ordinances.
- Pamela Hall, 5051 Quail Valley Rd., advocated for a review of both City and County environmental ordinances to determine which ones actually produce better environmental preservation. She supported language that would allow the process to occur and favored a higher degree of standards be adopted.
- Stephen Martin, 2625 Stonegate Dr., recommended that the higher city standards be incorporated into the proposed language. He expressed support for a lower petition threshold, a decrease in campaign contributions and encouraged debate between incumbents and challengers.
- Rick Malphurs, 6538 Treasure Oaks Circle, spoke in support of a Utility Advisory Board and commented on the establishment of a regional maintenance entity.
- Erwin Jackson, 1341 Jackson Bluff Road, encouraged adoption of the Citizen Utility Board as more citizen input was needed.
- Larry Hendricks, 406 Alpha Avenue, clarified the process for approval of the amendments and requested that the campaign contributions limit be reduced from \$250 to \$100. He stated that environmental standards language should include whichever is the strongest.
- Carol Kio-Green, 4823 Sullivan Road, provided comment on the proposed amendments. Her comments included support for minimum environmental standards and maintaining current hiring/firing process for county administrator. She expressed concern about petition threshold and clerk auditor amendments and suggested that the solid waste be incorporated into the Citizen Utility Board language. Ms. Kio-Green also recommended that limitation of campaign contribution language include “per election cycle” and that the language specific to the committee not be approved.

Chairman Holley announced at 7:23 p.m. that the public input portion of the third public hearing was now closed.

The Committee recessed and reconvened at 7:35 p.m. to consider the proposed charter amendments.

VII. Consideration of Proposed Charter Amendments

1. Tourist Development Council Structure:

Jon Ausman moved, duly seconded by Lester Abberger, to adopt the proposed amendment, ballot title and summary: Tourist Development Council Structure, Whether the Leon County Home Rule Charter shall be amended to provide that the Tourist Development Council staff shall report to the County Administrator; effective January 1, 2011.

The motion carried 15-0.

2. Non-Interference Policy:

Lester Abberger moved, duly seconded by Jon Ausman, to adopt the proposed amendment, ballot title and summary: Non-interference Policy, Whether the Leon County Home Rule 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; effective January 1, 2011.

The motion carried 15-0.

3. Employment Policy of the County Administrator:

Lester Abberger moved, duly seconded by Ralph Mason, to adopt the proposed amendment, ballot title and summary: Employment Policy of the County Administrator, Whether the Leon County Home Rule 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; effective January 1, 2011.

The motion carried 13-2 (Donna Harper and Tom Napier in opposition)

4. Petition Threshold/Petition Prohibition:

Jon Ausman moved, duly seconded by Ralph Mason, to adopt the proposed amendment, ordinance, ballot title and summary: Ordinance and Charter Amendment, Petition Thresholds and Petition Prohibited Subjects, Whether the Leon County Home Rule Charter shall be amended to lower the number of signatures required for petitions proposing ordinances or charter amendments from 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; effective January 1, 2011.

The motion carried 11-4 (Lester Abberger, Donna Harper, Catherine Jones and Tom Napier in opposition)

5. Limitation on Campaign Contribution

Lester Abberger moved, duly seconded by Dave Jacobsen, to adopt the proposed amendment, ballot title and summary: Limitation on Campaign Contribution, Whether the Leon County Home Rule Charter shall be amended to limit campaign contributions for candidates for county office to \$250 from individuals or political committees; effective January 1, 2011.

Jon Ausman moved, duly seconded by Lester Abberger, to amend the motion to insert “per election” into the proposed language. The amendment was accepted.

Jon Ausman moved, duly seconded by Lester Abberger, to amend the motion to replace \$250 with \$100.

Donna Harper moved, duly seconded by Tom Napier, to table the motion until later in the meeting. **The motion failed 6-9** (Jon Ausman, Rick Bateman, Lance de-Haven Smith, Sue Dick, Chuck Hobbs, Chris Holley, David Jacobsen, Larry Simmons and Marilyn Wills in opposition). (simple majority needed to move the motion)

The motion to approve the amendment offered by Mr. Ausman to reduce the campaign contribution for candidates from \$250 to \$100 **carried 9-6** (Rick Bateman, Donna Harper, Christopher Holley, Cathy Jones, Tom Napier and Linda Nicholsen in opposition)

The original motion to adopt the proposed amendment, ballot title and summary, as amended: Limitation on Campaign Contribution, Whether the Leon County Home Rule Charter shall be amended to limit campaign contributions for candidates for county office to \$250 \$100 from individuals or political committees, per election; effective January 1, 2011. **The motion failed 9-6** (Rick Bateman, Donna Harper, Christopher Holley, Cathy Jones, Tom Napier and Linda Nichol森 in opposition) *requires approval by minimum of 10 members.

Lance deHaven-Smith moved, duly seconded by Jon Ausman, to adopt the original motion, to include "per election" as amended. **The motion carried 12-3** (Rick Bateman, Donna Harper, Tom Napier and Linda Nichol森 in opposition)

6. Citizen Charter Review Committee

Jon Ausman moved, duly seconded by Lester Abberger, to adopt the proposed amendment, ballot title and summary: Citizen Charter Review Committee, Whether the Leon County Home Rule 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 by 12 votes go directly to ballot; effective January 1, 2011.

The motion carried 15-0

7. Clerk Auditor

Rick Bateman moved, duly seconded by Cathy Jones to take no action to amend the Charter language as it currently exists.

Jon Ausman moved, duly seconded by Tom Napier, a substitute motion to accept the amendment, ballot title and summary: Clerk Auditor, Whether the Leon County Home Rule Charter shall be amended to provide that the Clerk to the Board shall conduct audits of the Board's books, accounts and internal controls pursuant to work plan of the Audit Committee; and that the Clerk may conduct performance audits upon approval of the Board; effective January 1, 2011. **The substitute motion failed 9-6** (Lester Abberger, Rick Bateman, Chuck Hobbs, Chris Holley, Cathy Jones, and Linda Nichol森 in opposition). *requires approval by minimum of 10 members.

The original motion proposed by Mr. Bateman to take no action to amend the Charter language as it currently exists. **The motion failed 7-8** (Jon Ausman, Lance de-Haven Smith, Donna Harper, David Jacobsen, Ralph Mason, Tom Napier, Larry Simmons, and Marilyn Wills). Ms. Harper requested that the motion and vote be forward to the County Commission. Mr. Spitzer indicated that this information would be provided in the Final Report.

8. Citizen Utility Advisory Board

Jon Ausman moved, duly seconded by Larry Hobbs, to adopt the proposed amendment, ballot title and summary: Citizen Utility Advisory Board, Whether the Leon County Home Rule Charter shall be amended to establish a Utility Advisory

Board to study and make recommendations to City and County on utility rates; planning or expansion of Utility Service Areas; maintenance activities; and which shall consist of 7 members: 3 appointed by City; 3 appointed by County; and 1 appointed by Council of Neighborhood Associations; effective January 1, 2011.

Mr. Lance deHaven-Smith moved, duly seconded by Chuck Hobbs, to amend the motion to include the addition of language on page 4, line 5 of the proposed ordinance. Line 5 now reads "...Commission concerning utility rates, planning for an expansion of utility service areas, siting and expanding of solid waste facilities, and....." **The motion to approve the amendment carried 11-3** (Lester Abberger, Sue Dick and Chris Holley in opposition; Rick Bateman declined to vote).

Rick Bateman moved, duly seconded by Lester Abberger, to insert into Paragraph (C) of Section 4.3(2) language stating "Should the City Commission and/or the Council of Neighborhood Associations (CONA) not appoint its members within the 90 days upon this article becoming law, the County Commission shall make the appointment". **The motion carried 13-2** (Chris Holley and Tom Napier in opposition).

Ralph Mason moved, duly seconded by Lance de-Haven Smith to Call the Question. **The motion carried 9-6** (Jon Ausman, Donna Harper, Chuck Hobbs, Catherine Jones, Tom Napier, Larry Simmons in opposition).

The original motion made by Mr. Ausman, as amended, failed 7-8 (Lester Abberger, Jon Ausman, Rick Bateman, Sue Dick, Chris Holley, Tom Napier, Linda Nichol森 and Marilyn Wills in opposition).

9. Unified Environmental Standards

Donna Harper moved, duly seconded by Lance deHaven-Smith, to amend page 1, line 31 of the proposed ordinance by inserting "when such county ordinances provide a higher degree of protection of environmental resources" after "municipal ordinances"; and to approve the ballot title and summary: Unified Countywide Environmental Standards, Whether the Leon County Home Rule Charter shall be amended to provide that county ordinances shall prevail over city ordinances, when such county ordinances provide a higher degree of protection of environmental resources establishing standards, procedures, requirements and regulations for the protection of the environment; with an effective date of January 1, 2011.

Ralph Mason moved, duly seconded by Rick Bateman, a substitute motion to allow the County set minimum standards; with the City being allowed to pass more stringent environmental ordinances as deemed appropriate; effective April 1, 2011. (Revised language incorporating the minimum standards language, was provided by Mr. Spitzer. This language was accepted by Mr. Mason as his motion.)

Ms. Harper withdrew her motion.

Mr. Bateman withdrew his second of the motion. Mr. Mason's motion was then seconded by Dave Jacobsen.

Rick Bateman moved, duly seconded by Cathy Jones, offered a substitute motion to move the original language provided by staff, ballot title and summary, effective April 1, 2011. **The substitute motion failed 7-8** (Jon Ausman, Lance deHaven-Smith, Donna Harper, Chris Holley, Ralph Mason, Linda Nichol森, Larry Simmons, and Marilyn Wills in opposition).

Mr. Kinni suggested that the Committee provide an opportunity for staff to formulate the appropriate language on this issue for the CRC's review and consideration.

Chairman Holley recessed the Committee at 9:45 p.m. and reconvened at 10:10 p.m.

Staff provided the Committee with revised ordinance language. In addition, Mr. Kinni advised that revisions were made to the Ballot Title and Summary. These amendments are attached.

The current motion on the floor, to approve the revised language as provided by staff, was made by Mr. Mason and seconded by Mr. Jacobsen. **The motion carried 11-4** (Lester Abberger, Sue Dick, Chuck Hobbs, Cathy Jones in opposition).

Donna Harper requested the Committee to reconsider the motion to limit campaign contributions to \$250. This was not allowed as Ms. Harper was not on the prevailing side of the vote which carried.

Jon Ausman moved, duly seconded by Larry Simmons, to reconsider the motion which adopted the \$250 campaign limitation, per election. **The motion failed 3-12** (Lester Abberger, Sue Dick, Lance deHaven-Smith, Rick Bateman, Chuck Hobbs, Chris Holley, Dave Jacobsen, Cathy Jones, Ralph Mason, Linda Nichol森, Marilyn Wills, Tom Napier in opposition)

Mr. Kinni advised that a motion was needed to transmit the charter amendments to the Board of County Commissioners effective August 4, 2010; which will meet the Committee's and the Board's 90 day provision.

Linda Nichol森 moved, duly seconded by Ralph Mason, to transmit amendments to the Board on August 4, 2010. **The motion carried 15-0.**

VIII. Member Discussion

There was discussion regarding the upcoming workshop scheduled April 13 workshop with the Board. Mr. Lamy provided that the workshop is provided to give the Board a status of the Committee's accomplishments. It was concluded that the Chairman would determine the need for the workshop and a meeting to adopt the final report. Mr. Kinni reminded the CRC that until the charter amendments are transmitted, the Committee is still established; therefore discussions are not allowed between members outside of a scheduled meeting.

IX. Adjournment

Rick Bateman moved, duly seconded by Tom Napier to adjourn the meeting. The meeting adjourned at 10:30 p.m.

Christopher Holley, Chairman
Citizen Charter Review Committee

Bob Inzer, Clerk of Court