



PROPOSED AMENDMENTS
TO THE
LEON COUNTY CHARTER
TO BE VOTED ON
NOVEMBER 2, 2010
AS PROPOSED BY THE
CITIZEN CHARTER REVIEW
COMMITTEE

BACKGROUND

On November 5, 2002, the residents of Leon County adopted a Home Rule Charter providing for a local “home rule constitution” that specifies the structure, organization, and authority of county government.

There are three ways in which an amendment to the charter may be proposed: (1) Citizen Petition, (2) Board of County Commissioners, or (3) Citizen Charter Review Committee. In each case, approval by the electorate is required.

On October 13, 2009, the Board of County Commissioners convened the first Citizen Charter Review Committee. The Committee was charged with reviewing the County Charter and proposing any amendments or revisions for placement on the November 2, 2010 General Election Ballot.

The Committee was made up of 15 Leon County citizens that represented a broad cross section of the community. The Committee held 14 meetings during a five-month span taking public testimonies and promoting citizen participation through its website and televised broadcast. The Committee’s work resulted in the development of six proposed amendments for the November 2nd General Election Ballot.

This booklet provides a brief summary of the six Charter amendments proposed by the first Citizen Charter Review Committee, so that you are able to make an informed

decision when they appear on your November 2nd General Election Ballot.

Each of the six proposed Charter amendments is presented in the following manner:

Charter Amendment Summary: Provides a brief overview of the proposed amendment.

Ballot Title: The title of the Charter amendment that will be on the ballot.

Ballot Question: The language that will be presented on the ballot for voter approval.

Full Text: The proposed Charter amendment in its entirety including words to be ~~stricken~~ for deletions and words underlined for additions.

**For More Information, Please Visit the Citizen
Charter Review Committee Website at**

www.leoncountyfl.gov/charter

NO. 1
COUNTY ORDINANCE NO. 2010-20
COUNTY ORDINANCE AND CHARTER
AMENDMENT PETITION THRESHOLDS
ARTICLE IV, SECTION 4.1
ARTICLE V, SECTION 5.2

CHARTER AMENDMENT SUMMARY: The County Charter requires signatures of not less than 10% of the total number of qualified County electors in each of the five County districts, reflecting at least 10% of the total number of qualified electors countywide, in order to initiate County ordinances or amend the County Charter by petition. This amendment would reduce the number of signatures required for petitions proposing ordinances or charter amendments to 7% countywide, and 5% within each single-member district. In addition, it would clarify that existing prohibited subjects apply to charter amendments, in addition to ordinances.

BALLOT TITLE: Petition Thresholds and Prohibited Subjects as Proposed by the Citizen Charter Review Committee

BALLOT QUESTION: Shall the Home Rule Charter of Leon County, Florida be amended to lower the number of signatures required for petitions proposing ordinances or charter amendments from 10% of the electorate countywide, including at least 10% in each single member district, to 7% countywide, including at least 5% within each single member district; to clarify that existing

prohibited subjects apply to charter amendments, in addition to ordinances; effective January 1, 2011?

Yes _____

No _____

FULL TEXT OF PROPOSED AMENDMENTS:

Article IV, Section 4.1 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 4.1. Citizen initiative.

(1) **Right to Initiate.** The electors of Leon County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances, not in conflict with the Florida Constitution, general law or this Charter, upon petition signed by ~~at least~~ not less than ten ~~seven~~ percent ~~(10%)~~ (7%) of the total number of electors qualified to vote in the County reflecting not less than ten ~~five~~ percent ~~(10%)~~ (5%) of the total number of electors qualified to vote within each of the five (5) commission districts. The total number of electors qualified shall mean the total number of electors qualified to vote in the last preceding general election.

(2) **Procedure for Petition.** The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed and obtain a dated receipt therefore. Any such ordinances shall embrace but one (1) subject and matter directly connected

therewith. The sponsor shall cause a notice of such submission to be published within fourteen (14) days thereof in a newspaper of general circulation in the County. The allowable period for obtaining signatures on the petition shall be completed not later than one (1) year after initial receipt of the petition by the Supervisor of Elections. The sponsor shall comply with all requirements of general law for political committees, and shall file quarterly reports with the Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of signatures procured. The time and form of such reports may be prescribed by ordinance. When a sufficient number of signatures is obtained, the sponsor shall thereupon submit signed and dated forms to the Supervisor of Elections, and upon submission, shall pay all fees required by general law. The Supervisor of Elections shall, within sixty (60) days after submission of signatures, verify the signatures thereon, or specify a reason for the invalidity of each rejected signature, if the petition is rejected for insufficiency of the number of valid signatures. If the petition is rejected for insufficiency of the number of signatures, the sponsor shall have an additional thirty (30) days within which to submit additional signatures for verification. The Supervisor of Elections shall, within thirty (30) days of submission of additional signatures, verify the additional signatures. In the event sufficient signatures are still not acquired, the Supervisor of Elections shall declare the petition null and void and none of the signatures may be carried over onto another identical or similar petition.

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

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

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

Sec. 5.2. Home rule charter amendments.

(1) Amendments Proposed by Petition.

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

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

(C) The power to amend this Charter by initiative shall not extend to provisions related to the County budget, debt obligations, capital improvement programs, salaries of County officers and employees, the

assessment or collection of taxes or fees, the zoning of land, or matters inconsistent with the Constitution or general laws of Florida.

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

(A) A Citizen Charter Review Committee shall be appointed by the Board of County Commissioners at least twelve (12) months before the general election occurring every eight (8) years thereafter, to be composed and organized in a manner to be determined by the Board of County Commissioners, to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. Public hearings shall be conducted as provided by Section 125.63, Florida Statutes.

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

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

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

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

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

NO. 2
COUNTY ORDINANCE NO. 2010-21
CHARTER AMENDMENT
LIMITATION ON CAMPAIGN CONTRIBUTIONS
ARTICLE II, SECTION 2.2
ARTICLE III, SECTION 3.4

CHARTER AMENDMENT SUMMARY: This amendment would limit campaign contributions for candidates for county office to \$250 per election from any contributor, including a political committee. It would only apply to candidates for County Commission and County Constitutional Office seats.

BALLOT TITLE: Limitation on Local Campaign Contribution as Proposed by the Citizen Charter Review Committee

BALLOT QUESTION: Shall the Home Rule Charter of Leon County, Florida be amended to establish limits on campaign contributions for candidates for county commissioner and county constitutional offices to \$250 per election from individuals or political committees; effective January 1, 2011?

Yes _____

No _____

FULL TEXT OF PROPOSED AMENDMENTS:

Article II, Section 2.2 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 2.2. Legislative Branch.

(1) **The County Commission.** The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms of four (4) years. There shall be one (1) Commissioner elected for each of the five (5) County Commission districts, established pursuant to general law or by ordinance, and they shall be elected by the electors of that district. There shall be two (2) At-large Commissioners elected on a countywide basis by the electors of the County. Elections for all seven (7) members of the County Commission shall be non-partisan. Each candidate for the office of district County Commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for that office, and during the term of office each Commissioner shall reside in the district from which such Commissioner ran for office, provided that any Commissioner whose residence is removed from a district by redistricting may continue to serve during the balance of the term of office.

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

(3) **Salaries and Other Compensation.** Salaries and other compensation of the County Commissioners shall be established by ordinance, and

salary shall not be lowered during an officer's term in office.

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

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

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

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

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

Sec. 3.4. Limitation on Campaign Contributions.
No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of \$250 per election.

NO. 3
COUNTY ORDINANCE NO. 2010-22
CHARTER AMENDMENT
MINIMUM ENVIRONMENTAL REGULATIONS
ARTICLE I, SECTION 1.6

CHARTER AMENDMENT SUMMARY: This amendment would require the County to establish minimum environmental standards, procedures, requirements, and regulations countywide; however, it would not prohibit a municipality from adopting more stringent levels of environmental standards, procedures, requirements, and regulations, within its corporate limits.

BALLOT TITLE: Minimum Countywide Environmental Regulations as Proposed by the Citizen Charter Review Committee

BALLOT QUESTION: Shall the Home Rule Charter for Leon County, Florida be amended to provide that County ordinances shall establish minimum regulatory standards for the protection of the environment countywide, with an emphasis on supporting healthy natural systems in the environment; effective April 1, 2011?

Yes _____

No _____

FULL TEXT OF PROPOSED AMENDMENTS:

Article I, Section 1.6 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 1.6. Relation to Municipal Ordinances.

(1) Except as otherwise provided by law or this Charter, municipal ordinances shall prevail over County ordinances to the extent of any conflict within the boundaries of the municipality. To the extent that a county ordinance and a municipal ordinance shall cover the same subject without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

(2) Minimum Environmental Regulations. County ordinances shall establish minimum standards, procedures, requirements and regulations for the protection of the environment and shall be effective within the unincorporated and incorporated areas of the County. Such standards, procedures, requirements and regulations shall include, but shall not be limited to, tree protection, landscaping, aquifer protection, stormwater, protection of conservation and preservation features, and such other environmental standards as the Board of County Commissioners determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Leon County. Standards shall be designed to place emphasis on supporting healthy natural systems occurring in the environment. However, nothing contained herein shall prohibit a municipality from adopting ordinances, standards, procedures, requirements or regulations establishing a more stringent level of environmental protection within the incorporated area of the County.

NO. 4
COUNTY ORDINANCE NO. 2010-23
CHARTER AMENDMENT
TOURIST DEVELOPMENT COUNCIL
ARTICLE II, SECTION 2.3

CHARTER AMENDMENT SUMMARY: This amendment would reflect in the County Charter the current practice of Tourist Development Council staff reporting to the County Administrator.

BALLOT TITLE: Tourist Development Council Management Structure as Proposed by the Citizen Charter Review Committee

BALLOT QUESTION: Shall the Home Rule Charter for Leon County, Florida be amended to reflect the current practice of county government with oversight of the Tourist Development Council staff by the County Administrator; effective January 1, 2011?

Yes _____

No _____

FULL TEXT OF PROPOSED AMENDMENTS:

Article II, Section 2.3 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 2.3. Executive Branch.

(1) The County Administrator.

(A) The County Administrator shall be appointed by, and serve at the pleasure of, the Board of County Commissioners. The County Administrator shall be the chief executive officer of the County and all executive responsibilities and powers shall be assigned to, and vested in, the County Administrator. The County Administrator shall exercise all executive authority provided by this Home Rule Charter and all other powers and duties authorized by general or special law.

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

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

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

(2) Senior Management.

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

NO. 5
COUNTY ORDINANCE NO. 2010-24
CHARTER AMENDMENT
COUNTY ADMINISTRATOR
ARTICLE II, SECTION 2.3

CHARTER AMENDMENT SUMMARY: This amendment would provide that the County Administrator shall be appointed by an affirmative vote of a majority plus one of the Board; and, would require an affirmative vote of a majority plus one of the Board to terminate the County Administrator. The consideration for termination would have to occur following the first regularly scheduled meeting of the Board, after a motion expressing intent to remove the County Administrator was approved by a simple majority vote of the Board.

BALLOT TITLE: Employment of the County Administrator as proposed by the Citizen Charter Review Committee

BALLOT QUESTION: Shall the Home Rule Charter of Leon County, Florida be amended to provide the manner by which the County Administrator shall be employed and the manner by which the County Administrator is terminated; effective January 1, 2011?

Yes _____

No _____

FULL TEXT OF PROPOSED AMENDMENTS:

Article II, Section 2.3 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 2.3. Executive Branch.

(1) The County Administrator.

(A) The County Administrator shall be appointed by, ~~and serve at the pleasure of, the Board of County Commissioners~~ an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Administrator shall serve at the pleasure of the Board of County Commissioners until such time as the County Administrator shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Administrator was adopted by majority vote of those present and voting. The County Administrator shall be the chief executive officer of the County and all executive responsibilities and powers shall be assigned to, and vested in, the County Administrator. The County Administrator shall exercise all executive authority provided by this Home Rule Charter and all other powers and duties authorized by general or special law.

(B) The County Administrator shall be chosen on the basis of his/her professional qualifications, administrative and executive experience, and ability to serve as the chief administrator of the County. The

County Administrator shall reside within the County during his/her tenure as County Administrator.

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

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

(2) Senior Management.

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

NO. 6
COUNTY ORDINANCE NO. 2010-25
CHARTER AMENDMENT
NON-INTERFERENCE POLICY
ARTICLE II, SECTION 2.3

CHARTER AMENDMENT SUMMARY: This amendment would prohibit individual County Commissioners from giving instructions or directives to employees under the direct or indirect control of the County Administrator or County Attorney. A violation of the non-interference policy would be considered an act of malfeasance as cited in Article IV, Section 7(a) of the Florida Constitution. It would not prohibit a County Commissioner from discussing any County policy or program with a citizen or referring a citizen complaint or request for information to the County Administrator or County Attorney.

BALLOT TITLE: Non-Interference Policy as Proposed by the Citizen Charter Review Committee

BALLOT QUESTION: Shall the Home Rule Charter of Leon County, Florida be amended to provide for a non-interference policy which will not inhibit County Commissioners ability to address the concerns of citizens with the County Administrator or County Attorney, but prohibit interference with the performance of the duties of County employees under the direct or indirect supervision of the County Administrator or County Attorney; effective January 1, 2011?

Yes _____

No _____

FULL TEXT OF PROPOSED AMENDMENTS:

Article II, Section 2.3 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 2.3. Executive Branch.

(1) The County Administrator.

(A) The County Administrator shall be appointed by, and serve at the pleasure of, the Board of County Commissioners. The County Administrator shall be the chief executive officer of the County and all executive responsibilities and powers shall be assigned to, and vested in, the County Administrator. The County Administrator shall exercise all executive authority provided by this Home Rule Charter and all other powers and duties authorized by general or special law.

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

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

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

(2) Senior Management.

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

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

