

Leon County
2009-2010
Citizen Charter Review
Committee Meeting
March 4, 2010

SECOND PUBLIC HEARING

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on Thursday, March 4, 2010 in the Commission Chambers with Committee members Chris Holley (Chair), Marilyn Wills, Larry Simmons, Tom Napier, Linda Nichol森, Cathy Jones, Chuck Hobbs, Donna Harper, Dave Jacobsen, Jon Ausman, Sue Dick, and Tom Napier in attendance. Absent and excused were Lester Abberger, Lance deHaven-Smith and Ralph Mason. Also attending were County Administrator Parwez Alam, Assistant County Attorney Patrick Kinni; Deputy County Administrator Vincent Long, 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 5:40 p.m.

II. Invocation and Pledge

The invocation was provided by Jon Ausman. 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

Jon Ausman moved, duly seconded by Rick Bateman, to approve the February 18, 2010 Minutes. Tom Napier asked that the minutes be corrected to reflect the he made the motion to adjourn the February 18 Public Hearing. The motion to approve the minutes, as amended, carried 12-0 (Ralph Mason, Lester Abberger and Lance de-Haven Smith absent)

V. Opening of Second Public Hearing

Kurt Spitzer, at the request of Chairman Holley, provided a brief overview of the CRC process and of the Committee's recommendations. 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 per election cycle from individuals or committees.

Public Speakers:

- Mayor John Marks appeared before the Committee to bring forward the City's concerns regarding the proposed Citizens Utility Board and unified environmental standards. He specifically asked that the CRC remove or amend the language on the environmental ordinance proposal and remove the recommendation of a Utility Advisory Board; which he deemed to be ultimately counter-productive.

Environmental Standards: Mayor Marks stated that although he was supportive of the concept of simplifying environmental rules and requirements, there are differences in environmental standards. He offered that information the Committee had been provided was less than complete and in some cases erroneous. *A written document was provided to Committee members that highlighted the information from the City and detailed a number of key issues. This document is included as Attachment 1.* He shared instances to help illustrate that in the vast majority of cases the City's overall environmental standards exceeded those in the County.

He suggested that should the Committee decide to move forward with the recommendation, the language be revised to preserve the environmental integrity and beauty of the City. *Mayor Marks' recommended language was distributed to the Committee and is included as Attachment 2.* He stated his proposed wording acknowledges that the County ordinances shall prevail when those ordinances provide a higher degree of protection but does not have the effect of lowering the City's standards in every instance. He offered that the change, which is a compromise, would help garner the support of City staff and City Commission.

Utility Advisory Board: The Mayor acknowledged that he was cognizant of citizen concerns regarding the cost of electricity and other utilities. He commented that the current rates are 20% lower than last year, currently below the state average and comparable to Talquin. The utilities operate efficiently and effectively and have the lowest operating costs in the State.

The asserted that the proposed Utility Advisory Board (UAB) would be expensive, potentially expensive and duplicative. He opined the UAB would create an additional layer of government bureaucracy and would have little authority to direct operations, nor would they be accountable to the citizens. Instead, the UAB would have the ability to “bottle neck” service and result in higher administrative costs. He shared that public input is received on utility matters at City Commission meetings and commissioners and county administrative staff, including him, were accessible to all citizens.

He opined that the two proposals as written are not in the best interest of the community and moving them forward, in the City’s opinion, would not be good governance. He asked that the environmental ordinance be removed or revised and that the concept of a Utility Advisory Board be removed. He asked that City staff be allowed to address the Committee on these specific issues.

Chairman Holley explained that establishment of the UAB responded to concerns expressed by County residents regarding their “lack of a voice” and asked that the City recognize this and form an advisory group on its own with unincorporated county participation. Mayor Marks responded that if requested by the CRC, the City would look into this.

Committee members brought forward comments, concerns and issues which were responded to by the Mayor. These issues included such items as: County staff’s assertion of the difficulty in determining which set of environmental standards were more stringent; measures taken by City to assist residents who have difficulty paying utilities; utility costs as compared to other municipalities; consideration to establish a fund to subsidize/assist residents in paying utilities and the need for citizens to have a voice in their local utilities.

Ms. Harper noted that the City should articulate their recommendations in writing prior to the next public hearing.

- Karen Jumonville, Land Use and Environmental Services Administrator, City of Tallahassee Growth Management advised that the proposed environmental standards language as written does not take into account the value differences inherent in urban vs rural development and does not recognize the redevelopment in the heart of the City. She added that citizens and staff have worked diligently to adequately define City regulations to achieve an appropriate balance between strong environmental protections and to provide for urban densities and intensities. Ms Jumonville asserted that “one size does not fit all” in terms of development regulations and the proposed language from the City’s perspective should not be added to the Charter; however, should the Committee decide to move forward, she requested that the language be revised to allow the City to retain its more stringent protections where they currently exist.
- John Buss, Water Resources, City of Tallahassee, acknowledged the difficulty in identifying which ordinance was more stringent. He advised that the City and County entered into an Interlocal Agreement to create a Joint Watershed Management Board which was charged with the development of unified consistent ordinances. He first urged the Committee to allow the Watershed Board to do its job, and secondly

advocated that the proposed language as presented by the Mayor be adopted by the Committee.

- Leon County Commissioner Bill Proctor, articulated his support for the establishment of the Citizen Utility Board and offered it was inappropriate for County residents to be disenfranchised from having a voice in the City's utility. He opined that residents are moving out of the urban service area because of high utility rates. Commissioner Proctor submitted for the record a New York Times article dated December 14, 2009 which addressed "Smart" electric utility meters. He articulated support for the establishment of sewer services to the Woodville/southside residents.
- Curtis Baynes, 1323 E. Tennessee St., provided written comments to the committee for their consideration. He stated that City "buy in" to the County's initiatives on stormwater and the citizen utility board was necessary to its successful implementation.
- Ira Chester, 3305 Claiborne Court, stated as a County resident, he wants an opportunity to purchase utilities from the lowest provider.
- Dennis Barton, 924 Hillcrest Court, expressed concern about the lack of a legal definition in Florida Statutes relating to residency requirements of County Commissioners. He offered that Leon County as a Charter County can, according to the Supervisor of Elections, resolve the problem of residency by defining residency in its Charter. Mr. Barton indicated that proposed language on this issue had been e-mailed to staff for distribution.

Chairman Holley requested that comments be restricted to the nine proposed amendments. He noted that individuals may contact individual County Commissioners with additional topics they may wish the Commission to consider.

Rick Bateman went on the record as stating that he was opposed to limiting public comment. This comment was echoed by Chuck Hobbs.

- Sonya Fancher, 3693 Corinth Dr. voiced her concerns regarding a County Commissioner not residing within the district he represents. She asserted that the Committee has the authority to begin the process of correcting this problem. She asked that the Committee present language to the Commissioners that would either define the residence requirement and penalties for not adhering to it or remove it all together. Information supporting Ms. Fancher's comments was presented to the Committee for its review. Ms. Fancher also expressed disappointment that all amendments being considered for adoption came from a Workshop held by Commissioners.

Jon Ausman addressed the residency comments and remarked that the CRC was not a judicial body and should not attempt to define the residency requirement. He offered that he would not support placement of this issue in the Charter.

- Erwin Jackson, 1341 Jackson Bluff Road, encouraged the CRC to adopt the Citizen Advisory Board amendment as the public needs every opportunity to express and exchange ideas. He encouraged the Committee to establish sanctions. In response to the proposed campaign finance limitation, he recommended the establishment of a Voter Education Committee to encourage debate between incumbents and identified challengers.

- Stephen Martin, 2625 Stonegate Dr., addressed the proposed environmental standards and opined that the County's standards are too lax. He expressed support for establishment of the Citizen Utility Board and concurred with the idea of debates between incumbents and challengers.
- Catherine Baer, Woodgate Neighborhood, stated that if commissioner residency requirements were not going to be enforced, all county commission seats should be changed to at-large position.
- Rick Malphurs, 6538 Treasure Oaks Circle, remarked that adoption of the Utility Advisory Board was extremely important and asserted that the County has been more pro-active than the city in regards to environmental standards.
- Larry Hendrix, 406 Alpha Avenue, provided input on the proposed amendments. He endorsed the more stringent environmental standards and also supported petition thresholds, Clerk Audit functions, Utility Advisory Board, and the lowering of campaign contributions. He urged consideration of enforcement of residency requirements and for the maximum access to county meetings and documents to all citizens.
- Scott Matteo, 3974 Calle De Santos, recommended that campaign finance reform proposal be replaced with term limits.
- The record will reflect that electronic comments on the amendments were provided by the following individuals:
 - Nick Providakis
 - Michael "Kevin" Gay
 - Erwin Jackson
 - Dennis Barton
 - Meile8830
 - R.L. Caleen, Jr.

VI. Close of Second Public Hearing

Chairman Holley closed the second public hearing at 8:07 p.m.

Mr. Bateman opined that it may have been beneficial to have conducted public hearings earlier in the process. Chairman Holley reminded the Committee that public input was welcomed at all CRC meetings and citizen participation was encouraged.

There was dialogue on the timeframe in which the Committee would approve the amendments. 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. Mr. Kinni advised that the rules state that the Committee must vote on amendments upon the conclusion of the final public hearing; however, the last public hearing can be continued to another date. Chairman Holley assured the Committee that they would spend as much time as necessary to ensure the amendments are agreed upon and approved by a majority of the members.

The Committee spent time discussing the scheduling of the meeting to approve the amendments. Chairman Holley requested that staff coordinate the date and time of the next meeting and convey this to members. Mr. Napier reminded staff to communication all options to absent members.

VII. Presentation of Draft Final Report

Chairman Holley requested feedback on the Draft 2009-10 Citizen Charter Review Committee Final Report, which was distributed to members.

VIII. Adjournment

Tom Napier moved, duly seconded by Jon Ausman, to adjourn the meeting. The motion carried 12-0 (Ralph Mason, Lester Abberger and Lance de-Haven Smith absent).

The meeting adjourned at 8:20 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Chris Holley, Chairman

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida