

Board of County Commissioners

Agenda Request

Date of Meeting: August 4, 2008

Date Submitted: July 18, 2008

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Jennifer Langston, Special Projects Coordinator

Subject: Second Public Hearing for Adoption of a Home Rule Charter

Statement of Issue:

This agenda item is for the second, and final, of the two required public hearings for the Board's consideration of Adoption of a Home Rule Charter.

Background:

On February 4, 2008, the Board directed staff to research becoming a Charter County, and requested a Workshop for the Constitutional Officers, staff, and citizens to attend.

In March, per the Board's direction to learn more about charter government, County staff attended a one-day seminar hosted by the Florida Association of Counties entitled, "Understanding Charter Government", to further increase staff's knowledge of a Charter form of Government.

On April 7, 2008 a workshop was held to provide background information and an analysis of what a Charter form of government would mean to Wakulla County, and the process necessary to becoming one. At the following Board meeting, April 22, 2008, the workshop ratification item was thoroughly discussed, and the Board requested that the agenda item be tabled until Staff and Chairman had an opportunity to meet with the Constitutional Officers, the City of St. Marks, and City of Sopchoppy to review and discuss the potential impacts of a proposed charter on county government with a report back to the Board on the outcome of the meetings. As directed, staff and the Chairman met with both groups to discuss their questions or concerns.

On May 5, 2008 the Board ratified the actions at the April workshop, and voted unanimously to draft a simple charter that presents Wakulla County Government as found in current State law and for staff to engage KS&A as consultants on this endeavor. At the May 19, 2008 Board meeting, the Board approved the Consultant Services Agreement with KS&A, and authorized a workshop to be held on June 2, 2008 at 4:00 p.m. to discuss the key elements of the proposed charter. It was at this Board meeting that a schedule of proposed public meetings was put forth to educate and inform citizens about a charter form of government. Thereafter, staff met with KS&A to initiate an agreement for services in the amount of \$10,000 to include consultant participation, expertise, and assistance in becoming a Charter County.

On June 2, 2008 a workshop was held and a presentation was led by Kurt Spitzer which reviewed subject matter typically found in County Charters, including a variety of options for the Board's consideration. The workshop facilitated the decision-making process in moving forward with the contents of the County Charter.

The previous workshop actions were ratified on June 23, 2008, and affirmed the contents for the consultant to prepare a "Draft Charter" to be presented to the public for discussion at the community meetings. The Board's direction specified that the content of the Charter document should maintain current Wakulla County Government structure, and other issues should closely track Florida Statutes. The Board also directed that such amendments in the future to the Charter would be addressed at a General Election and not a Special Election.

Two Community meetings were held on July 10, 2008 & July 14, 2008. Public notice of the meetings was provided in the Wakulla News publication, posted on Wakulla.com and mywakulla.com websites. The purpose of these meetings was to encourage citizen participation in discussions regarding the proposed Draft County Charter, ask questions, or learn about elements of Charter Government.

At the July 21, 2008 Board meeting, the first of two required public hearings was held on the adoption of the Home Rule Charter Ordinance. At that meeting, the Board amended the Charter in the following ways:

1. Amended section 7.3.2 Amendment by Petition of the Charter Document to require that amendments to the charter proposed by petition must be signed by at least 30% of the qualified voters in the preceding general election, **and** 30% in each of the commission districts
2. Replace the term "County Manager" with "County Administrator"
3. Directed Staff to Insert a Preamble

Analysis:

(Attachment 1) is the Charter Ordinance prepared by the consultant that incorporates the direction given at the July 21, 2008 Board meeting. The County Attorney has reviewed and has incorporated the document into Ordinance format. The entire document encompasses the Board's direction provided from the multiple Board meetings and workshops as stated in the background section. The contents of the Charter Ordinance include:

Article I- Creation, Powers, and Ordinances of Home Rule Charter Government

General, introductory section of the Charter and includes: Creation and general powers of home rule charter government, Body corporate, name and boundaries, Construction, Special powers and duties of county, County purposes, Transfer of powers, Separation of powers, Relation to state law, and Conflict of County Ordinances with Municipal Ordinances.

Article II- Legislative Branch of the Board of County Commissioners

Composition, Redistricting, Qualifications and Election, Terms of office, Salary and other compensation, Vacancies and suspensions, Powers, Code of ordinances, and Administrative Code.

Article III- Administrative Branch; County Manager

County Administrator, Compensation and terms of employment, Powers and duties, Non-interference by Board of County Commissioners, and Temporary absence or incapacity.

Article IV- County Attorney

Article V- County Officers

Article VI- Powers Reserved to the People: Initiative & Recall

Initiative, Procedure for petition, Consideration by Board of County Commissioners, and Recall.

Article VII- Miscellaneous Provisions; Effective Date & Transition

Effective date, Transition, Continuation of laws, ordinances and contracts, Initial county commissioners, Initial County Manager and Initial County Attorney, Employee continuation, Continuation of agencies and advisory bodies, Outstanding bonds, Charter amendment, Amendment by Board of County Commissioners, Amendment by petition, Amendment referendum.

Staff is requesting that the Board provide direction regarding: *Article 6-Powers Reserved to the People: Initiative & Recall*. The Board has directed that the Charter document is to incorporate the current Wakulla County government structure into the Charter document. This section allows for ordinance-making authority that is not currently granted to the electors.

Section 6.1 Initiative

States that the electors have the right to initiate county ordinances in order to establish new legislation not in conflict with the State Constitution, general law, or this Charter, and to amend or repeal existing ordinances when such amendments or repeal are not in conflict with the State Constitution or general law, upon petition signed by a number at least equal to 8% of the electors qualified to vote in the preceding general election; provided that the number shall contain at least 8% of the qualified electors in at least 3 of the commission districts.

This is the second of two public hearings adopting the final Ordinance. If the ordinance is adopted by the County, it will then be sent to the Supervisor of Elections for submission to be included on the General Election Ballot in November.

Options:

1. Request Approval for the final public hearing, & Review Proposed Ordinance.
2. Do Not Approve the final public hearing & Do Not approve to review the proposed Ordinance.
3. Board Direction

Recommendation:

Option 1.

Attachment(s):

1. Home Rule Charter Ordinance