

Citizen Charter Review Committee

February 18, 2010

5:30 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 1. February 11, 2010 Meeting Minutes
- V. Overview of the Public Hearing Process
- VI. Presentation of Proposed Charter Amendments
 - A. Tourist Development Council Structure
 - B. Countywide Environmental Standards
 - C. Employment Policy of the County Administrator
 - D. Non-interference Policy
 - E. Petition Threshold/Petition Prohibition
 - F. Citizen Charter Review Committee
 - G. Clerk Auditor
 - H. Citizen Utility Advisory Board
 - I. Limitation on Campaign Contribution
- VII. Opening of Public Hearing
- VIII. Member Discussion
- IX. Close of First Public Hearing/Adjournment

*The next meeting of the Citizen Charter Review Committee is scheduled for
Thursday, March 4, 2010, 5:30 p.m.*

I.

CALL TO ORDER

II.

INVOCATION AND PLEDGE

III.

ROLL CALL

IV.

**APPROVAL OF MINUTES OF
PREVIOUS MEEINTG**

Leon County
2009-2010 Citizen Charter
Review Committee Meeting
February 11, 2010

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on February 11, 2010, in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Catherine Jones, Rick Bateman, Lance de-Haven Smith, Dave Jacobsen, Larry Simmons, Tom Napier, Jon Ausman, Lester Abberger, Ralph Mason and Chuck Hobbs attending. Members absent and excused were Sue Dick, Donna Harper and Linda Nichol森. Also attending were County Administrator Parwez Alam; County Attorney Herb Thiele; Deputy County Administrator Vincent Long; Patrick Kinni Assistant County Attorney, Special Projects Coordinator Shington Lamy; Facilitator Kurt Spitzer, and Deputy Clerk Rebecca Vause

I. Call to Order

Chairman Holley Called the Meeting to Order at 10:05 a.m.

II. Invocation and Pledge

The Invocation was provided by Chuck Hobbs. 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 (February 4, 2010)

Rick Bateman moved, duly seconded by Tom Napier, to approve the February 4, 2010 CRC Meeting Minutes. The motion carried unanimously.

Mr. Ausman asked that his absence from the February 4, 2010 CRC meeting be reflected in the minutes as an excused absence. *Mr. Bateman moved, duly seconded by Tom Napier, to reflect Mr. Ausman's absent at the February 2010 meeting as an excused absence. The motion carried unanimously.*

V. Reports of Chairman

Chairman Holley reviewed the public hearing schedule and announced that they would be held at 5:30 p.m. in the Commission Chambers. It was also established with County Attorney Thiele that the last public hearing is scheduled for March 18; and so long as there were no substantive changes made as a result of public comment, amendments could be adopted at the public hearing.

VI. Presentations by Invited Guests/Consultant

None

VII. Remarks of Interested Citizens

Speakers

- Jim VanRiper, Chair, Leon County Human Relations Advisory Committee, appeared and indicated that while appreciative of the CRC's efforts to place protections into the Charter, he opined that a written "policy" would be a better mechanism able to address human rights issues. He added that the initiative could also invite hostility from groups in extreme opposition.
- Dennis Murphy, spoke on the human rights policy issue and stressed that he was expressing his personal opinion and did not represent any group or organization. He

spoke at length on the proposed language and submitted that the Leon County Human Relations Advisory Committee was in a better posture to understand and vet this issue prior to making recommendations to the County Commission than the approach being considered by the CRC.

VIII. Unfinished Business

None

IX. New Business

1. Decision Agenda
 - a. Audit Clarification

Chairman Holley provided a history of the issue. He stated that the Supreme Court of Florida has agreed to take up the Collier case and a new opinion will be issued probably within the next year. He noted that the Alachua County case, which has been relied on for interpretation by the other counties for over 30 years ago. Chairman Holley offered that the Supreme Court's ruling could invalidate language provided in the Charter, should it go beyond the Court's ruling.

Clerk of Court, Bob Inzer, was invited to address this issue. He offered that the issue before the Court is whether or not the current statute provides for the Clerk to have an independent audit function. He opined that there is nothing to preclude the County from including the additional internal audit function in its Charter. There were differing opinions offered by Mr. Inzer and Mr. Thiele on whether a change in the Clerk's status from a Constitutional Officer to a Charter Officer would be necessary to accomplish the proposed amendment. (Mr. Thiele offered that the Charter amendment would require a change in status.)

It was articulated that the color-coded language was reflective of the County Attorney's efforts to accurately reflect the current process utilized.

Mr. Inzer provided considerable information and clarification to the Committee. The Clerk's remarks included, but were not limited to:

- Clerk's office has operated an independent audit function for 17 years;
- An Audit Committee of five is appointed by the County Commission and Clerk's Office (3 from Clerk/2 Board) to develop an annual workplan;
- Audits are designed to be independent and to depoliticize the process;
- Board does not review audit plan prior to its adoption by the Audit Committee;
- Language proposed by the County Attorney codifies the way in which he (the County Attorney) interprets the process should be operated, but clearly does not.
- The Audit Committee's proposed language would limit the scope of audits to those recommended by the Committee and would preclude performance audits unless requested by the Board.

Mr. Lamy clarified that Attachment 3 of the member's packet was the version supported by the Clerk's Office.

Mr. Ausman established with Mr. Inzer that the Clerk's Office has conducted audits without permission from the County Commission for 17 years. In addition, Mr. Ausman ascertained that the language proposed by the County Attorney provides more restrictions than is found in most Charters.

Jon Ausman moved, duly seconded by Tom Napier, to approve the language provided by the Audit Committee (page 12-15 of attachment 3).

Mr. Bateman expressed a need to clarify the Clerk's function; however caution was needed when expanding and defining rights of job function. He asserted that it was not the Clerk's role to audit the performance of Commission and County staff. He offered that the language provided by the County Attorney seems to clarify the function of what the County Attorney believes that the staff and the Commission have the legal right to do, as reflected in the "blue" version of the language.

A substitute motion was made by Rick Bateman, duly seconded by Cathy Jones, to accept the original language provided to the CRC by the County Attorney.

Chairman Holley asked the County Attorney to provide the differences in the two motions on the floor.

County Attorney Thiele conveyed that, in his opinion, the "blue" language provides the current state of the law in Florida (since 1977); pertaining to what the Clerk, in his audit function can and cannot do unless invited to do so. He opined that the language submitted by the Audit Committee is a modification to the current State of the law in Florida. He added that it is the County's position that the language proposed by the Audit Committee is a concession by the County to change the state of the law and they are not prepared to do that. He commented on the positive relationship currently between the County and the Clerk's Office.

County Administrator Alam added that the upcoming ruling by the Supreme Court will affect all counties. He repeated that that the County has an excellent working relationship with the Clerk's Office.

Mr. Napier voiced support for Mr. Ausman's motion as it is important for the County to have an "independent watchdog committee".

There continued to be discussion on this issue.

Mr. Inzer clarified that charter language was not needed unless the CRC desires to have a more restrictive internal audit function than provided for by law.

Chairman Holley advised caution as this was a complicated issue. He reiterated that the upcoming Supreme Court ruling will clarify this issue and the next Charter Committee can amend the charter based on the new ruling. Chairman Holley stated that he would not support either motion as he is not comfortable enough to move in either direction.

Mr. Bateman submitted that the County Attorney has done the research and clarify the state of the law. He offered that his motion supports the County Attorney's clarification of the state of the law.

Mr. Ausman spoke in opposition to the substitute motion. He stated that the committee can 1) do nothing 2) can have language that severely limits the ability of the clerk, or 3) have an independent auditor that provides a degree of comfort. He added that taking no action and waiting for the Courts ruling was not a good idea.

The substitute motion failed 3-9 (Jon Ausman, Lance De-Haven Smith, Chuck Hobbs, Chris Holley, David Jacobsen, Ralph Mason, Tom Napier, Larry Simmons and Marilyn Wills in opposition; Sue Dick, Donna Harper and Linda Nichol森 absent).

The original motion carried 7-5 (Chris Holley, Lester Abberger, Rick Bateman, Lance deHaven-Smith, and Catherine Jones in opposition; Sue Dick, Donna Harper and Linda Nichol森 absent).

b. Utility Advisory Board

Mr. Spitzer advised that two draft languages were provided; the original (draft #1) is more simple and draft #2 is a more detailed version. He added that the Advisory Board would be advisory in nature.

There was discussion on the make-up of the Advisory Board, with concern expressed by the inclusion in the language of three appointments to the Advisory Board by the City Commission. County Administrator Alam shared that he had recommended that this language be included in an attempt to make sure the Board was balanced.

Ms. Jones commented that she was in favor of City appointments; however asked that the language be clarified that should the City Commission refuse to make the appointments, those appointments would revert to the County Commission. Ms. Jones articulated that she would like the issue to move forward to public hearing as she would like to hear what the public has to say. She stated for the record that should the City of Tallahassee not come to the table that would speak volumes for what they think about citizens and their opinions.

Rick Bateman moved, duly seconded by Ralph Mason, to move the proposed language in Draft #2 to public hearing. The motion carried 10-2 (Chris Holley and Tom Napier in opposition; Sue Dick, Donna Harper and Linda Nicholson absent).

c. Limitations on Campaign Contribution

Mr. Spitzer shared that the language provided is verbatim from the Sarasota County Charter with the exception of the limitation amount as directed by the CRC of \$250.

Lester Abberger moved, duly seconded by Rick Bateman to move the proposed language to public hearing. The motion carried 10-2 (Chuck Hobbs and Chris Holley in opposition; Sue Dick, Donna Harper, and Linda Nichol森 absent).

d. Human Rights Policy

Mr. Spitzer provided that the content of the proposed language was exactly as previously presented to the CRC, however, now included the addition of "creed and sexual orientation".

Mr. Bateman clarified that he intended the charter language to compliment the ordinance being developed by the County's Human Rights Committee. He opined that this action was morally right and fundamentally correct and the voters of Leon County would support the amendment.

Rick Bateman moved, duly seconded by Jon Ausman, to move the proposed language to public hearing.

Mr. Mason suggested that the language include gender identity; however, suggested that an ordinance was the better way to address this issue.

A friendly amendment was offered by Ralph Mason to include "gender identity" in the language. The friendly amendment was accepted.

At the request of the Committee, Mr. VanRiper provided an explanation of the term "gender identity".

The CRC by majority vote accepted the friendly amendment. (Cathy Jones opposed).

The motion as amended was withdrawn by Mr. Bateman.

Rick Bateman moved, duly seconded by Jon Ausman, to accept the language as proposed by staff with the addition of "gender identity" and move to public hearing.

Lance de-Haven Smith stated that although concerned about this issue, he could not support the motion. He opined that the CRC was taking on too much and this action could potentially create more problems.

Ms. Jones proclaimed that no one should be discriminated against and was not opposed to the inclusion of the term; however, she would not vote for the she did not have a clear understanding of the term gender identity.

Mr. Ausman voiced support for the motion and pointed out the importance of protecting human rights. He cited that this type language exists in the Broward County Charter and to his knowledge has not resulted in inordinate legal issues being raised. He submitted that the voters of Leon County would support the amendment.

The motion failed 6-6 (Lance de-Haven Smith, Chris Holley, Dave Jacobsen, Cathy Jones, Ralph Mason, Tom Napier in opposition; Sue Dick, Donna Harper and Linda Nicholzen absent).

Mr. Ausman moved that due to the 6-6 vote the issue be deferred until a meeting of the full committee. The motion was seconded by Rick Bateman. Chairman Holley pointed out that there were no more meetings scheduled, only public hearings. No vote was taken on this motion.

An overview of CRC actions was provided by Chairman Holley. Issues moved to public hearing include:

- Audit Clarification
- Countywide Environmental Standards
- Employment Policy for County Administrator
- Non-Interference Clause
- Petition Thresholds/Petition Prohibitions
- CRC Membership/Structure
- Utility Advisory Committee
- Campaign Contribution Limitations
- TDC Language (adopted 2/4/10)
-

Chairman Holley announced that the first public hearing scheduled for February 18 at 5:30 p.m. would be chaired by Marilyn Wills.

2. Staff/Consultant Discussion

Chairman Holley mentioned that staff have suggested that, after the conclusion of the public hearings, a workshop be scheduled with the County Commission to present issues that the CRC will bring forward. Staff proposed the workshop be held on April 13, 2010, 12:00 – 1:30 p.m. and Chairman Holley asked that members advise Shington Lamy of their availability.

X. Adjournment with Day Fixed for Next Meeting

The meeting was adjourned at 12:00 p.m.

LEON COUNTY:

ATTEST:

Christopher Holley, Chairman

Bob Inzer Clerk of Court
Leon County

DRAFT

V.

**OVERVIEW OF THE PUBLIC HEARING
PROCESS**

VI.

**PRESENTATION OF PROPOSED CHARTER
AMENDMENTS**

**Proposed Charter
Amendments**

Leon County
Citizens Charter Review Committee
PUBLIC HEARINGS
February - March 2010

**Electorate in 20 of 67 Counties
Have Adopted Charters**

COUNTY	Adopted	Population	# Cities
Alachua	1987	228,607	9
Brevard	1994	494,102	15
Broward	1975	1,669,153	30
Charlotte	1986	148,521	1
Clay	1991	149,901	4
Columbia	2002	58,372	2
Duval	1968	809,394	5
Hillsborough	1983	1,055,617	3
Lee	1996	475,073	5
Leon	2002	248,039	1

**Electorate in 20 of 67 Counties
Have Adopted Charters**

COUNTY	Adopted	Population *	# Cities
Miami-Dade	1957	2,312,478	31
Orange	1986	955,865	13
Osceola	1992	193,355	2
Palm Beach	1985	1,183,197	37
Pinellas	1980	933,994	24
Polk	1998	502,385	17
Sarasota	1971	339,684	4
Seminole	1989	387,626	7
Volusia	1971	459,737	17
Wakulla	2008	30,700	2

** About 80% of Florida's residents live in a charter county.*

Key Policies

- County charters adopted, amended, repealed only by vote of the electorate
- Charters may provide alternative methods of selecting County Officers and may transfer duties to other positions
- Size, terms, districting schemes of County Commission and Executive Branch may be changed
- Charter counties have all powers not inconsistent with general (or voted special) law; charter must specify if county ordinance prevails over that of a city

Article VIII – Section 1

County charters adopted, amended or repealed *only* by vote of the electorate -

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

Article VIII - Section 1

May provide alternative methods of selecting County Officers; may abolish and transfer duties to other office –

(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

Article VIII - Section 1

Size, terms, districting schemes of County Commission may be changed -

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

Article VIII - Section 1

Charter counties have all powers not inconsistent with general (or voted special) law; charter specifies if county ordinance prevails over that of city -

(f) *NON-CHARTER GOVERNMENT*. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

Article VIII - Section 1

Charter counties have all powers not inconsistent with general (or voted special) law; charter specifies if county ordinance prevails over that of city -

(g) *CHARTER GOVERNMENT*. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

Leon County Charter

Leon County Charter

1. Prescribes Commission-Administrator form of government, with separation of legislative and executive responsibilities.
2. Codifies BCC districting system of five single-member districts and two at-large.
3. Provides that BCC and Supervisor of Elections are elected on a non-partisan basis.

Leon County Charter

4. Provides that municipal ordinances prevail over county ordinances within City in the event of conflict.
5. Authorizes mechanism for proposal of ordinances and charter amendments by petition of electorate.
6. Provides for (advisory) charter review committee every eight years.

Leon County Citizens CRC

- 15 members
- 13 meetings beginning in November 2009
- Reviewed and discussed issues presented by BCC, individual Commissioners and public
- Three Public Hearings and minimum 10 affirmative votes to send recommendation to BCC

CRC Discussion Topics

1. Utility Advisory Board
2. Consolidation of Growth Management
3. Countywide Stormwater or Environmental Standards
4. TDC Structure
5. Partisan/Nonpartisan Elections
6. Campaign Finance Reform
7. Petition Thresholds
8. Audit Policy

CRC Discussion Topics

9. Elected Countywide Chair
10. Alternative Districting Systems for BCC
11. Annexation Policy
12. Protection of Water Supply
13. Constitutional/Charter Officers
14. Hire/Fire Procedure for Administrator
15. Non-Interference Policy
16. Human Rights Policy
17. Future CRCs

CRC Hearing Recommendations

1. TDC Structure
2. Countywide Environmental Standards
3. Employment/Termination Procedure for Administrator
4. Non-Interference Policy
5. Petition Thresholds
6. Future CRCs
7. Clerk's Audit Functions
8. Utility Advisory Board
9. Campaign Finance Reform

CRC Hearing Recommendation

1. TDC Structure

Codifies into charter current practice of TDC staff reporting to County Administrator (housekeeping amendment)

CRC Hearing Recommendation

2. Countywide Environmental Standards

Permits BCC to adopt ordinances that are effective countywide concerning any environmental standard, regulation or policy

Eliminates different standards/regulations between county and city in environmental policy

CRC Hearing Recommendation

3. Employment Policy for County Administrator
 Provides that the County Administrator is employed by at an affirmative vote of at least five members of the BCC

Provides that the County Administrator is terminated by at an affirmative vote of at least five members of the BCC occurring at the first regularly-scheduled meeting of the BCC after a motion expressing intent to remove Administrator was approved

CRC Hearing Recommendation

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.

CRC Hearing Recommendation

5. Petition Thresholds/Prohibitions
 Lowers signatures required for petitions proposing ordinances or charter amendments from 10% countywide, including at least 10% in each single-member district to

- 7% countywide, and
- 5% within each single-member district

Clarifies that existing prohibited subjects apply to charter amendments, in addition to ordinances

CRC Hearing Recommendations

6. Future Citizen CRCs

Provides that the CRC is appointed 15 months prior to general election, instead of 12 months.

Requires BCC to consider wide variety of factors when appointing CRC so as to reflect diversity in the community.

Provides that recommendations of CRC approved by 9 votes go to BCC for their consideration; those by 12 votes go directly to ballot.

Seven horizontal lines for notes.

CRC Hearing Recommendation

7. Clerk's Audit Functions

Provides that the Clerk to the BCC may conduct audits of the County Commission's books, accounts and internal controls pursuant to work plan of Audit Committee.

Provides that the Clerk may conduct performance audits upon approval by County Commission.

Seven horizontal lines for notes.

CRC Hearing Recommendation

8. Utility Advisory Board

Seven Members:

- 3 appointed by City
- 3 appointed by County
- 1 appointed by CONA

Study and make recommendations to City/County:

- Utility rates
- Planning or expansion of Utility Service Areas
- Maintenance activities

Seven horizontal lines for notes.

CRC Hearing Recommendation

2. Campaign Finance Reform

Limits campaign contributions for candidates for county office to \$250 per election cycle from individuals or committees

Questions?



Leon County Citizen Charter Review Committee

P U B L I C H E A R I N G

A. Tourist Development Council

1 administrator of the County. The County Administrator shall reside within the County during
2 his/her tenure as County Administrator.

3 (C) The compensation of the County Administrator shall be fixed by the Board of
4 County Commissioners at a level commensurate with the responsibilities of the position, with
5 performance appraisals conducted by the Board of County Commissioners at least annually.

6 (D) A vacancy in the office shall be filled in the same manner as the original
7 appointment. The County Administrator may appoint an Acting County Administrator in the
8 case of his/her temporary vacancy.

9 (2) **Senior Management.**

10 The County’s senior management employees, with the exception of the County
11 Attorney’s ~~and Tourist Development Council (TDC)~~ staff, shall serve at the pleasure of the
12 County Administrator, who may suspend or discharge senior management personnel with or
13 without cause.

14 **Section 2. Ballot Question To Be Presented To Electorate.**

15 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
16 presented to the qualified Leon County electorate by placing the question of whether to adopt
17 same on the ballot at the special election to be held on _____.

18 **Section 3. Ballot Question Form.**

19 The question on the ballot shall be substantially in the following form:

20 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
21 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-__**

22 Question

23 _____
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Yes for Approval _____

No for Rejection _____

Section 4. Further Authorization.

The Board of County Commissioners of Leon County, Florida, is authorized to adopt all resolutions and take all actions necessary in order for this Charter amendment referendum to be properly placed on the ballot for the special election of _____. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

Section 5. Severability.

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Effective Date.

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed Charter amendments are not duly approved at the _____, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective _____, if the Charter amendment is approved by a “yes” vote by a majority of those duly qualified electors voting on the question posed at the _____, referendum.

1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
2 County, Florida, this _____ day of _____, 2010.

3
4 LEON COUNTY, FLORIDA
5
6

7 By: _____
8 Bob Rackleff, Chairman
9 Board of County Commissioners
10

11
12 ATTESTED BY:
13 BOB INZER, CLERK OF THE COURT
14 LEON COUNTY, FLORIDA
15

16
17 By: _____
18 Clerk
19

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21 APPROVED AS TO FORM:
22 COUNTY ATTORNEY'S OFFICE
23 LEON COUNTY, FLORIDA
24

25
26 By: _____
27 Herbert W. A. Thiele, Esq.
28 County Attorney

Leon County Citizen Charter Review Committee

P U B L I C H E A R I N G

B. Countywide Environmental Standards

1 conservation and preservation features, and such other environmental standards as the Board of
2 County Commissioners determines to be necessary for the protection of the public health, safety,
3 and welfare of the citizens throughout Leon County. Standards shall be designed to place
4 emphasis on supporting healthy natural systems occurring in the environment.

5 **Section 2. Ballot Question To Be Presented To Electorate.**

6 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
7 presented to the qualified Leon County electorate by placing the question of whether to adopt
8 same on the ballot at the special election to be held on _____.

9 **Section 3. Ballot Question Form.**

10 The question on the ballot shall be substantially in the following form:

11 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
12 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-__**

13 Question

14 _____
15 _____
16 _____
17 _____
18 _____

19 Yes for Approval _____

20 No for Rejection _____

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24 **Section 4. Further Authorization.**

25 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
26 resolutions and take all actions necessary in order for this Charter amendment referendum to be
27 properly placed on the ballot for the special election of _____. Said referendum
28 shall be conducted according to the requirements of law governing referendum elections in the
29 State of Florida.

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APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

Leon County Citizen Charter Review Committee

P U B L I C H E A R I N G

C. Employment Policy of the County Administrator

1 and powers shall be assigned to, and vested in, the County Administrator. The County
2 Administrator shall exercise all executive authority provided by this Home Rule Charter and all
3 other powers and duties authorized by general or special law.

4 (B) The County Administrator shall be chosen on the basis of his/her professional
5 qualifications, administrative and executive experience, and ability to serve as the chief
6 administrator of the County. The County Administrator shall reside within the County during
7 his/her tenure as County Administrator.

8 (C) The compensation of the County Administrator shall be fixed by the Board of
9 County Commissioners at a level commensurate with the responsibilities of the position, with
10 performance appraisals conducted by the Board of County Commissioners at least annually.

11 (D) A vacancy in the office shall be filled in the same manner as the original
12 appointment. The County Administrator may appoint an Acting County Administrator in the
13 case of his/her temporary vacancy.

14 **(2) Senior Management.**

15 The County's senior management employees, with the exception of the County
16 Attorney's and Tourist Development Council (TDC) staff, shall serve at the pleasure of the
17 County Administrator, who may suspend or discharge senior management personnel with or
18 without cause.

19 **Section 2. Ballot Question To Be Presented To Electorate.**

20 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
21 presented to the qualified Leon County electorate by placing the question of whether to adopt
22 same on the ballot at the special election to be held on _____.

23 **Section 3. Ballot Question Form.**

1 The question on the ballot shall be substantially in the following form:

2 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
3 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-___**

4
5 Question

6 _____
7 _____
8 _____
9 _____

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11 Yes for Approval _____

12
13 No for Rejection _____
14

15 **Section 4. Further Authorization.**

16 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
17 resolutions and take all actions necessary in order for this Charter amendment referendum to be
18 properly placed on the ballot for the special election of _____. Said referendum
19 shall be conducted according to the requirements of law governing referendum elections in the
20 State of Florida.

21 **Section 5. Severability.**

22 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
23 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
24 separate and independent provision and such holding shall not affect the validity of the
25 remaining portions thereof.

26 **Section 6. Effective Date.**

27 This ordinance shall have effect upon becoming law, but shall be of no further force or
28 effect if the proposed Charter amendments are not duly approved at the
29 _____, special election. The amendments to the Home Rule Charter of

1 Leon County, Florida, as proposed by this Ordinance, shall become effective
2 _____, if the Charter amendment is approved by a “yes” vote by a majority
3 of those duly qualified electors voting on the question posed at the _____,
4 referendum.

5 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
6 County, Florida, this ____ day of _____, 2010.

7
8 LEON COUNTY, FLORIDA

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10
11 By: _____
12 Bob Rackleff, Chairman
13 Board of County Commissioners
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15
16 ATTESTED BY:
17 BOB INZER, CLERK OF THE COURT
18 LEON COUNTY, FLORIDA

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21 By: _____
22 Clerk

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24 APPROVED AS TO FORM:
25 COUNTY ATTORNEY’S OFFICE
26 LEON COUNTY, FLORIDA

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29
30 By: _____
31 Herbert W. A. Thiele, Esq.
32 County Attorney

Leon County Citizen Charter Review Committee

P U B L I C H E A R I N G

D. Non-interference Policy

1 administrator of the County. The County Administrator shall reside within the County during
2 his/her tenure as County Administrator.

3 (C) The compensation of the County Administrator shall be fixed by the Board of
4 County Commissioners at a level commensurate with the responsibilities of the position, with
5 performance appraisals conducted by the Board of County Commissioners at least annually.

6 (D) A vacancy in the office shall be filled in the same manner as the original
7 appointment. The County Administrator may appoint an Acting County Administrator in the
8 case of his/her temporary vacancy.

9 **(2) Senior Management.**

10 The County's senior management employees, with the exception of the County
11 Attorney's and Tourist Development Council (TDC) staff, shall serve at the pleasure of the
12 County Administrator, who may suspend or discharge senior management personnel with or
13 without cause.

14 **(3) Non-interference by Board of County Commissioners.** Except for the purpose
15 of inquiry and information, members of the Board of County Commissioners are expressly
16 prohibited from interfering with the performance of the duties of any employee of the county
17 government who is under the direct or indirect supervision of the County Administrator or
18 County Attorney by giving said employees instructions or directives. Such action shall
19 constitute malfeasance within the meaning of Article IV, Section 7(a) of the Florida Constitution.
20 However, nothing contained herein shall prevent a County Commissioner from discussing any
21 county policy or program with a citizen or referring a citizen complaint or request for
22 information to the County Administrator or County Attorney.

23 **Section 2. Ballot Question To Be Presented To Electorate.**

1 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
2 presented to the qualified Leon County electorate by placing the question of whether to adopt
3 same on the ballot at the special election to be held on _____.

4 **Section 3. Ballot Question Form.**

5 The question on the ballot shall be substantially in the following form:

6 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
7 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-___**

8
9 Question

10 _____
11 _____
12 _____
13 _____

14
15 Yes for Approval _____

16
17 No for Rejection _____
18

19 **Section 4. Further Authorization.**

20 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
21 resolutions and take all actions necessary in order for this Charter amendment referendum to be
22 properly placed on the ballot for the special election of _____. Said referendum
23 shall be conducted according to the requirements of law governing referendum elections in the
24 State of Florida.

25 **Section 5. Severability.**

26 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
27 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
28 separate and independent provision and such holding shall not affect the validity of the
29 remaining portions thereof.

Leon County Citizen Charter Review Committee

P U B L I C H E A R I N G

E. Petition Threshold/Petition Prohibition

1 **(2) Procedure for Petition.** The sponsor of an initiative shall, prior to obtaining any
2 signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the
3 proposed ballot summary and the form on which signatures will be affixed and obtain a dated
4 receipt therefore. Any such ordinances shall embrace but one (1) subject and matter directly
5 connected therewith. The sponsor shall cause a notice of such submission to be published within
6 fourteen (14) days thereof in a newspaper of general circulation in the County. The allowable
7 period for obtaining signatures on the petition shall be completed not later than one (1) year after
8 initial receipt of the petition by the Supervisor of Elections. The sponsor shall comply with all
9 requirements of general law for political committees, and shall file quarterly reports with the
10 Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of
11 signatures procured. The time and form of such reports may be prescribed by ordinance. When a
12 sufficient number of signatures is obtained, the sponsor shall thereupon submit signed and dated
13 forms to the Supervisor of Elections, and upon submission, shall pay all fees required by general
14 law. The Supervisor of Elections shall, within sixty (60) days after submission of signatures,
15 verify the signatures thereon, or specify a reason for the invalidity of each rejected signature, if
16 the petition is rejected for insufficiency of the number of valid signatures. If the petition is
17 rejected for insufficiency of the number of signatures, the sponsor shall have an additional thirty
18 (30) days within which to submit additional signatures for verification. The Supervisor of
19 Elections shall, within thirty (30) days of submission of additional signatures, verify the
20 additional signatures. In the event sufficient signatures are still not acquired, the Supervisor of
21 Elections shall declare the petition null and void and none of the signatures may be carried over
22 onto another identical or similar petition.

1 **(3) Consideration by Board of County Commissioners.** Within sixty (60) days
2 after the requisite number of signatures has been verified by the Supervisor of Elections and
3 reported to the Board of County Commissioners, the Board of County Commissioners shall give
4 notice and hold public hearing(s) as required by general law on the proposed ordinance and vote
5 on it. If the Board fails to enact the proposed ordinance it shall, by resolution, call a referendum
6 on the question of the adoption of the proposed ordinance to be held at the next general election
7 occurring at least forty-five (45) days after the adoption of such resolution. If the question of the
8 adoption of the proposed ordinance is approved by a majority of those registered electors voting
9 on the question, the proposed ordinance shall be declared, by resolution of the Board of County
10 Commissioners, to be enacted and shall become effective on the date specified in the ordinance,
11 or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners
12 shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general
13 election, without the approval of a majority of the electors voting at a referendum called for that
14 purpose.

15 **(4) Limitation on Ordinances by Initiative.** The power to enact, amend or repeal
16 an ordinance by initiative shall not include ordinances or provisions related to County budget,
17 debt obligations, capital improvement programs, salaries of County officers and employees, the
18 assessment or collection of taxes, or the zoning of land.

19 **Section 2.** Article V, Section 5.2 of the Home Rule Charter of Leon County, Florida,
20 is hereby amended to read as follows:

21 **Sec. 5.2. Home rule charter amendments.**

22 **(1) Amendments Proposed by Petition.**

1 (A) The electors of Leon County shall have the right to amend this Home Rule
2 Charter ~~in accordance with Sec. 4.1 of this Charter.~~ upon petition signed by not less than seven
3 percent (7%) of the total number of electors qualified to vote in the County reflecting not less
4 than five percent (5%) of the total number of electors qualified to vote within each of the five (5)
5 commission districts. The total number of electors qualified shall mean the total number of
6 electors qualified to vote in the last preceding general election. The procedures prescribed in
7 subsection 4.1(2) of the Charter shall apply to petitions to amend the Charter that are proposed
8 by citizen initiative.

9 (B) Each proposed amendment shall embrace but one (1) subject and matter directly
10 connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot
11 by resolution of the Board of County Commissioners for the general election occurring in excess
12 of ninety (90) days from the certification by the Supervisor of Elections that the requisite number
13 of signatures has been verified. If approved by a majority of those electors voting on the
14 amendment at the general election, the amendment shall become effective on the date specified
15 in the amendment, or, if not so specified, on January 1 of the succeeding year.

16 (C) The power to amend this Charter by initiative shall not extend to provisions
17 related to the County budget, debt obligations, capital improvement programs, salaries of County
18 officers and employees, the assessment or collection of taxes or fees, the zoning of land, or
19 matters inconsistent with the Constitution or general laws of Florida.

20 **(2) Amendments and Revisions by Citizen Charter Review Committee.**

21 (A) A Citizen Charter Review Committee shall be appointed by the Board of County
22 Commissioners at least twelve (12) months before the general election occurring every eight (8)
23 years thereafter, to be composed and organized in a manner to be determined by the Board of

1 County Commissioners, to review the Home Rule Charter and propose any amendments or
2 revisions which may be advisable for placement on the general election ballot. Public hearings
3 shall be conducted as provided by Section 125.63, Florida Statutes.

4 (B) No later than ninety (90) days prior to the general election, the Citizen Charter
5 Review Committee shall deliver to the Board of County Commissioners the proposed
6 amendments or revisions, if any, to the Home Rule Charter, and the Board of County
7 Commissioners shall consider such amendments or revisions to be placed on the general election
8 ballot, in accordance with Section 125.64, Florida Statutes.

9 (C) If the Citizen Charter Review Committee does not submit any proposed Charter
10 amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to
11 the general election, the Citizen Charter Review Committee shall be automatically dissolved.

12 **(3) Amendments Proposed by the Board of County Commissioners.**

13 (A) Amendments to this Home Rule Charter may be proposed by ordinance adopted
14 by the Board of County Commissioners by an affirmative vote of a majority plus one (1) of the
15 membership of the Board. Each proposed amendment shall embrace but one (1) subject and
16 matter directly connected therewith. Each proposed amendment shall only become effective
17 upon approval by a majority of the electors of Leon County voting in a referendum at the next
18 general election. The Board of County Commissioners shall give public notice of such
19 referendum election at least ninety (90) days prior to the general election referendum date.

20 (B) If approved by a majority of those electors voting on the amendment at the
21 general election, the amendment shall become effective on the date specified in the amendment,
22 or, if not so specified, on January 1 of the succeeding year.

23 **Section 3. Ballot Question To Be Presented To Electorate.**

1 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
2 presented to the qualified Leon County electorate by placing the question of whether to adopt
3 same on the ballot at the special election to be held on _____.

4 **Section 4. Ballot Question Form.**

5 The question on the ballot shall be substantially in the following form:

6 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
7 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-___**

8
9 Question

10 _____
11 _____
12 _____
13 _____

14
15 Yes for Approval _____

16
17 No for Rejection _____
18

19 **Section 5. Further Authorization.**

20 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
21 resolutions and take all actions necessary in order for this Charter amendment referendum to be
22 properly placed on the ballot for the special election of _____. Said referendum
23 shall be conducted according to the requirements of law governing referendum elections in the
24 State of Florida.

25 **Section 6. Severability.**

26 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
27 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
28 separate and independent provision and such holding shall not affect the validity of the
29 remaining portions thereof.

Leon County Citizen Charter Review Committee

P U B L I C H E A R I N G

F. Citizen Charter Review Committee

1 in the amendment, or, if not so specified, on January 1 of the succeeding year.

2 **(2) Amendments and Revisions by Citizen Charter Review Committee.**

3 (A) A Citizen Charter Review Committee shall be appointed by the Board of County
4 Commissioners at least ~~twelve (12) months~~ fifteen (15) months before the general election
5 occurring every eight (8) years thereafter, to be composed and organized in a manner to be
6 determined by the Board of County Commissioners, to review the Home Rule Charter and
7 propose any amendments or revisions which may be advisable for placement on the general
8 election ballot. When making appointments to the Citizen Charter Review Committee, the
9 Board of County Commissioners shall attempt to include citizens from all segments of the Leon
10 County community, reflecting the different viewpoints, age, gender, life experiences, professions
11 and employment, race and ethnic backgrounds of the citizens in the County, and including
12 consideration of representation of students currently enrolled in institutions of higher education.
13 Public hearings shall be conducted as provided by Section 125.63, Florida Statutes.

14 (B) No later than ninety (90) days prior to the general election, the Citizen Charter
15 Review Committee shall deliver to the Board of County Commissioners the proposed
16 amendments or revisions, if any, to the Home Rule Charter. Any proposed Charter amendment
17 or revisions that receives an affirmative vote of three-fifths (3/5) approval of the entire
18 membership of the Citizens Charter Review Committee shall be submitted to the County
19 Commission for its consideration to be placed on to the next general election ballot; and any
20 proposed Charter amendment or revision that receives four-fifths (4/5) approval of the entire
21 membership of the Citizens Charter Review Committee shall be placed directly on to the next
22 general election ballot by the County Commission, in accordance with Section 125.64, Florida
23 Statutes.

1 (C) If the Citizen Charter Review Committee does not submit any proposed Charter
2 amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to
3 the general election, the Citizen Charter Review Committee shall be automatically dissolved.

4 **(3) Amendments Proposed by the Board of County Commissioners.**

5 (A) Amendments to this Home Rule Charter may be proposed by ordinance adopted
6 by the Board of County Commissioners by an affirmative vote of a majority plus one (1) of the
7 membership of the Board. Each proposed amendment shall embrace but one (1) subject and
8 matter directly connected therewith. Each proposed amendment shall only become effective
9 upon approval by a majority of the electors of Leon County voting in a referendum at the next
10 general election. The Board of County Commissioners shall give public notice of such
11 referendum election at least ninety (90) days prior to the general election referendum date.

12 (B) If approved by a majority of those electors voting on the amendment at the
13 general election, the amendment shall become effective on the date specified in the amendment,
14 or, if not so specified, on January 1 of the succeeding year.

15 **Section 2. Ballot Question To Be Presented To Electorate.**

16 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
17 presented to the qualified Leon County electorate by placing the question of whether to adopt
18 same on the ballot at the special election to be held on _____.

19 **Section 3. Ballot Question Form.**

20 The question on the ballot shall be substantially in the following form:

21 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
22 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-__**

23 Question
24
25
26 _____

1
2
3
4
5
6
7

Yes for Approval _____

No for Rejection _____

8 **Section 4. Further Authorization.**

9 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
10 resolutions and take all actions necessary in order for this Charter amendment referendum to be
11 properly placed on the ballot for the special election of _____. Said referendum
12 shall be conducted according to the requirements of law governing referendum elections in the
13 State of Florida.

14 **Section 5. Severability.**

15 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
16 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
17 separate and independent provision and such holding shall not affect the validity of the
18 remaining portions thereof.

19 **Section 6. Effective Date.**

20 This ordinance shall have effect upon becoming law, but shall be of no further force or
21 effect if the proposed Charter amendments are not duly approved at the
22 _____, special election. The amendments to the Home Rule Charter of
23 Leon County, Florida, as proposed by this Ordinance, shall become effective
24 _____, if the Charter amendment is approved by a “yes” vote by a majority
25 of those duly qualified electors voting on the question posed at the _____,
26 referendum.

1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
2 County, Florida, this _____ day of _____, 2010.

3
4 LEON COUNTY, FLORIDA
5
6

7 By: _____
8 Bob Rackleff, Chairman
9 Board of County Commissioners
10

11
12 ATTESTED BY:
13 BOB INZER, CLERK OF THE COURT
14 LEON COUNTY, FLORIDA
15

16
17 By: _____
18 Clerk
19

20
21 APPROVED AS TO FORM:
22 COUNTY ATTORNEY'S OFFICE
23 LEON COUNTY, FLORIDA
24

25
26 By: _____
27 Herbert W. A. Thiele, Esq.
28 County Attorney

Leon County Citizen Charter Review Committee

P U B L I C H E A R I N G

G. Clerk Auditor

1 (1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission
2 ~~as specified by law.~~ The Clerk as Auditor shall conduct audits of County Commission books,
3 accounts and internal controls solely in accord with the Audit Committee's adopted plan of
4 work. The Clerk shall employ a Certified Internal Auditor, Certified Public Accountant, or such
5 other person qualified by education or experience in governmental accounting, internal auditing
6 practices and fiscal controls, which shall include at least five (5) years experience in professional
7 accounting, auditing, governmental fiscal administration or related experience, unless the Clerk
8 holds such qualifications. The Board of County Commissioners shall fund the audit function of
9 the Clerk. The language in this section shall be construed to be in addition to any authority given
10 the Clerk by the Constitution or by statute.

11 (2) Audit Committee. There shall be a five member Audit Committee of which two
12 members shall be appointed by the County Commission and three by the Clerk. The Audit
13 Committee shall adopt an annual plan of work for the Auditor and shall oversee the work of the
14 Auditor. The Audit Committee may include in the work plan performance audits, the scope of
15 which is to evaluate the efficiency and effectiveness of management decisions, subject to
16 approval by the County Commission. The Audit Committee members shall be residents of Leon
17 County, none of whom may be an employee or officer of County government, and who have
18 experience as a public accountant, internal auditor, or as a financial manager for a public, private
19 or not for profit institution. The purpose of the Committee is to promote, maintain, and enhance
20 the independence and objectivity of the internal audit function by ensuring broad audit coverage,
21 adequate consideration of audit reports, and appropriate action on recommendations. Clerk shall
22 provide for the organization and duties of the audit committee, including membership terms,
23 voting procedures, officers, sub-committees, meeting schedules and staff support.

1 separate and independent provision and such holding shall not affect the validity of the
2 remaining portions thereof.

3 **Section 7. Effective Date.**

4 This ordinance shall have effect upon becoming law, but shall be of no further force or
5 effect if the proposed Charter amendments are not duly approved at the
6 _____, special election. The amendments to the Home Rule Charter of
7 Leon County, Florida, as proposed by this Ordinance, shall become effective
8 _____, if the Charter amendment is approved by a “yes” vote by a majority
9 of those duly qualified electors voting on the question posed at the _____,
10 referendum.

11 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
12 County, Florida, this ____ day of _____, 2010.

13
14 LEON COUNTY, FLORIDA
15
16
17 By: _____
18 Bob Rackleff, Chairman
19 Board of County Commissioners
20

21
22 APPROVED AS TO FORM:
23 COUNTY ATTORNEY’S OFFICE
24 LEON COUNTY, FLORIDA
25
26
27 By: _____
28 Herbert W.A. Thiele, Esq.
29 County Attorney
30

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By: _____
Bob Inzer, Clerk

Leon County Citizen Charter Review Committee

P U B L I C H E A R I N G

H. Citizen Utility Advisory Board

1 **(2) Procedure for Petition.** The sponsor of an initiative shall, prior to obtaining any
2 signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the
3 proposed ballot summary and the form on which signatures will be affixed and obtain a dated
4 receipt therefore. Any such ordinances shall embrace but one (1) subject and matter directly
5 connected therewith. The sponsor shall cause a notice of such submission to be published within
6 fourteen (14) days thereof in a newspaper of general circulation in the County. The allowable
7 period for obtaining signatures on the petition shall be completed not later than one (1) year after
8 initial receipt of the petition by the Supervisor of Elections. The sponsor shall comply with all
9 requirements of general law for political committees, and shall file quarterly reports with the
10 Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of
11 signatures procured. The time and form of such reports may be prescribed by ordinance. When a
12 sufficient number of signatures is obtained, the sponsor shall thereupon submit signed and dated
13 forms to the Supervisor of Elections, and upon submission, shall pay all fees required by general
14 law. The Supervisor of Elections shall, within sixty (60) days after submission of signatures,
15 verify the signatures thereon, or specify a reason for the invalidity of each rejected signature, if
16 the petition is rejected for insufficiency of the number of valid signatures. If the petition is
17 rejected for insufficiency of the number of signatures, the sponsor shall have an additional thirty
18 (30) days within which to submit additional signatures for verification. The Supervisor of
19 Elections shall, within thirty (30) days of submission of additional signatures, verify the
20 additional signatures. In the event sufficient signatures are still not acquired, the Supervisor of
21 Elections shall declare the petition null and void and none of the signatures may be carried over
22 onto another identical or similar petition.

1 **(3) Consideration by Board of County Commissioners.** Within sixty (60) days
2 after the requisite number of signatures has been verified by the Supervisor of Elections and
3 reported to the Board of County Commissioners, the Board of County Commissioners shall give
4 notice and hold public hearing(s) as required by general law on the proposed ordinance and vote
5 on it. If the Board fails to enact the proposed ordinance it shall, by resolution, call a referendum
6 on the question of the adoption of the proposed ordinance to be held at the next general election
7 occurring at least forty-five (45) days after the adoption of such resolution. If the question of the
8 adoption of the proposed ordinance is approved by a majority of those registered electors voting
9 on the question, the proposed ordinance shall be declared, by resolution of the Board of County
10 Commissioners, to be enacted and shall become effective on the date specified in the ordinance,
11 or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners
12 shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general
13 election, without the approval of a majority of the electors voting at a referendum called for that
14 purpose.

15 **(4) Limitation on Ordinances by Initiative.** The power to enact, amend or repeal
16 an ordinance by initiative shall not include ordinances or provisions related to County budget,
17 debt obligations, capital improvement programs, salaries of County officers and employees, the
18 assessment or collection of taxes, or the zoning of land.

19 **Sec. 4.2. Recall.**

20 All members of the Board of County Commissioners shall be subject to recall as provided
21 by general law.

22 **Sec. 4.3. Leon County Citizen Utility Advisory Board.**

1 **(1) Created; duties and responsibilities.** There is hereby created and made a part of
2 the government of Leon County, a utilities advisory board to be known and designated as the
3 Leon County Citizen Utility Advisory Board, which shall study, investigate, and make
4 recommendations to the Board of County Commissioners and City of Tallahassee City
5 Commission concerning utility rates, planning for and expansion of utility service areas, and
6 maintenance activities to the providers of water, sewer, natural gas, electric and other utility
7 services within Leon County. Recommendations, studies, and findings shall be made available
8 to all utility providers within Leon County.

9 **(2) Composition; membership, qualifications, appointments, compensation,**
10 **election and duties of officers, meetings, vacancies, removal.**

11 (A) The Citizen Utility Advisory Board shall consist of seven (7) members of which
12 three (3) shall be appointed by the Leon County Board of County Commissioners,
13 three (3) shall be appointed by the City of Tallahassee City Commission, and one
14 (1) shall be appointed by the Tallahassee-Leon County Council of Neighborhood
15 Associations, for staggered terms of four years each. The Leon County
16 Administrator, or his/her designee and City of Tallahassee City Manager, or
17 his/her designee shall serve as ex-officio members of the Citizen Utility Advisory
18 Board.

19 (B) Each member shall be a resident and elector of Leon County. Elected officials and
20 employees of Leon County and the City of Tallahassee shall be prohibited from
21 servng on the Citizen Utility Advisory Board. When making appointments, the
22 Board of County Commissioners, City Commission, and Council of
23 Neighborhood Associations shall attempt to include citizens from all segments of

1 the Leon County community, reflecting the different viewpoints, age, gender, life
2 experiences, professions and employment, race and ethnic backgrounds of the
3 citizens in the County.

4 (C) The Board of County Commissioners, City Commission, and Council of
5 Neighborhood Associations, shall, within ninety (90) days upon this article
6 becoming law, appoint by a majority vote, their respective members as provided
7 herein, two of whom shall serve for one (1) year, two of whom shall serve for two
8 (2) years, two of whom shall serve for three (3) years, and one of whom shall
9 serve for four (4) years, each of such terms to commence the first day of each new
10 fiscal year. The Board of County Commissioners and City Commission shall each
11 appoint one member for the one-, two-, and three-year terms, and the Council of
12 Neighborhood Associations shall appoint a member for the four-year term of the
13 Citizen Utility Advisory Board. Thereafter, the term of each member shall be for
14 four (4) years; however, each member shall hold such office until his successor
15 has qualified and been appointed. No member of the Citizen Utility Advisory
16 Board shall serve more than two (2) consecutive terms.

17 (D) Members of the Citizen Utility Advisory Board shall not be compensated.

18 (E) The Citizen Utility Advisory Board by majority vote shall elect from among its
19 members a chairman, who shall preside over the meetings of the Advisory Board,
20 a vice-chairman who shall act for the chairman during his/her absence, and a
21 recording secretary.

1 **Section 4. Further Authorization.**

2 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
3 resolutions and take all actions necessary in order for this Charter amendment referendum to be
4 properly placed on the ballot for the special election of _____. Said referendum
5 shall be conducted according to the requirements of law governing referendum elections in the
6 State of Florida.

7 **Section 5. Severability.**

8 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
9 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
10 separate and independent provision and such holding shall not affect the validity of the
11 remaining portions thereof.

12 **Section 6. Effective Date.**

13 This ordinance shall have effect upon becoming law, but shall be of no further force or
14 effect if the proposed Charter amendments are not duly approved at the
15 _____, special election. The amendments to the Home Rule Charter of
16 Leon County, Florida, as proposed by this Ordinance, shall become effective
17 _____, if the Charter amendment is approved by a “yes” vote by a majority
18 of those duly qualified electors voting on the question posed at the _____,
19 referendum.

1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
2 County, Florida, this _____ day of _____, 2010.

3
4 LEON COUNTY, FLORIDA
5
6

7 By: _____
8 Bob Rackleff, Chairman
9 Board of County Commissioners
10

11
12 ATTESTED BY:
13 BOB INZER, CLERK OF THE COURT
14 LEON COUNTY, FLORIDA
15

16
17 By: _____
18 Clerk
19

20
21 APPROVED AS TO FORM:
22 COUNTY ATTORNEY'S OFFICE
23 LEON COUNTY, FLORIDA
24

25
26 By: _____
27 Herbert W. A. Thiele, Esq.
28 County Attorney

Leon County Citizen Charter Review Committee

P U B L I C H E A R I N G

I. Limitation on Campaign Contribution

1 time of qualifying to run for that office, and during the term of office each Commissioner shall
2 reside in the district from which such Commissioner ran for office, provided that any
3 Commissioner whose residence is removed from a district by redistricting may continue to serve
4 during the balance of the term of office.

5 **(2) Redistricting.** Redistricting of County Commission district boundaries shall be
6 in accordance with general law, changed only after notice and a public hearing as provided by
7 general law.

8 **(3) Salaries and Other Compensation.** Salaries and other compensation of the
9 County Commissioners shall be established by ordinance, and salary shall not be lowered during
10 an officer's term in office.

11 **(4) Authority.** The Board of County Commissioners shall exercise all legislative
12 authority provided by this Home Rule Charter in addition to all other powers and duties
13 authorized by general law or special law approved by a vote of the electorate.

14 **(5) Vacancies.** A vacancy in the office of County Commissioner shall be defined and
15 filled as provided by general law.

16 **(6) Administrative Code.** The County Commission shall adopt an administrative
17 code in accordance with general law.

18 **(7) Limitation on Campaign Contributions.** No candidate for any County office
19 for which compensation is paid shall accept any contribution from any contributor, including a
20 political committee, as defined by state law, in cash or in kind, in an amount in excess of \$250.

21 **Section 2.** Article III of the Home Rule Charter of Leon County, Florida, is hereby
22 amended by adding a new Section 3.4 entitled "Limitation on Campaign Contributions," to read
23 as follows:

1 **Sec. 3.4. Limitation on Campaign Contributions.**

2 No candidate for any County office for which compensation is paid shall accept any contribution
3 from any contributor, including a political committee, as defined by state law, in cash or in kind,
4 in an amount in excess of \$250.

5 **Section 3. Ballot Question To Be Presented To Electorate.**

6 The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be
7 presented to the qualified Leon County electorate by placing the question of whether to adopt
8 same on the ballot at the special election to be held on _____.

9 **Section 4. Ballot Question Form.**

10 The question on the ballot shall be substantially in the following form:

11 **AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA**
12 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-__**

13 Question

14 _____
15 _____
16 _____
17 _____
18 _____
19 _____

20 Yes for Approval _____

21 No for Rejection _____
22
23

24 **Section 5. Further Authorization.**

25 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
26 resolutions and take all actions necessary in order for this Charter amendment referendum to be
27 properly placed on the ballot for the special election of _____. Said referendum
28 shall be conducted according to the requirements of law governing referendum elections in the
29 State of Florida.

1
2
3
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6
7
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9
10

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

VIII.

MEMBER DISCUSSION

IX.

**CLOSE OF FIRST PUBLIC
HEARING/ADJOURNMENT**