

**Leon County
2009-2010 Citizens Charter
Review Committee (CRC)
January 21, 2010**

The Leon County 2009-2010 Citizens Charter Review Committee (CRC) met on January 21, 2010 in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Lance de-Haven Smith, Linda Nichol森, Chuck Hobbs, Jon Ausman, Larry Simmons, Tom Napier, Cathy Jones, Ralph Mason, Lester Abberger, Sue Dick, Donna Harper, Rick Bateman, and David Jacobsen in attendance. Also attending were County Administrator Parwez Alam, Deputy County Administrator Vincent Long, Assistant County Attorney Patrick Kinni, Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and 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 Chairman Holley, who 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 the Minutes:

Lester Abberger moved, duly seconded by Tom Napier, to approve the January 14, 2010 meeting minutes. The motion carried unanimously.

V. Reports of Chairman

- Thanked Vice Chair Marilyn Wills for her strong leadership in Chairing the January 14 meeting and complimented the Committee on their good work.
- Expressed concern that two issues (human rights policy and campaign contribution limitations) had been added to the Committee's agenda at the January 14, 2010 meeting. He pointed out that per the by-laws, January 7, 2010 had been established as the cut-off date for additional issues to be considered and was troubled about a "waiving" of the by-laws. Chairman Holley stated that he was more concerned about establishing a precedent and complying with the rules set forth by the Committee, rather than the issues.

Lester Abberger explained that he requested that the CRC readdress campaign contribution limitation as additional information had been received since initial discussions by the Committee; however would yield to the sentiments of the rest of the Committee on this issue.

Sue Dick agreed that the Committee has many issues to be addressed and suggested that the Committee adhere to the by-laws and not add the two additional topics.

Patrick Kinni, Assistant County Attorney, affirmed that the Board by a super majority vote can place issues on the ballot that was not recommended by the CRC.

Ralph Mason concurred that the rules should be adhered to however; he deemed this issue important and should not be discounted because of a deadline established by the by-laws.

Rick Bateman moved, duly seconded by Tom Napier, to repudiate the Committee's action of approving the addition of human rights and campaign contribution limitations to its agenda. With emphasis that this is being done only because of the CRC's desire to abide by its adopted rules.

Jon Ausman remarked that his interpretation of Rule 10.A. Issues Agenda of the by-laws does allow for issues to be added for discussion; thus the two issues should remain on the agenda.

Assistant County Attorney Kinni opined that the action taken by the CRC at its previous meeting to waive the rules could be considered a motion to amend the by-laws to change the date that issues can be considered from January 7, 2010 to January 14, 2010. He noted that the CRC's action was approved by a unanimous vote.

Mr. Bateman stated that pursuant to Mr. Kinni's interpretation that the CRC's action at the January 14 meeting to allow the addition of the two issues was an amendment to the by-laws, he withdrew his motion.

Jon Ausman moved, duly seconded by Donna Harper, to move the agenda. No action was taken on this motion.

*Rick Bateman moved, duly seconded by Jon Ausman, to amend the date in the by-laws **Rule 10. Deliberations: A. Issues Agenda** from January 7, 2010 to January 14, 2010. The motion carried 15-0.*

VI. Remarks of Interested Citizens:

- Sonia Fancher, 3693 Corinth Drive, suggested that the Charter be amended to better define the word "reside" when addressing qualification of candidates seeking and holding county commission seats and asked for consideration of term limits for county commissioners. A copy of Ms. Fancher's comments was provided to committee members.
- Dennis Barton, 924 Hillcrest Court, established that his comments, which were provided via e-mail had been distributed to committee members. He suggested that the Committee adopt the language submitted by Consultant Kurt Spitzer, which would prohibit elected officials, their employees and employees of Leon County from serving on the CRC. He expressed support for diversity in appointments and that individuals be considered who are not immersed in politics.

VII. Unfinished Business:

None

VIII. New Business:

1. Charter Issues

a. Employment Policy of the County Administrator

Mr. Spitzer shared that information, along with sample language, had been provided on this issue. He explained that the suggested language provides that the county administrator is hired by a majority plus one vote of the Board of County Commissioners and terminated by a similar vote OR a simple majority vote that occurs during two regularly scheduled consecutive meetings of the County Commission.

Mr. Ausman submitted the idea that two meetings be required: one to announce intent to fire and a second to take action. He added that a super majority would be required to fire.

Mr. Bateman indicated agreement and remarked that he favored a “five to hire and five to fire” policy adding that a majority vote would be needed to schedule the action.

Continued comment was received by other members voicing support to require a required majority vote to hire and fire; however there was concern expressed over the two consecutive meeting to fire option.

Mr. Ausman moved, duly seconded by Donna Harper, that appropriate language be drafted that termination of the County Administrator would require action at two consecutive regularly scheduled meetings: first meeting: five votes required to notice the intent to terminate and second meeting: five votes needed to terminate. In addition, five votes would be required to hire.

Mr. Spitzer advised that the action proposed by the Committee is a more stringent policy that he has proposed.

Ms. Harper spoke against the motion, opining that a simple majority vote requirement at two regularly scheduled consecutive meetings with public input should remain to keep the balance of power.

Motion carried 14-1 (Donna Harper in opposition)

b. Non-Interference Clause

Mr. Spitzer shared that information, along with sample language, had been provided on this issue. He explained that this is a common clause found in county and city charters and exists to prohibit county commissioners from giving instructions to employees of the County Administrator.

Mr. Abberger clarified with Mr. Spitzer that the non-interference policy would in no way prohibit a county commissioner from responding to a citizen complaint or inquiry, but merely require that the requests go through the county administrator.

Jon Ausman moved, duly seconded by Lester Abberger, that the proposed non-interference clause be included in the Leon County Charter. The motion carried unanimously.

c. Clarification of Petition Prohibition:

Mr. Spitzer indicated that there are two sections of the current Charter that pertain to the petition process; one for ordinances by petition and one for charter amendments by petition. Mr. Spitzer suggested that there is a list of prohibited subjects in the Sec. 4.1. (4) of the Charter that are subjects that an ordinance presented by petition may not deal with. He reported that it is very common for Charters to contain a list of prohibited subjects, i.e., budget, debt, zoning of land, etc. This suggestion clarifies that the same prohibitions also apply to Charter amendments that are proposed by petition.

Mr. Ausman stated that he was troubled by the current petition process and is unsure that ordinances by petition should be included in the Charter. This concern was echoed by Mr. Bateman who offered that ordinances are very detailed and should be thoroughly vetted by staff prior to adoption. However, he expressed that this issue could be address through establishment of a petition threshold.

Chairman Holley indicated concern over the removal of citizen's rights.

Rick Bateman moved, duly seconded by Lance de-Haven Smith, to include the list of prohibitions of issues that can be taken up by the petition process, by duplicating the list found in Section 4.1.(4) of the existing Charter. The motion carried unanimously.

d. CRC Membership Eligibility:

Mr. Spitzer relayed that the great majority of Charters have at least some restrictions on who can serve on a Charter Review Committee; these restrictions typically include elected officials, and may include staffs of the County and Constitutional Officer.

Mr. Bateman opined that the term "employees of local government" was too broad and would be too exclusive.

Chairman Holley articulated that the Board has a tough task as they want to balance diversity, along with making appointments of individuals who have an understanding of the interworking of government and of the issues.

Cathy Jones, as a CRC member who is an employee of the County, articulated the various reasons why her appointment was appropriate. She proclaimed that she has been a resident of Leon County for over 20 years and in her current role is "in touch" with issues affecting and of most concern to county residents. She offered that prohibiting Leon County employees would affectively hurt the process and thought should be given before a citizen's right to serve is removed. Ms. Jones stated for the record that no one within the county, including administration and commission, has attempted to influence her vote on any issue.

Sue Dick concurred that CRC members be a County resident and suggested that Leon County employees be excluded. She suggested that a minimum number of government representatives be appointed and that the CRC Chairman not be a governmental employee. She indicated that she strongly supported a diverse representation and that the Committee has representation from the private sector.

Mr. Spitzer offered, should the issue be placed on the Decision Agenda, to bring back information that includes directive language.

Mr. Bateman emphasized that he was against barring all County employees and indicated that he would like to see language brought back which incorporated Ms. Dick's suggestions.

Mr. Abberger indicated that he would like language brought back also and opined that Commissioners' discretion in making committee appointments should be almost absolute. He is hesitant to place quotas.

Chairman Holley summarized that language should prohibit elected officials and inclusion of county employees can be debated at a later date.

Mr. Mason asked that student representation be continued.

Sue Dick moved, duly seconded by Jon Ausman, to direct staff to bring back language to include: requirement that appointee be a County resident; prohibits elected officials from serving on CRC; set criteria for appointment and role of CRC Chairman, and suggestion on the number of public sector employees to serve.

Mr. Bateman requested a friendly amendment that the CRC include a student representative. The friendly amendment was accepted by Ms. Dick. The motion as amended carried unanimously.

e. CRC Convening Schedule:

Mr. Spitzer provided a summary of the options available.

Lester Abberger moved, duly seconded by Tom Napier, that the issue remains as currently stated in the Charter. The motion carried unanimously.

f. Independent/Advisory CRC

Lester Abberger moved, duly seconded by Rick Bateman, to retain the current process that issues move from the CRC to the Commission for placement on the ballot.

Mr. de-Haven Smith voiced support for issues to go directly to ballot from the CRC and indicated that he would vote against the current motion.

A substitute motion was made by Lance de-Haven Smith and duly seconded by Jon Ausman, to accept the language proposed by Mr. Spitzer which allows an issue to go directly to the ballot by an extraordinary majority (2/3) vote of the Citizen Review Committee.

Ms. Harper offered that the make-up, direction and operation of the CRC would need to be addressed if its charge is to place issues directly onto the ballot for citizen consideration.

The substitute motion failed 7-8 (Chris Holley, Tom Napier, Dave Jacobsen, Lester Abberger, Sue Dick, Linda Nicholzen, Chuck Hobbs and Donna Harper in opposition)

The original motion to retain the current process failed 6-9 (Tom Napier, Cathy Jones, Ralph Mason, Lance de-Haven Smith, Larry Simmons, Jon Ausman, Donna Harper, Rick Bateman, and Marilyn Wills in opposition).

There continued to be discussion on this issue.

Donna Harper moved, duly seconded by Sue Dick, to postpone this item to a future meeting. The motion carried 14-0 (Cathy Jones out of Chambers).

Subsequently, Jon Ausman moved, duly seconded by Ralph Mason, to postpone the remaining New Business Items (Human Rights Policy; Citizen Utility Advisory Board, and Campaign Contribution Limitation) to the next meeting. The motion carried unanimously.

IX. Economic Development Presentation

Ms. Dick stated that the Committee had indicated an interest, pursuant to discussion regarding the functional consolidation of economic development offices, to better understand the economic development efforts that currently exist within the community. The following individuals were introduced and provided an overview of their respective areas:

- Beth Kirkland, Executive Director, Economic Development Council;
- Kim Moore, President/CEO, WorkForce Plus;
- Michael Parker, City of Tallahassee, and
- Ken Morris, Leon County

X. Adjournment with Day Fixed for Next Meeting

The next meeting of the Citizen Charter Review Committee is scheduled for Thursday, January 28, 2010 at 5:30 p.m.

Chairman Holley adjourned the meeting at 1:50 p.m.

LEON COUNTY

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court