

Final Report

Columbia County

Charter Review Commission

2011-12

prepared by

Kurt Spitzer and Associates, Inc.

June 2012

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INTRODUCTION

This Report is submitted as part of the work of the second Columbia County Charter Review Commission. The Charter Review Commission (CRC) was appointed by the Columbia County Board of County Commissioners in June of 2011 pursuant to Section 8.4 of the Columbia County Charter.

The Charter was adopted by the voters of Columbia County in November of 2002. It operates like a “constitution” for the County, establishing the structure, powers and duties of the County officers and branches of government. Additionally, the Charter requires that a CRC is appointed by the Board of County Commissioners every eight years.

After their appointment, the CRC conducted an organizational meeting to select a chair and vice-chair. The CRC subsequently adopted operating rules. They also identified a work plan to identify and study issues, hear testimony from the public and elected officials, and make recommendations to the public for revisions to the charter.

The 15-member CRC operated independently of county government. Its mission was to review the Charter of the county, the operation of county government and the ways in which they might be improved or reorganized through revisions to the charter. The CRC adopted six tentative amendments to the charter that were reviewed at three public hearings. After the third and final Hearing, the CRC voted to send four of the tentative amendments to the November 2012 ballot for the consideration and vote of the county’s electorate.

The Charter Review Commission conducted 11 meetings and three public hearings to receive input from members of the public, civic leaders and local officials. They served without compensation. Members of the CRC are listed below.

Columbia County Charter Review Commission

2011-12

Koby Adams, Chair

Bettye Lane, Vice Chair

Jack Berry

Audrey Bullard

Rocky Ford

Ozell Graham

Walt Graham (*replaced David Roundtree*)

Nathan Morgan

David Morse

Zimmie Petty (*replaced Dean Taylor*)

Glynnell Presley

Dave Roundtree (*resigned September 26, 2011*)

Kim Skinner

Dean Taylor (*resigned March 29, 2012*)

Sheree Vann

Ray Walker

John Willis

Staff

Kurt Spitzer of KSA Governmental Consultants, Tallahassee, provided consulting services for the CRC. Legal Counsel to the CRC was Mark Watts of Cobb and Cole, Daytona Beach. Minutes and other records were kept by Deputy Clerk Sandy Markham. The liaison to the CRC from the Board of County Commissioners was Lisa Roberts, Assistant County Administrator.

Bylaws

During the early stages of its work, the Charter Review Commission adopted Roberts Rules of Order to govern its meetings and decision processes. The CRC also adopted Bylaws that impose additional requirements as relates to its operating procedures.

The Bylaws established procedures as to how issues for discussion were identified; whether they were to receive further examination and were placed on the schedule for public Hearings; and, whether they would be sent to the Board of County Commissioners for placement on the November 2012 ballot.

The CRC decided to require an affirmative vote of at least two-thirds of its membership present, with a minimum of eight affirmative votes, to send tentative amendments to the three Hearings for public comment.

Likewise, the CRC also required an affirmative vote of two-thirds of its membership present, with a minimum of eight affirmative votes, to send final amendments to the November 2012 ballot where the electorate will have the opportunity to vote for or against each of the amendments.

During the final Hearing of the CRC, 14 members were present, thus requiring an affirmative vote of at least 10 members to send a proposed Amendment to the ballot.

ISSUES CONSIDERED

Early in the process, staff provided the Charter Review Commission with a summary overview of each of the possible general revisions to service delivery mechanisms or changes to the county structure that were available for consideration.

After discussion, issues identified for further discussion were included in a “Decision Agenda.” Items identified for inclusion in the Decision Agenda were added to the remaining balance of the Charter Review Commission’s schedule and more detailed briefing documents were prepared by staff for the review and consideration of the CRC.

Subjects identified for the “Issues Agenda” and reviewed by the CRC included the following:

1. Termination of the County Administrator – The procedure that the Board of County Commissioners is required to follow to terminate the County Administrator. A proposed amendment is recommended in this policy area.
2. Appointment and Termination of County Department Heads - The procedures that the County Administrator and the Board of County Commissioners follow to retain and terminate Department Heads. A proposed amendment is recommended in one of these policy areas.
3. Citizen Initiative – The methods by which the electorate may propose ordinances by petition, including subject areas that such ordinances may concern. After discussion, no recommendations for amendments in this policy area were made by the CRC.
4. Term Limits for County Commissioners – Policy initiatives that place limitations on the number of consecutive times a County Commissioner may seek re-election to his or her

seat on the County Commission. While there was interest in discussing this issue by some of the CRC members, cases in front of Florida appellate courts on term limits were pending at the time that the CRC was meeting and existing case law indicated that such charter provisions were not consistent with the Florida Constitution and therefore illegal. No recommendations for amendments were proposed for public Hearings. (Note that shortly after the first Hearing of the CRC, the Florida Supreme Court issued a decision reversing its previous rulings and upheld such provisions in certain county charters.)

5. Districting System for the BCC - While charters can provide for different numbers of Commissioners and a wide variety of districting schemes, the system in Columbia is the result of an Order of a Federal Court. After examining the Court's Order to confirm that a charter amendment could be considered by the CRC and public, a tentative recommendation was adopted for review at the public Hearings. That measure would add two Commissioners to the Board of County Commissioners that would be elected "countywide" by all of the voters of Columbia County.

The Columbia County Charter currently provides for a five-member Board of County Commissioners elected from single-member districts. Under single-member districting systems, electors may vote only for the Commissioner residing in their district. It is generally believed that persons elected from single-member districts are more responsive to and reflective of the interests of their district. In Columbia County, such a districting system has allowed for the creation of a minority-access district.

However, while persons elected from single-member districts may be more responsive to the interests of their district, they may also be less responsive to the needs of the remaining areas of the county. Since most programs and budgetary decisions that a County Commission considers are delivered on a countywide basis, the CRC adopted a

tentative amendment providing for two additional members of the governing body that would be elected by and reflect the interests of all areas of the County.

However, testimony of the public provided during the Hearings clearly expressed a concern with the new costs associated with two additional seats on the County Commission. Although eight members voted for the proposed amendment, the measure did not receive the required two-thirds vote and was defeated.

6. Redistricting Process – The CRC examined alternative methods by which the districts of the Board of County Commissioners are proposed for revision every 10 years. A proposed amendment is recommended in this area.
7. Supplemental Public Notice – The Charter was amended in 2006 to provide for additional notice requirements using the Internet. The 2006 amendment required that agendas and backup information provided to the Board of County Commissioners (and subordinate boards) be placed on the Internet or a successor media to the Internet.

Pursuant to a request from the County Manager's office, the CRC discussed the efficacy of the 2006 amendment and proposed a tentative amendment for public Hearings deleting the new requirement. After receiving testimony during the public Hearings urging the CRC to retain the current policy, the measure did not receive the required two-thirds vote and was defeated.

8. County Attorney – The CRC examined whether the Office of the County Attorney should remain an elected position or become an appointed position that is hired and fired by the Board of County Commissioners, as it is in all other Florida counties. A proposed amendment is recommended in this area.

The CRC's rules provided that proposed amendments must be adopted by an affirmative vote of two-thirds of the members present (with a minimum of eight votes) before being placed on the ballot. Fourteen members of the CRC were present at the third Hearing, thus requiring an affirmative vote of at least 10 members to approve a recommendation.

After discussion and debate, hearing testimony at numerous public meetings and three public hearings, the Charter Review Commission approved four Charter amendments for placement on the November 2012 general election ballot.

ADOPTED RECOMMENDATIONS for REVISIONS to the CHARTER

The Charter Review Commission makes the following recommendations for amendments to the Charter:

1. AMENDMENT #1 – Establishes a Citizen Redistricting Advisory Committee to Make Recommendations Concerning Redistricting of the County Commission.

Redistricting of the County Commission is the process by which the principle of “one-person, one-vote” is furthered by adjusting district boundaries so that they are as nearly equal in population as is possible. It is a process that is primarily controlled by state and federal policy, and the final decision concerning redistricting is reserved to the Board of County Commissioners.

Redistricting must occur every ten years, during the first odd-numbered year after the U.S. Bureau of the Census completes the decennial census. Several factors are balanced together in the redistricting process to preserve “communities of interest” and to develop boundaries that are easily understood by the voters. Such factors are considered in total, with equal population and preservation of the voting strength of the minority population within a district being the dominant criteria.

However within such confines, a charter may provide for supplementary procedures concerning the redistricting process and the CRC pursued options to move the process away from the BCC to the extent possible.

The proposed amendment creates an independent citizen advisory committee to make recommendations on new redistricting plans to the BCC for their approval or rejection. It shifts responsibility for making the initial decisions concerning new district boundaries

away from the County Commission to an independent committee composed of electors of Columbia County who live in the county.

If approved by the voters, the amendment requires the BCC to appoint the Advisory Committee after receipt of the new census data. The Committee must have its first meeting prior to May 15th and is required to submit its first recommendation to the BCC by September. The County Commission may accept or reject that recommendation but if it rejects the recommendation, it must state its reasons for doing so in writing to the Committee.

If the County Commission rejects the initial recommendation, the Committee reconvenes and submits its next recommendation by October. The BCC may then accept, reject or modify the second recommendation and adopt a final recommendation prior to the end of the year.

To the extent allowed by law, the proposed amendment shifts the responsibility for redistricting away from the County Commission to an independent body, while recognizing that the final authority and responsibility for redistricting rests with the Board of County Commissioners.

2. AMENDMENT #2 – Provides for an Additional Method for the Termination of the County Manager by the Board of County Commissioners

The Charter currently provides that the Board of County Commissioners may terminate the County Manager by a majority vote of the entire BCC that occurs during two regularly-scheduled, consecutive meetings of the Board. The recommended amendment adds an additional method: By a majority-plus-one vote of the entire Board that may occur during a single regular or special meeting.

Columbia County operates under the Commission-Manager form of government, where responsibility for policy-making is vested in the Board of County Commissioners and responsibility for implementing policy was vested in a professional manager, who is hired and fired based on qualifications and job performance.

An integral part of the Commission-Manager form of government is the separation of the administration of county government from undue political influence. Charters often contain provisions that further the policy of separation of the legislative and executive functions, such as Columbia's non-interference clause, which recognizes that it is the County Manager who directly supervises his or her employees and prohibits individual members of the BCC from giving instructions or directives to employees who report to the County Manager. Providing that a decision to terminate must occur during two regular meetings furthers the separation between the legislative and executive functions of the County and the independence of the County Manager.

An amendment to provide for termination by a simple majority vote during a single meeting of the Board was considered but rejected by the CRC.

The proposed amendment adds an alternative termination method. Although permitting the termination decision to occur during a single meeting, the vote required to make such a decision must be by a "super-majority" of the entire BCC.

3. AMENDMENT #3 - Deletes a Department Head's Option to Appeal His or Her Termination by the County Manager to the County Commission

Department heads are senior-level staff who are employees "at will" in Columbia County that report exclusively to the County Manager. They are appointed, supervised and terminated (with or without cause) by the Manager.

However, the Charter provides that a decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners and overturned pursuant to policy adopted by the Board. Provisions such as this are very unusual in Florida charter counties.

The CRC examined the issue of the Department Head's right to appeal his or her termination. The CRC also discussed whether it would be preferable to require BCC confirmation of the County Manager's nomination of a Department Head at the time of appointment.

After discussion on both issues - the right of a Department Head to appeal his or her termination to the BCC and a requirement for BCC confirmation of newly-appointed Department Heads – the CRC believed that the best policy was to provide the County Manager with the tools necessary to build his or her senior management team in the County. A key feature of such a policy is the ability to retain and terminate senior department heads without the undue influence of the legislative body. If the BCC is dissatisfied with the performance of the County Manager or some aspect of the way in which county policies are being implemented, the option to terminate the County Manager always exists.

The CRC therefore recommends that the Department Heads' ability to appeal a decision to terminate to the BCC be removed from the Charter. The CRC further recommends that the Charter's current policy allowing the County Manager to fill such positions without Board confirmation remain unchanged.

4. AMENDMENT #4 – Replaces the Elected Office of the County Attorney with an Attorney Appointed and Terminated by the County Commission based on Qualifications and Performance.

Columbia County remains the only county in Florida where the County Attorney is an elected office. In all other Florida counties (charter and non-charter alike) the County Attorney is retained based on training, education and performance by the Board of County Commissioners. In all other counties, the County Attorney is employed by and reports to the Board of County Commissioners, except in those jurisdictions that have a chief elected executive position that hires and fires all staff.

In those counties outside of Florida where there is an elected County Attorney, that position is typically the equivalent of a County Prosecutor or a "State Attorney" that is elected by the voters of the county and only serves the citizens of the county in prosecuting criminal matters on behalf of the state.

The current practice in Columbia County has its origins in a Special Act passed by the Florida Legislature 60 years ago and well before the Florida Constitution was revised and modernized by Florida's electorate in 1968.

The current Charter provision creates a system where the client – in this case the Board of County Commissioners - does not have the ability to hire or fire its primary legal advisor. It creates a situation where the office holder (the County Attorney) has no direct duties or specific responsibilities to the public – the entity who selected the office holder.

The proposed charter amendment would eliminate the elected status of the Office of the County Attorney after the current term of office has concluded. It would be replaced by an appointed position that is hired and fired by the County Commission based on qualifications and job performance. The proposed amendment does not specify whether the position is a full-time employee or part-time position retained on a contractual basis; that decision is left to the Board of County Commissioners within budget constraints.

APPENDIX A

Resolution of the Charter Review Commission and Proposed Amendments to the Columbia County Charter

A RESOLUTION OF THE CHARTER REVIEW COMMISSION OF COLUMBIA COUNTY, FLORIDA, PROPOSING CHARTER AMENDMENTS FOR COLUMBIA COUNTY, FLORIDA; PROVIDING FOR TRANSMISSION OF THE PROPOSED CHARTER AMENDMENTS TO THE BOARD OF COUNTY COMMISSIONERS FOR THE CALLING OF A REFERENDUM ON THE PROPOSED CHARTER AMENDMENTS; PROVIDING AN EXPLANATORY STATEMENT AND BALLOT TITLE FOR EACH AMENDMENT; AND AUTHORIZING MINOR CORRECTIONS BY THE CHAIR AND STAFF

WHEREAS, pursuant to the provisions of Section 8.4 of the Columbia County Charter, the Board of County Commissioners of Columbia County has appointed a Charter Review Commission; and

WHEREAS, the Charter Review Commission has received extensive public input and has deliberated and considered the desirability of certain amendments to the Columbia County Charter; and

WHEREAS, the Charter Review Commission has held not less than three public hearings at the times required by law and has thereupon approved all amendments it deems necessary or desirable;

NOW, THEREFORE, BE IT RESOLVED BY THE COLUMBIA COUNTY CHARTER REVIEW COMMISSION, AS FOLLOWS:

1. That the Charter Review Commission does hereby adopt and forward to the Board of County Commissioners proposed Charter Amendments for Columbia County in the form attached as Exhibit A.

2. The Board of County Commissioners is requested to call a special election pursuant to law, concurrent with the next general election, for purposes of a referendum on the proposed Amendments.

3. The ballot title for each Amendment to the Columbia County Charter shall be as set forth in the said Exhibit A.

4. The substance of each proposed Charter Amendment to appear on the ballot shall be as set forth in the said Exhibit A.

5. The Chair, consultant and counsel to the Charter Review Commission are authorized and directed to make such minor modifications and changes to the ballot title and statement of substance approved herein as may be necessary or desirable under the Constitution and laws of the State of Florida, so long as such changes do not alter the substance of this Resolution or of any Amendment; and they are further authorized to present to the Board of County Commissioners, and to make public, a report of the proposed Charter Amendments; and

otherwise to take all actions necessary and desirable to cause the proposed Charter Amendment to be subject to referendum approval. The Chair is further authorized to approve final expenses of the Charter Review Commission for payment.

6. The Charter Review Commission may reconvene at the call of the Chair or a majority of its members, at any time prior to its dissolution, for the purposes of planning and holding educational sessions concerning the proposed Charter Amendments, and ratifying final expenses approved for payment by the Chair, or for the conduct of any other lawful business.

APPROVED by the Columbia County Charter Review Commission this 5th day of June, 2012.



CHAIR Koby Adams

ATTEST:



VICE CHAIR Bettye Lane

EXHIBIT A

PROPOSED CHARTER AMENDMENTS FOR REFERENDUM

**(CHANGES TO EXISTING CHARTER ARE SHOWN BY ~~DELETION~~ AND
ADDITION)**

AMENDMENT 1

ESTABLISHES CITIZEN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING REDISTRICTING.

Summary:

SHALL ARTICLE 2, SECTION 2.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO PROVIDE FOR THE CREATION OF A CITIZEN REDISTRICTING ADVISORY COMMITTEE COMPOSED OF REGISTERED VOTERS RESIDING IN COLUMBIA COUNTY TO ADVISE THE BOARD OF COUNTY COMMISSIONERS DURING THE REDISTRICTING PROCESS AND SETTING FORTH CRITICAL TIMEFRAMES FOR ACTION?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2, Section 2.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.2 *Redistricting*

In the first odd-numbered year after each decennial census, the Board of County Commissioners shall initiate the process to divide the county into districts of contiguous territory, following the existing boundaries of municipalities where possible and as nearly equal in population as possible. The Board of County Commissioners may initiate the process to redive the districts in any other odd-numbered year

Recommendations for redistricting shall be the responsibility of a citizens redistricting committee appointed by the Board of County Commissioners. The redistricting committee shall be funded by the Board of County Commissioners. The redistricting committee shall be composed of an odd number of not less than 11 and not more than 15 members. No elected officials nor employees of Columbia County shall be a member of the redistricting committee. All members of the redistricting committee shall be registered voters residing within Columbia County. Vacancies shall be filled within 30 days in the same manner as the original appointment. The redistricting committee shall have its first meeting before May 15 of the odd numbered year in which redistricting is required. The redistricting committee shall adopt rules of procedure to govern its actions and all meetings of the redistricting committee shall be open to the public and conducted in compliance with Florida's sunshine laws. The redistricting committee shall, to the extent practicable and consistent with the law, preserve the several municipalities and geographically cohesive racial or ethnic minority communities from

fragmentation. The redistricting committee shall present their recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting of September of that year. The Board of County Commissioners may approve the recommendation without amendment or reject the recommendation with written explanation for the rejection provided to the redistricting committee. If the recommendation is rejected, the redistricting committee shall reconvene and consider the written explanation for rejection presented by the Board of County Commissioners. The redistricting committee shall present their final recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting in October of that year. The Board of County Commissioners shall act upon the recommendation of the redistricting committee at that meeting by accepting, modifying or rejecting the redistricting committee's recommendation. If the Board of County Commissioners modifies or rejects the final recommendation of the redistricting committee, it shall adopt a final redistricting plan no later than the Board of County Commissioner's first regular meeting in December.

Whenever the boundaries of existing county commissioners' districts are changed by the Board of County Commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for four (4) consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the Board of County Commissioners. The publication of such copy shall be for information only and shall not be jurisdictional.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.2, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 2

PROVIDING ADDITIONAL METHOD FOR REMOVAL OF THE COUNTY MANAGER BY THE BOARD OF COUNTY COMMISSIONERS

Summary:

SHALL ARTICLE 2, SECTION 2.8(1) OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO REMOVE THE COUNTY MANAGER BY A MAJORITY PLUS ONE VOTE OF THE ENTIRE BOARD AT ONE MEETING, ALLOWING THE ONE MEETING TO BE A SPECIAL MEETING, IN ADDITION TO THE EXISTING OPTION OF BY A MAJORITY VOTE OF THE ENTIRE BOARD AT EACH OF TWO SUCCESSIVE REGULAR MEETINGS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2. Section 2.8(1) of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.8 Powers

2.8.1 Appoint and reappoint the County Manager by a vote of a majority of the entire Board of County Commissioners, and remove the County Manager during a contract term by either a majority vote of the entire Board of County Commissioners at each of two successive regular meetings or by a majority plus one vote of the entire Board of County Commissioners at one meeting of the Board of County Commissioners, which meeting may be a regular meeting or a special meeting.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.8, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 3

REMOVES A DEPARTMENT HEAD'S OPTION TO APPEAL TERMINATION BY COUNTY MANAGER TO THE COUNTY COMMISSION.

Summary:

SHALL ARTICLE 4, SECTION 4.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO REMOVE THE ABILITY OF A DEPARTMENT HEAD TO APPEAL HIS OR HER TERMINATION BY THE COUNTY MANAGER TO THE BOARD OF COUNTY COMMISSIONERS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 4, Section 4.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 4

ADMINISTRATIVE DEPARTMENTS

4.2 *Department Heads*

Department heads shall be appointed, supervised and terminated by the County Manager, and shall be employees at will and shall be responsible to the County Manager. The County Manager shall have the sole authority to terminate any department head with or without cause. ~~The decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners pursuant to policy adopted by the Board.~~

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 4, Section 4.2, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 4

PROVIDING FOR APPOINTMENT OF QUALIFIED COUNTY ATTORNEY BY COMMISSION; ABOLISHING ELECTED OFFICE OF COUNTY ATTORNEY.

Summary:

SHALL ARTICLE 5, SECTION 5.2.1 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO SUPERCEDE LAWS OF FLORIDA CH. 27476, NO. 997 TO REMOVE THE ELECTED OFFICE OF COUNTY ATTORNEY; AMEND THE TITLE OF ARTICLE III; CREATE ARTICLE 3, SECTION 3.6 TO ESTABLISH THE OFFICE OF COUNTY ATTORNEY, PROVIDE AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS REGARDING THE HIRING AND FIRING, QUALIFICATIONS, POWERS, DUTIES AND TERMS OF EMPLOYMENT OF THE COUNTY ATTORNEY.

_____yes

_____no

Section 1 - Text of Amendment:

Article 5, Section 5.2.1 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 5 COUNTY OFFICERS

5.2 *Non-partisan election of county officers*

5.2.1 The County Commissioners, ~~the County Attorney~~, the Superintendent of Schools and the County Constitutional Officers shall be elected on a non-partisan basis.

The title of Article 3 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 3 ADMINISTRATIVE BRANCH: COUNTY MANAGER AND COUNTY ATTORNEY

3.6 *County Attorney*

The Office of County Attorney. There shall be a County Attorney who shall be appointed by the Board of County Commissioners on the basis of professional training, experience and qualifications. The County Attorney shall serve at the direction and pleasure of the Board of County Commissioners. The County Attorney shall be licensed by The Florida Bar to practice law within the State of Florida and shall meet other such minimum qualifications that shall be established by County ordinance. The County Attorney shall be responsible directly to

the Board of County Commissioners and shall provide legal services to the Board of County Commissioners, county departments, and county boards and agencies. The County Attorney shall provide for the prosecution and defense of legal causes on behalf of the County. The County Attorney shall prepare and submit an annual budget to the Board of County Commissioners for appropriations necessary for the Office of County Attorney to carry out the full and faithful performance of its responsibilities. Employees of the Office of County Attorney shall serve at the pleasure of the County Attorney. The Board of County Commissioners shall establish the compensation for the County Attorney at a level which is commensurate with the requirements of the position. The terms and conditions of compensation and employment of the County Attorney shall be set forth in a contract. The County Attorney may be terminated by a majority vote of the Board of County Commissioners. Notwithstanding the authority provided to the County Manager pursuant to Article 4 of the Home Rule Charter for Columbia County, authority to hire or terminate the County Attorney shall reside only with the Board of County Commissioners and the County Manager shall be without authority to hire or terminate the County Attorney or any employee of the Office of County Attorney. This section shall take effect upon the expiration of the current term of the elected County Attorney holding office as of the date this amendment is approved by the voters.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 5, Section 5.2, and Article 3, Section 3.6, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

APPENDIX B

Charter of Columbia County (2006)

HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA

PREAMBLE

THE PEOPLE OF COLUMBIA COUNTY, FLORIDA, by the grace of God free and independent, in order to attain greater self-determination, to exercise more control over our own destiny, to create a more responsible and effective government, and to guarantee constitutional rights to all equally, do hereby ordain and establish this Home Rule Charter as our form of government for Columbia County.

ARTICLE 1

CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT

1.1 Creation and general powers of home rule charter government

Columbia County shall be a home rule charter county, and, except as may be limited by this Home Rule Charter, shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.

1.2 Body corporate, name and boundaries

Columbia County shall be a body corporate and politic. The corporate name shall be Columbia County. The county seat and boundaries shall be those designated by law on the effective date of this Charter.

1.3 Construction

The powers granted by this Home Rule Charter shall be construed broadly in favor of the charter government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government, as stated in this article. It is the intent of this article to grant to the charter government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the charter government.

1.4 Special powers and duties of county

1.4.1 County purposes. *The county, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter, heretofore*
(INCLUDES REVISED NOVEMBER 7, 2006-GENERAL ELECTION APPROVED AMENDMENTS)

granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

1.4.2 Municipal purposes. *The county shall have all necessary powers to accomplish municipal purposes within special districts. Property situated within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents not within municipal boundaries, nor shall property situated in the county be subject to taxation for services provided by the county exclusively for the benefit of the property or residents within municipal boundaries. To this end, the Board of County Commissioners may by ordinance create districts for the purpose of levying ad valorem taxes and special assessments to pay for the furnishing of municipal services, and the tax imposed shall be within the limits of millage set for municipal purposes. Should such services be furnished within a municipality, the total millage levied by the municipality and the county district levy for this municipal purposes shall not exceed the maximum millage set by law for municipal purposes.*

1.5 Transfer of powers

Whenever a municipality, special district or agency shall request the performance or transfer of a function to the county, the county shall have the power and authority to assume and perform such functions and obligations. This section does not authorize a transfer in violation of Article VIII, §4 of the Constitution of Florida.

1.6 Division of powers

This Charter hereby establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Manager.

1.7 Relation to state law

The provisions of this Charter are not intended, and shall not be construed, to conflict with the Constitution of the State of Florida, general law, or special law approved by vote of the electorate.

1.8 Conflict of County Ordinances with Municipal Ordinances; Pre-Exemption

Notwithstanding any other provisions of this charter, any County ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the

extent of such conflict regardless of whether such municipal ordinance was adopted or enacted before or after the County ordinance, provided, however, that the County may by ordinance adopt minimum countywide standards for (i) regulating adult entertainment, (ii) protecting the environment by regulating air or water pollution, (iii) outdoor burning, (iv) hours of sale of alcoholic beverages, (v) animal control, (vi) firearms and weapons, and (vii) protection of Level of Service standards for County-maintained roads. The intent of this section is that no person within a municipality shall be governed simultaneously by two sets of ordinances covering the same subject matter, activity, or conduct, except in matters of minimum adult entertainment, pollution, regulatory standards, outdoor burning, hours of sale of alcoholic beverages, animal control, firearms and weapons, and protection of Level of Service standards for County-maintained roads. Where a county ordinance establishes a minimum standard as authorized by this section, nothing prevents a municipality from establishing a more restrictive ordinance which shall prevail within its municipal boundaries to the extent of any conflict with county ordinance.

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.1 Composition

There shall be five county commissioners' districts in Columbia County, which shall be numbered one to five, inclusive, the districts together covering the entire county and as nearly equal in population as practicable. Five County Commissioners shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner.

2.2 Redistricting

In the first odd-numbered year after each decennial census, the Board of County Commissioners shall divide the county into districts of contiguous territory, following the existing boundaries of municipalities where possible and as nearly equal in population as possible. The Board of County Commissioners may redivide the districts in any other odd-numbered year. Whenever the boundaries of existing county commissioners' districts are changed by the Board of County Commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for four (4) consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the Board of County Commissioners. The publication of such copy shall be for information only and shall not be jurisdictional.

2.3 *Qualifications and Election*

County commissioners shall be qualified electors of the county. Commissioners shall reside one in each of the commission districts. Candidates shall reside in their respective districts at the time of qualifying to run, or at the time of appointment to any vacancy. Candidates shall otherwise qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties, except that election shall be non-partisan as provided in Section 5.2 of this Charter. Any commissioner who shall remove his or her residency from the district for which he or she is elected shall thereupon become disqualified to represent said district and the office of any such commissioner shall be deemed vacant, except that any commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

2.4 *Terms of office*

Each commissioner shall be elected for a term of four (4) years, beginning on the second Tuesday after election, and continuing after such term until his or her successor is elected and qualified. Terms shall be staggered so that one more or one less than half of the commissioners elected from residence areas are elected every two years.

2.5 *Salary and other compensation*

Salary and other compensation of the county commissioners shall be the same as those set by general law for the county commissioners of non-charter counties.

2.6 Vacancies and suspensions

Vacancies in any county commissioner's office or other elected county office shall be filled in accordance with the Constitution and general laws of Florida, except that the filling of any vacancy by election shall be on a non-partisan basis as provided in this Charter. Commissioners and other elected county officers may be suspended or removed from office in accordance with the Constitution and general laws of Florida, and in addition may be recalled from office as provided in this Charter.

2.7 Meetings

The organizational meeting of the Board of County Commissioners shall be held on a date in December of each year which is established by the Board of County Commissioners in the County Administrative Code. At its organizational meeting the Board of County Commissioners shall elect a chair and vice-chair by majority vote to serve for a period of one (1) year, and shall each year thereafter elect from its membership a chair and a vice-chair, who may succeed themselves.

*The Board of County Commissioners shall provide by resolution for the location, time and place for holding all regular meetings of the Board of County Commissioners.
[as amended January 1, 2007]*

2.7.1 Special meetings. *Special meetings may be held on call of the chair or two (2) or more commissioners. Upon call for a special meeting, the County Manager shall give adequate public notice of the time, place, and purpose of the meeting in accordance with the procedures established in the administrative code. Action by the Board of County Commissioners at a special meeting shall be limited to the purpose for which the special meeting was called.*

2.7.2 Location of meetings. *The Board of County Commissioners shall meet at the county seat except that it may determine by resolution, from time to time, the place or places within the county at which the Board of County Commissioners shall meet for the purpose of conducting its business, provided that the notice of the time and place shall be published in a newspaper of general circulation in the county at least one (1) week prior to the holding of any such meeting outside the county seat. Such notice shall contain an agenda of all matters to be acted upon.*

2.8 Powers

The Board of County Commissioners shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida, provided that such powers shall be exercised in a manner consistent with this

Charter. The Board of County Commissioners, in addition to the powers and duties provided in the Charter, shall have the specific powers and duties to:

(1) Appoint and reappoint the County Manager by a vote of a majority of the entire Board of County Commissioners, and remove the County Manager during a contract term by a majority vote of the entire Board of County Commissioners at each of two successive regular meetings.

(2) Adopt such ordinances as may be necessary to carry out both county and municipal powers and purposes; except that the Board of County Commissioners shall not have the power currently granted by law to municipalities to impose a utility or public services tax.

(3) Review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all county governmental operations including but not limited to county management, all administrative departments of the government, adjustment boards and special authorities and tax districts which request a portion of the millage levied for county purposes under the Constitution of Florida or such other millage as may be levied by the county for municipal service districts, excepting the school system.

(4) Adopt by a two-thirds vote of the entire Board of County Commissioners such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the Board of County Commissioners.

(5) Designate which officers and employees shall be bonded and fix the amount and approve the form of the bond.

(6) Adopt an Administrative Code. The Administrative Code shall organize the administration of county government and set forth the duties, powers and operating procedures of all County officials, agencies and departments under the Board of County Commissioners. The Administrative Code shall not apply to the elected county constitutional officers.

(7) Exercise any power of the County not lodged in any other office by this Charter.

2.9 Legislative procedures

The Board of County Commissioners may take official action only by the adoption of ordinances, resolutions or motions. Except as otherwise provided by this Charter, all ordinances, resolutions or motions shall be adopted by majority vote of the entire Board

of County Commissioners in accordance with the provisions of the Constitution and laws of Florida. A majority of the entire Board of County Commissioners shall constitute a quorum and the concurrence of a majority of the entire Board shall be required to adopt, amend or repeal any ordinance. The concurrence of a majority of those present shall be required to adopt, amend or repeal a resolution or motion under the terms of this provision. All commissioners in attendance, including the chair or presiding officer, shall vote on all Board of County Commissioners actions except when prevented from doing so by a provision of general law.

2.10 Code of ordinances

The Board of County Commissioners shall maintain a current codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis.

2.11 Public Notice and Information

*In addition to any notice required by law, the Board of County Commissioners shall use the Internet, or any other widely available and economically feasible technology hereafter developed and specified in the Administrative Code, to provide the public with convenient and timely access to its regular and special (non-emergency and non-confidential) meeting agendas, including the information provided to the Board for its consideration. The failure of the Board to provide such information shall not invalidate any action as to which all statutorily required notice has been provided, but such failure may be deemed nonfeasance in office. The Board shall also adopt measures to ensure that such information is available for the meetings of any subordinate boards for which any notices in addition to those required by Section 286.011, Florida Statutes, are required to be published.
[as amended November 7, 2006].*

ARTICLE 3
ADMINISTRATIVE BRANCH: COUNTY MANAGER

3.1 County Manager: qualifications

There shall be a County Manager who shall be appointed by the Board of County Commissioners and who shall serve at the pleasure of the Board of County Commissioners. The County Manager shall be chosen on the basis of his or her professional training, executive and administrative experience and qualifications. The County Manager need not be a resident of the County at the time of appointment but shall maintain residency within the county during the tenure of office and shall not engage in any other business or occupation without the express approval of the Board of County Commissioners.

3.2 Compensation and terms of employment

The Board of County Commissioners shall establish the salary for the County Manager at a level which is commensurate with the requirements of the position and shall at least annually review the performance and salary. Terms and conditions of compensation and employment shall be set forth in a contract.

3.3 Powers and duties

The County Manager shall be head of the administrative branch of county government, and shall be responsible to the Board of County Commissioners for the proper administration of all affairs of the county. The County Manager shall attend all regular and special meetings of the Board and shall have the right to participate in its discussions. The County manager shall prepare and submit the annual operating and capital program budgets to the Board of County Commissioners, and execute the budget and capital programs in accordance with appropriations and ordinances enacted by the Board of County Commissioners.

The County Manager shall:

- (1) Administer and carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances, and regulations of the Board to assure that they are faithfully executed.*
- (2) Report to the Board on action taken pursuant to any directive or policy within the time set by the Board and provide an annual report to the Board on the state of the county, the work of the previous year, and any*

recommendations as to actions or programs the administrator deems necessary for the improvement of the county and the welfare of its residents.

(3) Provide the Board, or individual members thereof, upon request, with data or information concerning county government and to provide advice and recommendations on county government operations to the Board.

(4) Establish the schedules and procedures to be followed by all county departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process.

(5) Prepare and submit to the Board after the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year and submit his or her recommendations.

(6) Supervise the care and custody of all county property.

(7) Recommend to the Board a current position classification and pay plan for all positions in county service.

(8) Develop, install, and maintain centralized budgeting, personnel, legal, purchasing and other administrative procedures and systems.

(9) Organize the work of county departments, subject to an administrative code developed by the manager and adopted by the Board, and review the departments, administration and operation of the county and make recommendations pertaining thereto for reorganization by the Board.

(10) Employ, supervise, discharge, or remove any employee under the jurisdiction of the Board pursuant to procedures adopted by the Board.

(11) Negotiate leases, contracts, and other agreements, including consultant services, for the county, subject to approval of the Board, and make recommendations concerning the nature and location of county improvements. Ensure that all terms and conditions in all leases, contracts, and agreements are performed and notify the Board of any noted violation thereof.

(12) *Order, upon advising the Board, any agency under the manager's jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the county government to do so.*

(13) *Perform such other duties as may be required by the Board of County Commissioners.*

3.4 *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 Manager by giving said employee or employees any instruction or directives. Such action shall be 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 Manager or County Attorney.

[as amended November 7, 2006].

3.5 *Temporary absence or incapacity*

The Board of County Commissioners may appoint an acting manager in the case of vacancy or temporary absence or disability of the County Manager, until a successor has been appointed and qualified or until the County Manager returns.

ARTICLE 4

ADMINISTRATIVE DEPARTMENTS

4.1 *Initial departments*

The initial departments of the Board of County Commissioners shall be those that exist upon the adoption of this Charter. Departments may be created, revised, merged or abolished by the Board of County Commissioners.

4.2 *Department heads*

Department heads shall be appointed, supervised and terminated by the County Manager, and shall be employees at will and shall be responsible to the County Manager. The County Manager shall have the sole authority to terminate any department head with or without cause. The decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners pursuant to policy adopted by the Board.

ARTICLE 5

COUNTY OFFICERS

5.1 County constitutional officers

The constitutional offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections shall remain as elected constitutional officers, and their powers, duties and functions will not be altered by this Home Rule Charter. The constitutional officers shall perform their executive and administrative functions as specified by law. The Clerk of the Court shall be ex officio clerk of the Board of County Commissioners, auditor, recorder and custodian of all county funds.

5.2 Non-partisan election of county officers

5.2.1 Non-partisan offices. *The County Commissioners, the County Attorney, the Superintendent of Schools and the County Constitutional Officers shall be elected on a non-partisan basis.
[as amended November 7, 2006].*

5.2.2 Non-partisan election procedures

(a) The name of an unopposed candidate for an office provided to be non-partisan by this Charter shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the first primary election. If any candidate for such office receives a majority of the votes cast for such office in the first primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

(c) The candidate who receives the highest number of votes cast for the office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

5.2.3 Qualification by petition. *A candidate for non-partisan office may qualify for election to such office by means of the petitioning process provided in general law.*

5.2.4 Other provisions. *In all respects not expressly provided in this charter, non-partisan elections shall be governed by the procedures set forth in general law for non-partisan school board elections; provided that nothing therein shall impair the constitutional rights of candidates to freedom of expression and association.*

ARTICLE 6
POWERS RESERVED TO THE PEOPLE:
INITIATIVE AND RECALL

6.1 Initiative

The electors of Columbia County shall have the right to initiate county ordinances in order to establish new legislation that is 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 seven percent of electors qualified to vote in the last preceding general election; provided that the number shall contain at least seven percent of the qualified electors in three or more commission election districts. Any citizen also has a constitutional right to instruct representatives and petition for redress of grievances.

6.1.1 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 therefor. Any such ordinance shall embrace but one subject, and matter directly connected therewith. The sponsor shall cause a notice of such submission to be published within fourteen days after the date of submission, in a newspaper of general circulation in the County. The allowable period for obtaining signatures on the petition shall be completed not later than six months 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, 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 verify the additional signatures. In the event sufficient signatures are still not acquired, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.*

6.1.2 Consideration by Board of County Commissioners. *Within sixty (60) days after the requisite number of names 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 a public hearing on the proposed ordinance according to law 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.*

6.1.3 Limitation on ordinances by initiative. *The power to enact, amend or repeal an ordinance or amend this Charter by initiative shall not include ordinances or provisions relating to administrative or judicial functions; the county budget; debt obligations, capital improvement programs, salaries of county officers and employees, the assessment or collection of taxes; or matters inconsistent with the Charter, the general laws of Florida, or the Florida Constitution.*

6.2 Recall

The County Commissioners shall be subject to recall as provided by general law. Any elected constitutional county officer may be recalled in the manner provided by general law for recall of a county commissioner of a charter county. A successor to the unexpired term of office of any recalled commissioner or elected constitutional county officer shall be selected in the manner provided by the Constitution or general laws of Florida for filling of vacancies in office after recall in charter counties.

ARTICLE 7 **SPECIAL DISTRICTS AND AUTHORITIES**

As provided in Article VIII, §1(g) and §6 of the State Constitution, the Board of County Commissioners may by ordinance amend or repeal any local or special act of the Legislature applicable solely to the unincorporated area of the County.

ARTICLE 8
MISCELLANEOUS PROVISIONS

8.1 *Effective date*

This Charter shall become law when approved by a majority of those electors voting on the matter in a referendum to be held in the county in November 2002 under the provisions of the Constitution and laws of Florida. The Charter Government shall assume all powers and duties provided by this Charter on the first day of January 2003, the effective date of this Charter.

8.2 *Transition*

8.2.1 *Continuation of laws, ordinances and contracts.* *Unless expressly provided otherwise in this Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Columbia County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected county officer, whose term shall continue as if this Charter had not been adopted.*

8.2.2 *Initial county commissioners.* *The persons comprising the Columbia County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the charter government and shall perform the functions thereof until the expiration of their terms or until qualification of their successors as provided by law.*

8.2.3 *Initial County Manager and attorney.* *The County Administrator and County Attorney serving on the effective date of this Charter shall serve as the County Manager and County Attorney respectively.*

8.2.4 *Employee continuation.* *All employees of the former county government shall on the effective date of this Charter become employees of the county government created by this Charter. All existing wages, benefits, collective bargaining certifications and agreements, contracts and conditions of employment shall continue, until modified by lawful action of the Board of County Commissioners.*

8.2.5 Continuation of agencies and advisory bodies. *All existing appointments or designations of non-governmental agencies or corporations to act as official agencies of the County shall remain in full force and effect in accordance with their original terms, until amended or terminated by the Board of County Commissioners in accordance with the terms of such appointment and the provisions of this Charter. All members of advisory boards, resource groups or committees appointed for terms expiring after the effective date of this Charter shall continue to serve their terms without necessity of reappointment under this Charter.*

8.2.6 Outstanding bonds. *All bonds, revenue certificates, and other financial obligations of the county outstanding on the effective date of this Charter shall be obligations of the charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not taken effect.*

8.3 Charter amendment

8.3.1 Amendment by Board of County Commissioners. *The Board of County Commissioners, upon the concurrence of not fewer than a majority plus one of its entire membership, shall have the authority to propose by ordinance amendments to this Charter not inconsistent with the State Constitution or with general law.*

8.3.2 Amendment by petition. *Amendments to this Charter, not inconsistent with the State Constitution or with general law, may be proposed by a petition signed by a number of electors at least equal to ten per cent of the number of electors qualified to vote in the last preceding general election; provided that the number shall contain at least ten percent of the number of such qualified electors in three or more commission election districts ; and further provided that any such amendment shall embrace but one subject and matter directly connected therewith. The sponsor of an amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed. The procedures for initiative petitions set forth in Section 6.1.1 of this Charter shall thereafter be followed. The power to amend this Charter by initiative shall not extend to administrative or judicial functions; the county budget; debt obligations, capital improvement programs, salaries of county officers and employees, the assessment or collection of taxes; or matters inconsistent with the Constitution or general laws of Florida.*

8.3.3 Amendment referendum. *The Board of County Commissioners shall cause any Charter amendment proposed under section 8.3.1 or 8.3.2 to be submitted to the electors for their approval. If a general election is scheduled more than sixty (60) days after the proposed amendment is proposed or validated, the question shall be placed on the ballot at a special election held concurrent with the general election, or at any earlier special election called for that purpose. Notice of said referendum, together with the language of the proposed amendment, shall be published at least twice in a newspaper of general circulation in the county, at intervals of at least seven (7) days, but not less than five (5) nor more than thirty (30) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election.*

8.4 Charter review

Not later than July 1 of the year 2011 and of every eighth year thereafter, the Board of County Commissioners shall appoint a Charter Review Commission to review the Charter of the county. The Charter Review Commission shall be appointed in the same manner as a Charter Commission under Section 125.641 of the Florida Statutes as that section now exists or may be hereafter amended. The commission shall be funded by the Board of County Commissioners and shall be known as the "Columbia County Charter Review Commission." It shall, within one (1) year from the date of its first meeting, present to the Board of County Commissioners its recommendations for amendment or revision of the Charter or its recommendation that no amendment or revision is appropriate. If amendment or revision is to be recommended, the Charter Review Commission shall conduct three (3) public hearings, at intervals of not less than ten (10), nor more than twenty (20), days, immediately prior to the transmittal of its recommendations to the Board of County Commissioners. The Board of County Commissioners shall schedule a referendum on the proposed charter amendments or revisions concurrent with the next general election. The Charter Review Commission may remain in existence until the general election for purposes of conducting and supervising education and information on the proposed amendments or revisions. [as amended November 7, 2006].

8.5 Severability and validity

If any part of this Charter is held invalid or unconstitutional, the remainder thereof shall remain in full force and effect. It is the intent of the people of Columbia County that the provisions of this Charter with respect to the non-partisan election of County Commissioners are an exercise of their constitutional prerogative to provide for their governing body under Article VIII, section 1(e) of the Constitution of Florida; and that the provisions of this Charter with respect to the non-partisan election and recall of the county constitutional officers are an exercise of their constitutional prerogative to choose county officers in another manner or to abolish such offices as provided in Article VIII, section 1(d) of the Constitution of Florida. To the extent that it is necessary to the protection of these prerogatives of self-government, offices under this Charter are deemed created by the people of Columbia County through this Charter, and all of the powers and duties conferred by general law upon offices of like name in non-charter counties are transferred to the offices of the same name under this Charter. This Charter shall not otherwise be construed to alter, transfer, diminish or abolish any of the powers or duties of such offices now or hereafter existing under the Constitution and general laws of Florida.

APPENDIX C

Bylaws of the Charter Review Commission

BY-LAWS OF THE COLUMBIA COUNTY
CHARTER REVIEW COMMISSION

AS AMENDED JANUARY 26, 2012

BY-LAWS OF THE COLUMBIA COUNTY
CHARTER REVIEW COMMISSION

- Rule 1. Public Meetings
- Rule 2. Citizen Participation at Meetings
- Rule 3. Place of Meetings
- Rule 4. Call and Notice of Meetings
- Rule 5. Agenda for Regular Meetings
- Rule 6. Recording of Minutes
- Rule 7. Quorum
- Rule 8. Attendance
- Rule 9. Proxy Voting
- Rule 10. Deliberation
- Rule 11. Voting Generally
- Rule 12. Official Rules of Order
- Rule 13. Duties of the Chairman
- Rule 14. Duties of the Vice Chairman
- Rule 15. Duties of the County Manager
- Rule 16. Duties of the Clerk of Court
- Rule 17. Committees
- Rule 18. Policy on Publicity
- Rule 19. Amendment

Rule 1. **Public Meetings:** All meetings of the Commission, including all meetings of its committees and study committees, shall be open to the public. Notice of the date, time and place of said meeting shall be made available to the public in advance of the meetings by written notice to one or more newspapers of general circulation in the County, by posting the date, time and place upon the Charter Commission's internet site and by posting a notice on the public bulletin board maintained for such purposes at the Columbia County Courthouse Annex, at least 48 hours before the meeting.

Rule 2. **Citizen Participation at Meetings:** The Commission will entertain public comment germane to all agenda items. Citizens of Columbia County who attend the meetings of the Charter Review Commission shall be given the opportunity to comment before the Commission discusses items on the agenda to be voted on. In cases of meetings in which an invited speaker is in attendance, the presenter will speak first, public comment will then be taken, and then the Commission will discuss and vote if necessary. The Commission may impose reasonable limitations of time allocated to any citizen or on the total time to be allotted to public participation during the meeting.

Each agenda shall include a point during the meeting at which "Remarks of Interested Citizens" may be made. Under the agenda item of "Remarks of Interested Citizens", interested citizens shall be afforded an opportunity to comment on matters germane to the agenda or matters to come before the Commission.

Rule 3. **Places of Meetings:** The regular meetings of the Commission shall be at a place designated by the Commission. The Commission may also resolve to hold meetings at other locations. The meetings of the Commission, committees or study committees should be at a meeting place large enough to accommodate not only the Commission, committee or study committee, as the case may be, but also interested citizens. The meeting place chosen shall be open and accessible, free of any admission charge or restriction, to the Commission and public. Meetings conducted by study committees or committees should be held at a location selected by the chairman of such study committee or committee.

Rule 4. **Call and Notice of Meetings:** Date, time, and place of each regular meeting of the Commission shall be announced at the preceding regular or special meeting of the Commission, and posted on public bulletin boards in accordance with Columbia County policy. The agenda of each regular or special meeting shall include the fixing of the date of the next regular meeting. Special meetings may be called by the Chair of the Commission, or by any eight (8) members of the Commission requesting such special meeting in writing filed with the County Manager. The County Manager shall be responsible for mailing a written notice of the date, time and place of meetings of the Commission to members of the Commission at their addresses listed on an appropriate form kept by the County Manager. It shall be the responsibility of any member of the Commission to notify the County Manager of any change of address. The Chair of each study committee or committee

shall be responsible through the County Manager, for giving sufficient written or telephone notice of study committee or committee meetings to members.

A written notice of special meetings of the entire Commission shall be given in the same manner as written notices of regular meetings, except that the written notice of a special meeting shall include the purpose for the call of such special meeting.

Rule 5. **Agenda for Regular Meetings:** The agenda for regular meetings of the Commission shall be generally as follows, subject to amendment or revision by the Commission Chair or a majority of the members present:

- I. Call to Order
- II. Invocation
- III. Pledge
- IV. Roll Call
- V. Approval of Minutes of Previous Meeting
- VI. Introduction of Invited Guest (if any) and Their Presentations
- VII. Remarks of Interested Citizens
- VIII. Report of Chairperson
- IX. Reports of Committees (if any)
- X. Unfinished Business
- XI. New Business
- XII. Adjournment with Day Fixed for Next Meeting

Rule 6. **Recording of Minutes:** Meetings of the Commission shall be recorded on recording machines. The County Manager shall be responsible for insuring that the recording apparatus is available at each meeting of the Commission. The tapes of all such meetings shall be preserved as required by law. Failure to tape record a meeting shall not affect the validity of any proceeding. The Commission shall make disposition of the work of the Commission. The Clerk of the Court shall further be responsible for the safeguarding of the tapes of such meetings. In addition to the tape recording of the meetings, a representative of the Clerk of Court shall take down minutes of the proceedings of the Commission. The chair of each committee or a person designated by the chair shall take minutes at all proceedings of the committee and shall transcribe and deliver such minutes to the Clerk of Court. All records of the Commission, including the tape recordings of minutes, shall be made available to the public during office hours of the Clerk of Court or as established by the Commission. Minutes of committee proceedings shall be filed at least once per month. The Chair may request that a verbatim record of any proceeding before the Commission be made. Such a request is in addition to the requirements of Rule 6.

Rule 7. **Quorum:** A majority of the members of the Commission, or of any committee shall constitute a quorum for transaction of business, and a majority of those present shall be sufficient to agree to any motion except as otherwise set forth in these bylaws.

Rule 8. **Attendance:** Regular attendance and attention to the business of the Commission is expected. The seat of any member who fails to attend three consecutive regular meetings, without

previous notification, shall be presumed vacant, and the Chair shall report that fact to the County Commission who appointed the member, for confirmation that a vacancy exists.

Rule 9. **Proxy Voting:** No member of the Commission or any of its study committees or committees shall have the power to vote by proxy. Only those members physically present shall be entitled to vote.

Rule 10. **Deliberations:**

A. **Issues Agenda:** Members of the Charter Review Commission and the public may identify issues to be placed upon the list of issues which the review commission may subsequently deliberate. A deadline shall be established for accepting issues.

The Commission shall approve, by majority vote, an initial agenda of issues to be considered, and a schedule of meetings at which the several approved issues shall be discussed. Prior to completion of the discussion meetings, additional issues shall be added and scheduled upon the request of four or more members.

After completion of the scheduled discussion meetings, additional issues may be scheduled with the concurrence of a majority of the Commission.

Any issue may be stricken from further consideration at discussion meetings with the concurrence of two-thirds of the member present, but not less than eight (8) members.

B. **Decision Agenda:** The Commission shall approve, by majority of the whole commission, a schedule and agenda of meetings at which approved issues and approved sample text shall be considered for inclusion in proposed Charter Amendment(s).

After an issue has been discussed, the Commission may instruct the appropriate staff to prepare sample text for its review at a scheduled meeting.

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C. **Final Adoption and Transmittal:** After all public hearings, the Commission shall amend if necessary, approve and transmit the proposed Charter Amendments, if any, for Columbia County, and a proposed ballot title and summary of the substance and chief purpose of the measure, with the concurrence of two-thirds of the members present, but not less than eight (8) members.

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- e. Call special meetings where necessary;
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APPENDIX D

Agendas and Minutes of the Charter Review Commission

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

POST OFFICE BOX 1529

LAKE CITY, FLORIDA 32056-1529

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

372 WEST DUVAL STREET

LAKE CITY, FLORIDA 32055

ORGANIZATIONAL MEETING

AGENDA

JULY 14, 2011

(1) CHAIRMAN JODY DUPREE

(A) CALL MEETING TO ORDER

(2) COMMISSIONER RONALD WILLIAMS

(A) INVOCATION

(3) PLEDGE TO U.S. FLAG

(4) MARLIN FEAGLE, COUNTY ATTORNEY

**(A) OVERVIEW OF THE HISTORY OF THE CHARTER AND THE
CHARTER REVIEW PROCESS**

**(B) OVERVIEW OF THE PURPOSE, MANDATE, DUTIES AND
RESPONSIBILITIES OF THE CHARTER COMMISSION.**

(C) CHARTER REVIEW COMMISSION BUDGET SUBMITTAL RIGHTS

(D) LEGAL COUNSEL AND CONSULTANT NEEDS

(E) CHARTER REVIEW COMMISSION BY-LAWS

(5) NOMINATIONS FOR CHARTER REVIEW COMMISSION CHAIR

(6) NOMINATIONS FOR CHARTER REVIEW COMMISSION VICE CHAIR

(7) CHARTER REVIEW COMMISSION MEETING LOCATION

(8) OTHER COMMENTS/DISCUSSION

(9) ADJOURNMENT

**BY-LAWS OF THE COLUMBIA COUNTY
CHARTER REVIEW COMMISSION**

As Amended October 4, 2005

BY-LAWS OF THE COLUMBIA COUNTY CHARTER REVIEW COMMISSION

- Rule 1. Public Meetings
- Rule 2. Citizen Participation at Meetings
- Rule 3. Place of Meetings
- Rule 4. Call and Notice of Meetings
- Rule 5. Agenda for Regular Meetings
- Rule 6. Recording of Minutes
- Rule 7. Quorum
- Rule 8. Attendance
- Rule 9. Proxy Voting
- Rule 10. Deliberation
- Rule 11. Voting Generally
- Rule 12. Official Rules of Order
- Rule 13. Duties of the Chairman
- Rule 14. Duties of the Vice Chairman
- Rule 15. Duties of the County Manager
- Rule 16. Duties of the Clerk of Court
- Rule 17. Committees
- Rule 18. Policy on Publicity
- Rule 19. Amendment

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Rule 2. Citizen Participation at Meetings: The Commission will entertain public comment on all substantive agenda items. Citizens of Columbia County who attend the meetings of the Charter Review Commission shall be given the opportunity to comment before the Commission discusses items on the agenda to be voted on. In cases of meetings in which an invited speaker is in attendance, the presenter will speak first, public comment will then be taken, and then the Commission will discuss and vote if necessary. The Commission may impose reasonable limitations of time allotted to any citizen or on the total time to be allotted to public participation during the meeting.

Each agenda shall include a point during the meeting at which "Remarks of Interested Citizens" may be made. Under the agenda item of "Remarks of Interested Citizens", interested citizens shall be afforded an opportunity to comment on matters germane to the agenda or matters to come before the Commission.

Rule 3. Place of Meetings: The regular meetings of the Commission shall be at the Old Welcome Center, Hall of Fame Drive. The Commission may also resolve to hold meetings at other locations. The meetings of the Commission, committees or study committees should be at a meeting place large enough to accommodate not only the Commission, committee or study committee, as the case may be, but also interested citizens. The meeting place chosen shall be open and accessible, free of any admission charge or restriction, to the Commission and public. Meetings conducted by study committees or committees should be held at a location selected by the chairman of such study committee or committee.

Rule 4. Call and Notice of Meetings: Date, time and place of each regular meeting of the Commission shall be announced at the preceding regular or special meeting of the Commission, and posted on public bulletin board in accordance with Columbia County policy. The agenda of each regular or special meeting shall include the fixing of the date of the next regular meeting. Special meetings may be called by the Chair of the Commission, or by any eight (8)

members of the Commission requesting such special meeting in writing filed with the County Manager. The County Manager shall be responsible for mailing a written notice of the date, time and place of meetings of the Commission to members of the Commission at their addresses listed on an appropriate form kept by the County Manager. It shall be the responsibility of any member of the Commission to notify the County Manager of any change of address. The Chair of each study committee or committee shall be responsible through the County Manager, for giving sufficient written or telephone notice of study committee or committee meetings to members.

A written notice of special meetings of the entire Commission shall be give in the same manner as written notices of regular meetings, except that the written notice of a special meeting shall include the purpose for the call of such special meeting.

Rule 5. Agenda for Regular Meetings: The agenda for regular meetings of the Commission shall be generally as follows, subject to amendment or revision by the Commission Chair or a majority of the members present:

- I. Call to Order
- II. Pledge
- III. Roll Call
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- VII. Report of Chairperson
- VIII. Reports of Committees (if any)
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- XI. Adjournment with Day Fixed for Next Meeting

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of the Commission, including the tape recordings of minutes, shall be made available to the public during office hours of the Clerk of Court or as established by the Commission. Minutes of committee proceedings shall be filed at least once per month. The Chair may request that a verbatim record of any proceeding before the Commission be made. Such a request is in addition to the requirements of Rule 6.

Rule 7. Quorum: A majority of the members of the Commission, or of any committee shall constitute a quorum for transaction of business, and a majority of those present shall be sufficient to agree to any motion except as otherwise set forth in these bylaws.

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Rule 10. Deliberations:

A. Issues Agenda: Members of the Charter Review Commission and the public may identify issues to be placed upon the list of issues which the review commission may subsequently deliberate. A deadline shall be established for accepting issues.

The Commission shall approve, by majority vote, an initial agenda of issues to be considered, and a schedule of meetings at which the several approved issues shall be discussed. Prior to completion of the discussion meetings, additional issues shall be added and scheduled upon the request of four or more members.

After completion of the scheduled discussion meetings, additional issues may be scheduled with the concurrence of a majority of the Commission.

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**COLUMBIA COUNTY BOARD of COUNTY COMMISSIONERS
&
CHARTER REVIEW COMMISSION**

Minutes of Joint Meeting
July 14, 2011

The Board of County Commissioners met in a scheduled organizational meeting with the Charter Review Commission at the School Board Administration Office.

The meeting opened at 6:00 p.m. with prayer. The Pledge of Allegiance to the Flag of the United States of America followed.

Commissioners in Attendance:

Jody DuPree (Chairman)
Scarlet Frisina (Vice-Chair)
Stephen Bailey
Russell “Rusty” DePratter
Ronald Williams

Others in Attendance:

County Manager Dale Williams
Attorney Marlin Feagle
Deputy Clerk Sandy Markham
Asst. County Manager Lisa Roberts

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: Rocky Ford, David Morse, Dean Taylor
District 3 Representatives: David Rountree, Jack Berry, Koby Adams
District 4 Representatives: John Willis, Kim Skinner, Sherree Vann
District 5 Representatives: Nathan Morgan, Glynnell Presley

Charter Commissioner Absent:

District 5 Representative: Ray Walker,

Opening Comments by County Attorney

Attorney Feagle briefly addressed the following:

- a) History of the Columbia County Charter and the review process
- b) The purpose, mandate, duties and responsibilities of the Charter Commission
- c) Charter Review Commission’s budget submittal rights
- d) Consultant and legal counsel needs
- e) Charter Review Commission By-laws and Rules of Order

Nominations for Charter Review Commission Chair

Nominees for the Charter Review Chair were: David Rountree and Jack Berry. The group unanimously agreed that David Rountree would serve as Chairman.

Nominations for Charter Review Commission Vice-Chair

Nominees for the Charter Review Vice-Chair were: Koby Adams and Bettye Lane. Koby Adams declined the nomination and the group voted unanimously that Bettye Lane would serve as Vice-Chair.

Charter Review Commission Meeting Location

Everyone will be notified once Asst. County Manager Roberts has secured a meeting location.

Other Comments/Discussion

Commissioner Williams would like to see all elected officials give a presentation regarding their positions/offices similar to the presentations given to the previous Charter Review Commission.

Chairman Rountree asked County Staff to contact the consultant and the constitutional attorney used by the previous Charter Review Commission to determine whether they would be available to assist should the newly appointed Charter Review Commission decide to use them..

Adjournment

There was no further business. The meeting adjourned at 6:30 p.m.

David Rountree, Chairman
Charter Review Commission

Jody DuPree, Chairman
Board of County Commissioners

ATTEST:

P. DeWitt Cason
Clerk of Circuit Courts

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY EXTENSION OFFICE

**164 S.W. MARY ETHEL LANE
LAKE CITY, FLORIDA 32025**

AGENDA

**AUGUST 25, 2011
6:00 P.M.**

INVOCATION

PLEDGE TO U.S. FLAG

CHAIRMAN DAVID ROUNTREE:

- (1) CALL MEETING TO ORDER**
- (2) SELF-INTRODUCTION OF EACH CHARTER REVIEW MEMBER**
- (3) CHARTER REVIEW MEMBERS TO DISCLOSE OTHER PUBLIC BOARDS
ON WHICH THEY SERVE**
- (4) REVIEW OF PRIOR CHARTER REVIEW COMMISSION BY-LAWS**
- (5) OTHER COMMENTS/DISCUSSION**
- (6) ADJOURNMENT**

**BY-LAWS OF THE COLUMBIA COUNTY
CHARTER REVIEW COMMISSION**

As Amended October 4, 2005

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**COLUMBIA COUNTY BOARD of COUNTY COMMISSIONERS
&
CHARTER REVIEW COMMISSION**

Minutes of Joint Meeting
July 14, 2011

The Board of County Commissioners met in a scheduled organizational meeting with the Charter Review Commission at the School Board Administration Office.

The meeting opened at 6:00 p.m. with prayer. The Pledge of Allegiance to the Flag of the United States of America followed.

Commissioners in Attendance:

Jody DuPree (Chairman)
Scarlet Frisina (Vice-Chair)
Stephen Bailey
Russell "Rusty" DePratter
Ronald Williams

Others in Attendance:

County Manager Dale Williams
Attorney Marlin Feagle
Deputy Clerk Sandy Markham
Asst. County Manager Lisa Roberts

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: Rocky Ford, David Morse, Dean Taylor
District 3 Representatives: David Rountree, Jack Berry, Koby Adams
District 4 Representatives: John Willis, Kim Skinner, Sherree Vann
District 5 Representatives: Nathan Morgan, Glynnell Presley

Charter Commissioner Absent:

District 5 Representative: Ray Walker,

Opening Comments by County Attorney

Attorney Feagle briefly addressed the following:

- a) History of the Columbia County Charter and the review process
- b) The purpose, mandate, duties and responsibilities of the Charter Commission
- c) Charter Review Commission's budget submittal rights
- d) Consultant and legal counsel needs
- e) Charter Review Commission By-laws and Rules of Order

Nominations for Charter Review Commission Chair

Nominees for the Charter Review Chair were: David Rountree and Jack Berry. The group unanimously agreed that David Rountree would serve as Chairman.

Nominations for Charter Review Commission Vice-Chair

Nominees for the Charter Review Vice-Chair were: Koby Adams and Bettye Lane. Koby Adams declined the nomination and the group voted unanimously that Bettye Lane would serve as Vice-Chair.

Charter Review Commission Meeting Location

Everyone will be notified once Asst. County Manager Roberts has secured a meeting location.

Other Comments/Discussion

Commissioner Williams would like to see all elected officials give a presentation regarding their positions/offices similar to the presentations given to the previous Charter Review Commission.

Chairman Rountree asked County Staff to contact the consultant and the constitutional attorney used by the previous Charter Review Commission to determine whether they would be available to assist should the newly appointed Charter Review Commission decide to use them..

Adjournment

There was no further business. The meeting adjourned at 6:30 p.m.

David Rountree, Chairman
Charter Review Commission

Jody DuPree, Chairman
Board of County Commissioners

ATTEST:

P. DeWitt Cason
Clerk of Circuit Courts

CHARTER REVIEW COMMISSION

Minutes of
August 25, 2011

The Charter Review Commission met in a regularly scheduled meeting at the County Extension Office. The meeting opened at 6:00 p.m. with prayer. The Pledge of Allegiance to the Flag of the United States of America followed.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: Rocky Ford
District 3 Representatives: David Rountree, Jack Berry, Koby Adams
District 4 Representatives: John Willis, Kim Skinner, Sherree Vann
District 5 Representatives: Nathan Morgan, Ray Walker

Charter Commissioners Absent:

District 2 Representatives: David Morse and Dean Taylor
District 5 Representative: Glynnell Presley

Others in Attendance:

Asst. County Manager Lisa Roberts
Deputy Clerk Linda Odom
Attorney Marlin Feagle.

The minutes of July 14, 2011 were considered.

MOTION: By Jack Berry to approve. Second by Audrey Bullard. The motion carried unanimously.

Chairman Rountree gave opening comments.

MOTION: None

The Charter Review Commissioners introduced themselves and disclosed boards and committees on which they serve.

MOTION: None

Review of Charter Review Commission By-laws.

MOTION: By Jack Berry to delete the second paragraph of Rule #2. There was discussion prior to a second being offered.

AMENDED MOTION: By Jack Berry to delete the second paragraph of Rule #2, but retain the "germane" wording in paragraph 2 and add it to paragraph 1. Second by Ray Walker. There was discussion.

As a point of clarification, Bettye Lane asked that the wording in the first sentence of Rule #2 be changed to read, "*The commission will entertain substantive public comment on all agenda items.*" There was discussion, but no motion was offered.

Constitutional Attorney Watts and Consultant Kurt Spitzer are expected to be at the next meeting. Proposed changes to the By-laws will be discussed, but no action should be taken until the next meeting.

The motions and seconds were withdrawn.

MOTION: By Jack Berry that the word "substantive" be removed from Rule 2, Paragraph 1, and that Paragraph 2 be deleted. Second by Nathan Morgan. There was discussion. There was no vote as Jack Berry reworded his motion.

MOTION: By Jack Berry that the wording "... matters germane..." found in Paragraph 2 be substituted in place of "...substantive agenda items" and that paragraph 2 be deleted. Second by Ray Walker. There was discussion.

RESTATED MOTION: By Jack Berry that the word "substantive" in the second line [Of Rule 2, Paragraph 1] be replace by "germane to agenda items" and that Paragraph 2 be deleted completely, and the motion be subject to the attorney's review. Second by Ray Walker. The motion carried unanimously.

Regarding Rule #3, at this time, a permanent meeting location has not been secured.

MOTION: By Kim Skinner that Rule #3 be amended to state the meeting location shall be at a place determined by the Charter Review Commission. Second by Rocky Ford. The motion carried unanimously.

Review of Proposed Budget for the Charter Review Commission.

This topic will be placed on the next agenda.

Presentations.

David Rountree suggested the CRC have County Manager Williams appear at the next meeting to discuss the floor budget of the county for the purpose of giving the CRC a background of how the county functions from a financial perspective, and to hear from each of the commissioners. There was discussion.

There was no support of having the County Manager make a presentation regarding the floor budget. However, it was agreed that the County Manager and the commissioners should appear and give a presentation pertaining to the Charter.

MOTION: By Ray Walker to invite the County Commissioners, County Manager and the County Attorney to make presentation regarding the existing Charter. Second by Jack Berry. The motion carried unanimously.

MOTION: By Jack Berry to have all constitutional officers appear and give presentations and that it be done in one evening. Second by Sherree Vann. The motion carried unanimously.

Next Meeting.

The CRC will meet again on September 29, 2011, at 6:00 p.m. in the auditorium of the School Board Administrative Building.

Other Topics for Future Discussion.

Ozell Graham believes the CRC should address county commissioners serving on and chairing citizen advisory groups and committees.

Asst. County Manager Roberts was asked to elaborate. She stated the Board of County Commissioners appointed a Sports Counsel at its last meeting. This counsel will engage in fact finding relating to the Southside Complex and will report findings to the TDC. The TDC will then make recommendations to the Board of County Commissioners. This counsel is to be chaired by Commissioner DuPree.

There was discussion. Chairman Rountree asked that Mr. Graham bring this matter back up after hearing presentations of the commissioners, constitutional officers, etc. The CRC can then determine if this is a topic to pursue.

Public Comment.

Citizen Stewart Lilker discussed with the CRC, topics that could be considered on future agendas, and the fact that the decisions of the CRC will affect the lives of many for eight years.

Attorney Feagle responded to a comment made by Mr. Lilker for the purpose of setting the record straight. Attorney Feagle said that he has never said to any CRC or Charter Commission that he [Feagle] did not want to be the county attorney again.

Adjournment.

There being no further business, the meeting adjourned at 6:55 p.m.

ATTEST:

David Rountree, Chairman

P. DeWitt Cason
Clerk of Circuit Court

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

POST OFFICE BOX 1529

LAKE CITY, FLORIDA 32056-1529

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

372 WEST DUVAL STREET

LAKE CITY, FLORIDA 32055

AGENDA

SEPTEMBER 29, 2011

6:00 P.M.

- I. CALL TO ORDER**
- II. PLEDGE**
- III. ROLL CALL**
- IV. APPROVAL OF MINUTES OF PREVIOUS MEETING:
AUGUST 25, 2011 – Columbia County Charter Review Commission**
- V. INTRODUCTION OF INVITED GUESTS AND THEIR
PRESENTATIONS:
COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS
The Honorable Jodie DuPree, Chairman of the Board, District 3
The Honorable Scarlet Frisina, Vice Chairperson of the Board, District 5
The Honorable Ronald Williams, Commissioner, District 1
The Honorable Rusty Depratter, Commissioner, District 2
The Honorable Stephen E. Bailey, Commissioner, District 4**
- VI. REMARKS OF INTERESTED CITIZENS**
- VII. REPORT OF CHAIRPERSON
Terms of Representation - Mark A. Watts, Attorney, Cobb Cole
Consulting Services Agreement – Kurt Spitzer & Associates, Inc.
Proposed Charter Review Commission Budget
Charter Review Commission Meeting Outline**
- VIII. REPORTS OF COMMITTEES (IF ANY)**
- IX. UNFINISHED BUSINESS**
- X. NEW BUSINESS**
- XI. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING
October 27, 2011 – Columbia County School Board Administrative Complex**

2011 CHARTER REVIEW COMMISSION BUDGET

OFFICE SUPPLIES: **\$ 2,500**
(pencils, note pads, postage, envelopes,
security, copy paper, printing, miscellaneous
office supplies)

RENTALS AND LEASES:
(Sound/Microphone Equipment) **\$ 2,000**

TRAVEL: **\$ 1,000**

***PROFESSIONAL SERVICES:** **\$17,000**
Consultant – Kurt Spitzer & Assoc. Inc.
\$175.00 per hr. x 3 hr. per meeting estimated = \$525.00
x 12 meetings = \$6,300.00

Attorney – Cobb Cole
\$275.00 per hr. x 3 hr. per meeting estimated = \$825.00
x 12 meeting = \$9,900.00

TOTAL PROPOSED BUDGET REQUEST **\$22,500**

NOTE: The above stated proposed budget is subject to increase or decrease depending upon usage.

***Additional out-of-pocket expenses for Consultant and Attorney are not included in total proposed budget amount only the hourly rate is reflected.**

Lisa Roberts

From: Laura Ramsey [Laura.Ramsey@cobbcole.com]
Sent: Monday, August 29, 2011 4:41 PM
To: Lisa Roberts
Cc: Mark Watts
Subject: Representation of Columbia County Charter Review Commission

Attachments: 001.PDF



001.PDF (159 KB)

Good afternoon.

Please find an engagement letter for services which Mr. Watts asked me to forward to you. If the conditions meet with your approval, please have the appropriate person sign where indicated and return to our office.

Also, please let us know if the physical address/mailing address/addressee should be changed for billing purposes.

Contact Mr. Watts if you have any questions. Thank you.

Laura Ramsey
Assistant to Mark A. Watts
Cobb Cole
386-736-7700

William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

Jonathan D. Kaney Jr.
J. Lester Kaney
C. Allen Watts
Harold C. Hubka
Thomas S. Hart
Scott W. Cichon
Robert A. Merrell III
Bruce A. Hanna
John P. Ferguson
Rhoda Bess Goodson
Thomas J. Leek
Mark A. Watts
Heather Bond Vargas



Daytona Beach • DeLand

351 East New York Avenue
Suite 200

DeLand, Florida 32724

(386) 736-7700

Fax (386) 785-1549

CobbCole.com

August 29, 2011

Robert Taylor Bowling
Joshua J. Pope
Elan R. Kaney
Kathryn D. Weston
Kelly Parsons Kwiatek
Michael J. Woods
Maja S. Sander
James A. Stowers
Katherine Hurst Miller
Michael O. Sznapstajler
Melissa B. Murphy

OF COUNSEL

Larry D. Marsh
Christopher N. Challis
Andrea M. Kurak

RETIRED

Jay D. Bond, Jr.

VIA E-MAIL ONLY

Columbia County Charter Review Commission
Attn: Ms. Lisa Roberts
135 N. E. Hernando Avenue, Suite 203
Lake City, FL 32056-1529

Re: Terms of Representation

Dear Ms. Roberts:

Thank you for your call regarding our firm's representation of the Columbia County Charter Review Commission. From my experience, I have learned that clients appreciate a frank and open discussion and understanding of the services that we will perform and the basis upon which they will be expected to pay for these services. This letter is intended to advise you regarding the nature and scope of the legal services we have agreed to render for you, as well as the amount of our fees for these services. I invite you to view our web site at www.CobbCole.com should you desire further information about me or my firm.

1. Nature of Legal Services. You have requested that we assist you with representation regarding review of the Columbia County Charter.

2. Fees for Services. Our charges are based upon the time expended and the experience of the attorneys furnishing the services. We will charge for our services on the basis of hourly rates established from time to time for the attorneys and paralegals of our firm. We will be personally responsible for representing you in all aspects of this representation. We may have other attorneys, with unique expertise, and paralegals assist us as needed. The current hourly billing rates are as set forth below and reflect a 15% discount from our normal hourly rates:

Jonathan D. Kaney, Jr.	\$275.00
Mark A. Watts	\$215.00
Michael J. Woods	\$195.00



Columbia County
Charter Review Commission
August 29, 2011
Page 2

If an attorney or paralegal, not listed above, assists with this matter, their time will be charged at their normal hourly rate. We will attempt to utilize those lawyers and paralegals having the lowest hourly billing rates that are commensurate with the degree of specialization and level of experience required in order to achieve your objectives.

We will not require a retainer for this service.

3. Other Fees, Charges, and Expenses. During the course of our representation, we may incur other fees, charges and expenses. Such expenses include, but are not limited to, charges for filing papers with government agencies, courier or messenger services, long distance telephone calls, copying materials, overtime clerical assistance, travel expenses, facsimile, computer-assisted research, and postage. You agree to reimburse Cobb Cole for all out-of-pocket expenses paid by us, or, if you are billed directly for these expenses, to make prompt, direct payments to the originators of the bills. From our experience, we have found that clients appreciate a frank and open discussion and understanding of the basis upon which they will be expected to pay for our services. Therefore, please find enclosed this firm's policy on billing disbursements and miscellaneous expenses.

4. Schedule of Billing and Payments. Fees, determined by the method described above, will be billed approximately monthly and upon completion. The monthly statements will summarize each matter for which legal services were rendered, the time expended for that matter, and the identity of the lawyer, paralegal, or law clerk who performed the service. The statements will also include an itemized description of disbursements and miscellaneous costs advanced on your behalf. The amounts shown due on the statements will be due thirty (30) days from the date of the statement.

If you have any questions or disagreements regarding the amount or information on the monthly statement, you should advise us in writing within fifteen (15) days from the date of the statement and we will make sure those questions or disagreements are promptly addressed. Otherwise, we will assume that you agree to pay the amount on Cobb Cole's statement.

5. Information to be Made Available to You. We will assert a diligent effort to assure that you are informed at all times as to the status of all matters and as to the courses of action which are being followed or are being recommended by us. We agree to provide you with copies of all correspondence addressing material issues, and other relevant documents. Such copies shall be provided to you at your expense. All of our work product will be owned by Cobb Cole.

In furtherance of our goal of keeping you informed, you may often receive documents generated by my firm, the court, or the other side in the course of litigation. These documents will often be unaccompanied by a cover letter. This is likely because the document seems self-explanatory. However, if there is ever a time when you are unsure why you received a document



Columbia County
Charter Review Commission
August 29, 2011
Page 3

or you do not understand a document or its contents, please do not hesitate to contact me with your questions or concerns.

6. Termination of Representation. The relationship established by this letter may be terminated as follows:

We reserve the right to withdraw if you fail to honor the terms of this letter or for any just reason as permitted or required under the Rules of Professional Conduct as adopted by the Florida Bar and the Florida Supreme Court or as permitted by the rules of courts of the State of Florida. Notification of withdrawal shall be made in writing to you. In the event of such withdrawal, you agree to promptly pay Cobb Cole for all services rendered by Cobb Cole and all other fees, charges, and expenses incurred pursuant to this Agreement prior to the date of such withdrawal.

You have the right to terminate our representation with cause if Cobb Cole fails to honor this Agreement or without cause. Notification of the termination shall be made in writing to Cobb Cole. In the event of any such termination by you, you shall promptly reimburse Cobb Cole for all other fees, charges, and expenses incurred pursuant to this Agreement prior to the date of such termination.

If the general terms outlined herein for engagement of the firm are agreeable to you, please sign below and return this letter to my office.

Sincerely,

Mark A. Watts
Mark.Watts@CobbCole.com
Fax (386) 944-7966

MAW/lr



Columbia County
Charter Review Commission
August 29, 2011
Page 4

The undersigned hereby engages Cobb Cole for the purposes of representation with respect to the above-referenced matter on the terms set forth above.

READ AND APPROVED this _____ day of _____, 2011.

By: _____

Title: _____

On behalf of Columbia County Charter Review Commission

Lisa Roberts

From: Kurt Spitzer [kurtspitzer@ksanet.net]
Sent: Thursday, September 01, 2011 2:52 PM
To: Lisa Roberts
Subject: CRC Agreement
Attachments: Letter Agreement - October 2011.doc

Lisa –

Attached please find a draft of an Agreement. The tasks are based on the Agreement with the last CRC. For the first two engagements with Columbia County, we charged \$125 per hour although our normal rate was higher than that. Our fees are currently \$210 per hour but we have reduced that rate to \$175 because of the good relationship that we have enjoyed with the County. I hope that this is acceptable to the Board and the CRC.

Thank you for contacting us again! Please call if you have any questions.

Kurt Spitzer
719 East Park Avenue
Tallahassee, FL 32301
850-561-0904
850-228-6212 cell
850-222-4124 FAX

9/1/2011

November 1, 2011

Columbia County Charter Review Commission
Attention: Mr. , Chair
Post Office Box 2349
Lake City, Florida 32056

RE: Columbia County Charter Review Commission - Consulting Services

Dear Mr. _____:

The purpose of this letter is to reduce to writing the agreement between the Columbia County Charter Review Commission (the "CRC") and Kurt Spitzer & Associates, Inc. ("KSA") concerning consulting services. Effective November 1, 2011, the Charter Review Commission agrees to retain KSA and KSA agrees to provide the services identified below for the CRC.

Basic Consultant Duties

1. Staff and facilitate each meeting of the CRC. Assist in building consensus on the CRC.
2. Assist in setting schedule or timeline for the work of the CRC. Prepare a draft schedule for the CRC's review and consideration.
3. Research and prepare briefing papers for the CRC on subject matter identified in the adopted schedule. Perform other research as directed by the CRC. Identify issues for further review and examination.
4. Cooperate and consult with attorney for the CRC on language to be considered for amendments to the charter and other legal issues.
5. Identify persons from other jurisdictions to testify to CRC.
6. Provide comparative information on other counties to CRC.

7. Prepare public informational materials, if necessary.
8. Provide an overview of the issues and deliberations of previous Charter Review Commissions or Charter Review Commissions.
9. Prepare final report.

Fees and Expenses

We will charge \$175 per hour of time spent working directly on matters concerning the Charter Review Commission. We will bill ½ our hourly rate for time spent traveling to and from meetings of the CRC. We would not bill the county for expenses such as mileage, FAX or long distance telephone. Lodging will not be billed as long as the meetings of the CRC end at a time that reasonably allows me to return to Tallahassee the same evening that the meeting began. Fees include all administrative and/or overhead costs incurred by KSA. Xerox copies will be billed at \$0.25 per page.

Revisions to Agreement

The provisions of this agreement may be reviewed from time to time, and may be revised by mutual consent of both parties.

Termination

This agreement may be terminated for convenience by either party. Termination shall provide for payment to KSA for services rendered and expenses incurred.

If the provisions of this Agreement are acceptable to you and the Charter Commission, please sign where indicated below.

Sincerely,

KURT SPITZER and ASSOCIATES, Inc.

Kurt Spitzer
President

Columbia County Charter Review Commission
November 1, 2011
Page three of three

Agreed to and accepted this _____ day of October, 2011.

By: _____

_____, Chair
Columbia County Charter Review Commission

CHARTER REVIEW COMMISSION

Minutes of September 29, 2011

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office. The meeting opened at 6:00 p.m. The Pledge of Allegiance to the Flag of the United States of America was recited.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: Dean Taylor, David Morse
District 3 Representatives: Jack Berry, Koby Adams
District 4 Representatives: John Willis, Kim Skinner, Sherree Vann
District 5 Representatives: Nathan Morgan, Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 2 Representatives: Rocky Ford
District 3 Representatives: David Rountree

Others in Attendance on the Commission's Behalf:

Deputy Clerk Sandy Markham

Additions to the Agenda

- Presentation by County Manager Dale Williams.

Approval of August 25, 2011 Minutes

A motion and a second was offered to approve the minutes. The motion carried unanimously.

Guest Speakers' Suggestions for Consideration

County Commissioner Jody DuPree:

- All department heads hired by the County Manager should be affirmed by the Board of County Commissioners.
- The County Attorney position become an appointed position.
- The Board should only have to visit and vote on the matter of terminating a county manager once [instead of twice].

County Commissioner Scarlett Frisina:

- No suggestions for change were offered as it is her personal opinion that the Charter is working efficiently.

County Commissioner Rusty DePratter:

- Agrees with Commissioner DuPree that all department heads hired by the County Manager should be affirmed by the Board of County Commissioners, and the Board should only have to visit and vote on the matter of terminating a county manager once.
- The Charter should make the commissioners more involved in the day-to-day operations of the county.

County Commissioner Ronald Williams:

- It was difficult to adjust to operating under a charter, but changing to a charter form of government has been a positive change for Columbia County and has removed the “Good Ol’ Boy” System.
- The Board sets policy and it the County Manager’s responsibility to ensure the policy is carried out. This should not be changed as no employee of the county can satisfy five individual bosses [commissioners].
- The Commissioners should not be involved in the hiring or affirming of department heads.
- The County Attorney position should continue to be an elected position of the people.
- Consider posing the question to the people, “Do you still want the charter?”

County Commissioner Stephen Bailey:

- The Charter form of government is proactive and eliminates the “Good Ol’ Boy” System.
- The Board sets policy and it is the County Manager’s responsibility to ensure the policy is carried out. This should not be changed as no employee of the county can possibly satisfy five bosses [commissioners].
- The Commissioners should not be involved in the hiring or affirming of department heads.
- The County Attorney position should continue to be an elected position of the people.
- He supports Section 2.11; *Public Notice and Information* of the Charter.
- To put the question on the ballot, “Do you still want the charter,” would only be a step backward as the Charter has been a positive change for Columbia County. While there may have been a few negatives to the charter, the positives far out weigh the negatives.

County Manager Dale Williams:

- While he has his own “personal” opinions regarding matters of the Charter, as County Manager, the only thing that he has truly found problematic in the Charter is Section 2.11; *Public Notice and Information*. The County Manager stated that he understands the intentions of the wording is to get the information to the people, but explained the biggest problem is that he may receive last minutes information from time-to-time and it makes it very difficult to get the information posted to the website last minute. He also said failure to post required information should not preclude the Board from taking action. He suggested the wording of this section be reconsidered, especially the

malfeasance wording.

Ray Walker asked the County Manager if he would draft new language that the Board could consider.

Citizen's Remarks:

Citizen Steward Lilker offered input regarding Section 2.11, an appointed attorney, removal of a county manager, and placing the question on the ballot, "Do you still want a charter?"

Report of the Chairperson:

Attorney Watts and Consultant Kurt Spitzer specialize in the fields of Charter forms of government. Both have previously worked with Columbia County and are familiar with the Columbia County Charter and the history surrounding it. For that reason, they were re-selected to work with 2011 Charter Review Commission.

There was a consensus that while the attorney would be needed at many of the meetings, he would not be needed at every meeting. Consultant Spitzer can relay the Board's question and concerns to the attorney should the need arise. It was noted that not only does the county have to pay Attorney Watts and hourly rate for his being at the meetings, the county must also pay for Attorney Watts' travel time of approximately 2 hours.

There was a motion and a second offered to approve the budget as presented. The motion carried unanimously.

There was a motion and a second offered to approve hiring Attorney Watts and Consultant Spitzer. The motion carried unanimously.

Meeting Outline for Charter Review Commission Meetings:

There was a motion and a second offered to add the invocation to all future Charter Review Commission agendas. The motion carried unanimously.

Election of Chair

Vice Chairwoman Lane announced that David Rountree has a health issue involving a family member and would not longer be able to serve. She asked that everyone remember Mr. Rountree's family in prayer. She stated that she did not have the time to dedicate to the position.

Nominations by Vice Chair Bettye Lane: Koby Adams

Nominations closed.

A motion and a second was offered to elect Koby Adams as Chair. The motion carried unanimously.

Adjournment:

There being no further business, the meeting adjourned at 7:25 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Bettye Lane, Vice Chair
Charter Review Commission

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**372 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

OCTOBER 27, 2011

6:00 P.M.

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE**
- IV. ROLL CALL**
- V. APPROVAL OF MINUTES OF PREVIOUS MEETING
SEPTEMBER 29, 2011 – Columbia County Charter Review Commission**
- VI. INTRODUCTION OF INVITED GUESTS AND THEIR
PRESENTATIONS**
- VII. REMARKS OF INTERESTED CITIZENS**
- VIII. REPORT OF CHAIRPERSON**
 - 1.) Review of Home Rule Charter Line by Line**
 - 2.) Discussion of Deadline for Public Submission and Charter Review
Member Submission of Revisions and/or Additions to the Home Rule
Charter Language**
 - 3.) Charter Review Commission Meeting Outline**
- IX. REPORTS OF COMMITTEES (IF ANY)**
- X. UNFINISHED BUSINESS**
- XI. NEW BUSINESS**
- XII. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING
November 10, 2011 – Columbia County School Board Administrative
Complex Auditorium**

CHARTER REVIEW COMMISSION

Minutes of
September 29, 2011

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office. The meeting opened at 6:00 p.m. The Pledge of Allegiance to the Flag of the United States of America was recited.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: Dean Taylor, David Morse
District 3 Representatives: Jack Berry, Koby Adams
District 4 Representatives: John Willis, Kim Skinner, Sherree Vann
District 5 Representatives: Nathan Morgan, Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 2 Representatives: Rocky Ford
District 3 Representatives: David Rountree

Others in Attendance on the Commission's Behalf:

Deputy Clerk Sandy Markham

Additions to the Agenda

- Presentation by County Manager Dale Williams.

Approval of August 25, 2011 Minutes

A motion and a second was offered to approve the minutes. The motion carried unanimously.

Guest Speakers' Suggestions for Consideration

County Commissioner Jody DuPree:

- All department heads hired by the County Manager should be affirmed by the Board of County Commissioners.
- The County Attorney position become an appointed position.
- The Board should only have to visit and vote on the matter of terminating a county manager once [instead of twice].

County Commissioner Scarlett Frisina:

- No suggestions for change were offered as it is her personal opinion that the Charter is working efficiently.

County Commissioner Rusty DePratter:

- Agrees with Commissioner DuPree that all department heads hired by the County Manager should be affirmed by the Board of County Commissioners, and the Board should only have to visit and vote on the matter of terminating a county manager once.
- The Charter should make the commissioners more involved in the day-to-day operations of the county.

County Commissioner Ronald Williams:

- It was difficult to adjust to operating under a charter, but changing to a charter form of government has been a positive change for Columbia County and has removed the "Good Ol' Boy" System.
- The Board sets policy and it the County Manager's responsibility to ensure the policy is carried out. This should not be changed as no employee of the county can satisfy five individual bosses [commissioners].
- The Commissioners should not be involved in the hiring or affirming of department heads.
- The County Attorney position should continue to be an elected position of the people.
- Consider posing the question to the people, "Do you still want the charter?"

County Commissioner Stephen Bailey:

- The Charter form of government is proactive and eliminates the "Good Ol' Boy" System.
- The Board sets policy and it is the County Manager's responsibility to ensure the policy is carried out. This should not be changed as no employee of the county can possibly satisfy five bosses [commissioners].
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- He supports Section 2.11; Public Notice and Information of the Charter.
- To put the question on the ballot, "Do you still want the charter," would only be a step backward as the Charter has been a positive change for Columbia County. While there may have been a few negatives to the charter, the positives far out weigh the negatives.

County Manager Dale Williams:

- While he has his own "personal" opinions regarding matters of the Charter, as County Manager, the only thing that he has truly found problematic in the Charter is Section 2.11; Public Notice and Information. The County Manager stated that he understands the intentions of the wording is to get the information to the people, but explained the biggest problem is that he may receive last minutes information from time-to-time and it makes it very difficult to get the information posted to the website last minute. He also said failure to post required information should not preclude the Board from taking action. He suggested the wording of this section be reconsidered, especially the

malfeasance wording.

Ray Walker asked the County Manager if he would draft new language that the Board could consider.

Citizen's Remarks:

Citizen Steward Lilker offered input regarding Section 2.11, an appointed attorney, removal of a county manager, and placing the question on the ballot, "Do you still want a charter?"

Report of the Chairperson:

Attorney Watts and Consultant Kurt Spitzer specialize in the fields of Charter forms of government. Both have previously worked with Columbia County and are familiar with the Columbia County Charter and the history surrounding it. For that reason, they were re-selected to work with 2011 Charter Review Commission.

There was a consensus that while the attorney would be needed at many of the meetings, he would not be needed at every meeting. Consultant Spitzer can relay the Board's question and concerns to the attorney should the need arise. It was noted that not only does the county have to pay Attorney Watts and hourly rate for his being at the meetings, the county must also pay for Attorney Watts' travel time of approximately 2 hours.

There was a motion and a second offered to approve the budget as presented. The motion carried unanimously.

There was a motion and a second offered to approve hiring Attorney Watts and Consultant Spitzer. The motion carried unanimously.

Meeting Outline for Charter Review Commission Meetings:

There was a motion and a second offered to add the invocation to all future Charter Review Commission agendas. The motion carried unanimously.

Election of Chair

Vice Chairwoman Lane announced that David Rountree has a health issue involving a family member and would not longer be able to serve. She asked that everyone remember Mr. Rountree's family in prayer. She stated that she did not have the time to dedicate to the position.

Nominations by Vice Chair Bettye Lane: Koby Adams

Nominations closed.

A motion and a second was offered to elect Koby Adams as Chair. The motion carried unanimously.

Adjournment:

There being no further business, the meeting adjourned at 7:25 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Bettye Lane, Vice Chair
Charter Review Commission

CHARTER REVIEW COMMISSION

Minutes of October 27, 2011

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office.

The meeting was called to order by Chairman Adams at 6:00 p.m. The invocation was by Ozell Graham. The Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 3 Representatives: Koby Adams, Walt Graham
District 4 Representatives: Sherree Vann
District 5 Representatives: Nathan Morgan, Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 2 Representatives: Rocky Ford, David Morse, Dean Taylor
District 3 Representatives: Jack Berry
District 4 Representatives: John Willis, Kim Skinner

Others in Attendance on the Commission's Behalf:

Deputy Clerk Sandy Markham

Minutes of September 29, 2011

A motion and second was offered to approve the minutes. The motion carried unanimously.

Introduction of Invited Guest and Their Presentations

None.

Remarks of Interested Citizens

No one from the public was in attendance to offer input.

Review of the Charter

Chairman Adams discussed how the Commission would like to proceed with reviewing the Charter. He stated that the Commission should be careful to give due diligence to reviewing the Charter document, but that he would like to see it done in a thorough and expeditious fashion. He asked for the Board's directive and input.

Ozell Graham and Bettye Lane were in favor of reviewing the charter line by line. Nathan Morgan voiced that he was in favor of reviewing each article of the Charter. Ray Walker stated that he did not believe a line by line review would be necessary. Other members offered no input.

The consensus of the Board was to have Chairman Adams meet with Consultant Spitzer to establish a written timeline that will keep the Commission on course in their review. The Chair and Consultant Spitzer will work to develop a schedule for reviewing each article of the Charter. This information will be presented by Chairman Adams at the November 10th meeting.

Reports of Committees

None.

Unfinished Business

None.

New Business

None.

Next Meeting

November 10, 2011 at 6:00 p.m. in the School Board Auditorium.

Adjournment

There being no further business to come before the Board, the meeting adjourned at 6:25 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Koby Adams, Chair
Charter Review Commission

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**372 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

NOVEMBER 10, 2011

6:00 P.M.

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE**
- IV. ROLL CALL**
- V. APPROVAL OF MINUTES OR PREVIOUS MEETING
OCTOBER 27, 2011**
- VI. INTRODUCTION OF INVITED GUESTS AND THEIR PRESENTATIONS**
 - (1) Mr. Kurt Spitzer, Consultant**
Kurt Spitzer & Associates, Inc.
- VII. REMARKS OF INTERESTED CITIZENS**
- VIII. REPORTS OF CHAIRPERSON**
 - (1) Charter Review Commission Meeting Outline**
- IX. REPORTS OF COMMITTEES (IF ANY)**
- X. UNFINISHED BUSINESS**
- XI. NEW BUSINESS**
 - (1) Home Rule Charter Review By Article**
- XII. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING**
December 8, 2011 – Columbia County School Board Administrative Complex
Auditorium

CHARTER REVIEW COMMISSION

Minutes of October 27, 2011

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office.

The meeting was called to order by Chairman Adams at 6:00 p.m. The invocation was by Ozell Graham. The Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 3 Representatives: Koby Adams, Walt Graham
District 4 Representatives: Sherree Vann
District 5 Representatives: Nathan Morgan, Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 2 Representatives: Rocky Ford, David Morse, Dean Taylor
District 3 Representatives: Jack Berry
District 4 Representatives: John Willis, Kim Skinner

Others in Attendance on the Commission's Behalf:

Deputy Clerk Sandy Markham

Minutes of September 29, 2011

A motion and second was offered to approve the minutes. The motion carried unanimously.

Introduction of Invited Guest and Their Presentations

None.

Remarks of Interested Citizens

No one from the public was in attendance to offer input.

Review of the Charter

Chairman Adams discussed how the Commission would like to proceed with reviewing the Charter. He stated that the Commission should be careful to give due diligence to reviewing the Charter document, but that he would like to see it done in a thorough and expeditious fashion. He asked for the Board's directive and input.

Ozell Graham and Bettye Lane were in favor of reviewing the charter line by line. Nathan Morgan voiced that he was in favor of reviewing each article of the Charter. Ray Walker stated that he did not believe a line by line review would be necessary. Other members offered no input.

The consensus of the Board was to have Chairman Adams meet with Consultant Spitzer to establish a written timeline that will keep the Commission on course in their review. The Chair and Consultant Spitzer will work to develop a schedule for reviewing each article of the Charter. This information will be presented by Chairman Adams at the November 10th meeting.

Reports of Committees

None.

Unfinished Business

None.

New Business

None.

Next Meeting

November 10, 2011 at 6:00 p.m. in the School Board Auditorium.

Adjournment

There being no further business to come before the Board, the meeting adjourned at 6:25 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Koby Adams, Chair
Charter Review Commission

CHARTER GOVERNMENT OVERVIEW

Columbia County CRC
November 10, 2011

*A BRIEF HISTORY OF THE
(COUNTY) UNIVERSE*

European Origin of County Structure

- France, Germany – Divide country into subdivisions known as “Counts”
- England (9th century) – “Shires”
 - Appointed head of the Shire – the “Shireeff”
 - Shireeff = Keep order; collect Taxes

Florida History

- 1821 – Territorial Governor Andrew Jackson issues first ordinance:
 - divided State into two counties
 - recognized cities of Pensacola and St. Augustine
 - identified governmental powers and role in delivering state-mandated services
 - provided that five Justices of the Peace would govern each County

Florida History

- 1838 – BCC established by General Assembly
- 1845 – Florida becomes State
- 1861 – Florida Constitution specifically provides for county government
- 1885 – Provisions for counties and cities recognized in separate articles of Constitution. Counties formed, amended or abolished by Legislature; are subdivisions *of the State*. (Cities - subdivisions *in the State*.)

Florida History

- Board of County Commissioners
 - 1868 – Governor appoints all county officers, including “Treasurer” and “Surveyor”
 - 1885 – Commissioners appointed, other county officers elected
 - 1900 – Commissioners elected
 - 1968 - Home Rule authorized

Florida History

- Historically, counties viewed primarily as subdivisions *of the state* Value property & collect taxes, conduct elections, keep records, provide for judicial system, etc.
- Collegial governing body; five other offices that operate independently of the BCC

Florida History

- Higher Service Level or Different Structure?
 - Incorporate as City Government and/or seek Special Act of Legislature
 - Operated under “Dillon’s Rule”

John Dillon –

- Iowa Supreme Court Justice, writer and scholar.
- "Those best fitted by their intelligence, business experience, capacity and moral character" usually do not hold local office. The conduct of municipal affairs generally was "unwise and extravagant."
- Clark v. City of Des Moines (1865) - Local governments were creations of the state and, therefore, had only those powers granted by the state.

Florida Constitution 1968 Revisions

Dillon's Rule

replaced by

Home Rule

Dillon's Rule

- A local government has only those powers which are specifically granted by the State.

Home Rule

- A local government has all powers of self-government except those that are specifically prohibited or pre-empted by the State.

Dillon's Rule

- A local government has only those powers which are specifically granted by the State

HOME RULE

- A local government has all powers of self government except those that are specifically prohibited or pre-empted by the State

Dillon's Rule

- Look for Authorization. Absent authorization, powerless to act.

HOME RULE

- Look for Prohibition. Absent prohibition, empowered to act.

1968 Florida Constitution

- Non-charter counties - all powers of self-government as provided by law (legislatively implemented in 1971-72)
- Charter counties - all powers of self-government not inconsistent with general law or special law approved by vote of the county electorate

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

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	33,000	2

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

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

Charters may provide alternative methods of selecting County Officers; may abolish and transfer duties to another position -

(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.

Broward v. Columbia?

Pinellas v. Non-Charter?

*depends upon the language of the Charter
as adopted by the local electorate*

Columbia Charter

Board of County Commissioners

5 members residing in single-member districts

Non-partisan Elections

Must live in District when qualifying

Subject to Recall

No term limits

Salaries as provided by law

Columbia Charter

County Manager

County manager form of government established

Separates responsibility for policy adoption from implementation

Manager serves as head of administrative branch of the county

Columbia Charter

Department Heads

- All departments report to the County Manager
- Are “at-will” employees – serve at the pleasure of the Manager
- Have right to appeal termination to the BCC, who can reverse Manager’s decision

Columbia Charter

Constitutional Officers

All are retained with current powers and duties

Elected on non-partisan basis

Subject to recall

No term limits

Salaries as provided by law

Columbia Charter

City-County Relations

- No Consolidation
- City ordinances prevail in city limits except:
 - Adult Entertainment
 - Environmental Protection
 - Outdoor Burning
 - Animal Control
 - Hours of Sale of Alcoholic Beverages
 - Firearms and Weapons
 - LOS for County Roads

Columbia Charter

Citizen Initiative

- Ordinances by petition
- Charter Amendments by petition
- Recall

Columbia Charter

Charter Review Commission

- Every eight years
- Appointed in similar manner as Charter Commission
- Independent – Recommendations (if any) are placed directly on ballot

Columbia Charter

Generally

All Charters *invite* consideration of changes to the current system of governance.

Policies adopted via the charter may be revised only by vote of the public.

Columbia charter places mechanism in place whereby voters have opportunity to consider and adopt policy changes.

Politics ↔ Policy

- All charters reflect history and sentiments of the local community
- All charter provisions embody elements of both “politics” and “policy”

QUESTIONS?

Kurt Spitzer
kurtspitzer@ksanet.net
850-561-0904

CHARTER REVIEW COMMISSION

Minutes of November 10, 2011

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office.

The meeting was called to order by Chairman Adams at 6:00 p.m. The Pledge of Allegiance to the Flag of the United States of America, and the invocation followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Audrey Bullard, Bettye Lane
District 2 Representatives: David Morse, Dean Taylor
District 3 Representatives: Koby Adams, Walt Graham, Jack Berry
District 4 Representatives: Sherree Vann, Kim Skinner
District 5 Representatives: Nathan Morgan, Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 1 Representatives: Ozell Graham
District 2 Representatives: Rocky Ford
District 4 Representatives: John Willis

Others in Attendance on the Commission's Behalf:

Deputy Clerk Sandy Markham

Minutes of October 27, 2011

A motion and second was offered to approve the minutes. The motion carried unanimously.

Introduction and Presentation of Invited Guest

Consultant Kurt Spitzer of Kurt Spitzer and Associates gave a presentation relating to the history of county government and the "building blocks" of charter county authority for Florida,

Mr. Spitzer reviewed the proposed time line for reviewing the Columbia County Charter, and the process of scheduling other proposed topics for discussion. He also discussed the amendment adoption and ballot process.

Remarks of Interested Citizens

No public comment was offered.

By the Chairman

CRC Members were asked to thoroughly review their copy of the Charter before the next meeting. While various ideas for discussion topics were mentioned, the Chair asked that all topics that members are interested in adding to the timeline for discussion should be placed in writing and submitted to Assistant County Manager Roberts for inclusion on the agenda at least one week prior to the next meeting.

Next Meeting

The December 08th meeting is canceled. The next CRC meeting will be January and will be scheduled by Assistant County Manager Roberts.

Other Business

None.

Adjournment

There being no further business to come before the Board, the meeting adjourned at 8:25 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Koby Adams, Chair
Charter Review Commission

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**372 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

JANUARY 26, 2012

6:00 P.M.

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE**
- IV. ROLL CALL**
- V. APPROVAL OF MINUTES OF PREVIOUS MEETING**
November 10, 2011 – Columbia County Charter Review Commission
- VI. INTRODUCTION OF INVITED GUESTS AND THEIR PRESENTATIONS**
- VII. REMARKS OF INTERESTED CITIZENS**
- VIII. REPORT OF CHAIRPERSON**
(a) Discussion of CRC Member-Submitted Suggested Revisions to Charter
- IX. REPORTS OF COMMITTEES (IF ANY)**
- X. UNFINISHED BUSINESS**
(a) Redistricting – Report and Discussion
Kurt Spitzer, Consultant
(b) Public Notice Requirements – Report and Discussion
Mark Watts, Attorney
(c) Bylaws - Discussion
Mark Watts, Attorney
- XI. NEW BUSINESS**
(a) Discussion and Identification of Issues for Future Discussion
Kurt Spitzer, Consultant
- XII. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING**

**Tuesday, February 21, 2012 – Columbia County School Board
Administrative Complex Auditorium**

CHARTER REVIEW COMMISSION

Minutes of
January 26, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office.

The meeting was called to order by Chairman Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: Rocky Ford, David Morse
District 3 Representatives: Koby Adams, Walt Graham, Jack Berry
District 4 Representatives: Kim Skinner
District 5 Representatives: Nathan Morgan, Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 2 Representatives: Dean Taylor
District 4 Representatives: Sherree Vann, John Willis

Others in Attendance::

Deputy Clerk Sandy Markham
Kurt Spitzer, Consultant
Mark Watts, Attorney
Lisa Roberts, Asst. County Manager

Approval of Minutes of Previous Meeting

There was a motion and a second to approve the minutes of November 10, 2011 with suggested changes by Bettye Lane. The motion carried unanimously.

Remarks of Interested Citizens

None.

Report of the Chair

The Chair discussed with the Commission that the time for adding new items to the Discussion Agenda is narrowing. He encouraged everyone to do a final review of the Columbia County Charter and submit topics right away.

Reports of Committees

None.

Unfinished Business

Bylaws. There was a brief discussion regarding the bylaws and the proposed changes made by the Commission in an earlier meeting regarding public comment and prayer. Considering the changes, Attorney Watts said the current bylaws are “fine bylaws to go by.” He also noted that Rule #3 will be changed to replace the word “Welcome Center” with “Designated location.”

There was a motion and a second to adopt the bylaws with the provisions discussed. The motion carried unanimously.

At the last Charter Review Commission meeting the Commission identified topics they were interested in receiving presentations on. Presentations were provided to the Commission on “Districting” and “Public Notice Requirements.” The following action resulted:

Districting. There was a motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

Public Notice Requirements. There was a motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

New Business

Topics considered for the Discussion Agenda were:

Terms of Office. There was a motion and a second to add *term limits* to the Discussion Agenda. The motion failed 7-5.

Termination Procedure for County Manager. There was motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

Non-Interference by Board of County Commissioners. There was a motion and second to add to the Discussion Agenda. The motion died for a lack of a second.

Process of Appointing and Terminating Department Heads. There was a motion and a second to add to the Discussion Agenda. The motion carried unanimously.

Elected or Appointed County Attorney. There was a motion and a second to add this topic to the Discussion Agenda. The motion carried unanimously.

Expansion of County Commission. There was a motion and a second to add to the Discussion Agenda the possibility of adding two (2) “at large” county commissioners to the current five (5). The motion carried unanimously.

Ordinance Initiative Process. There was a motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

Once again the Chairman encouraged everyone to present topics for consideration that they are interested in having moved to the Discussion Agenda.

Submission Deadline. There was a motion and a second that March 31, 2012 be established as the deadline date for submitting any discussion topics for consideration. The motion carried unanimously.

Next Meeting. The next meeting will be held at the Columbia County School Board Auditorium at 6 p.m. on February 21, 2012.

Adjournment. There was a motion and a second to adjourn. The meeting adjourned at 7 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Koby Adams, Chairman
Columbia County Charter Review Committee

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**372 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

FEBRUARY 21, 2012

6:00 P.M.

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE**
- IV. ROLL CALL**
- V. APPROVAL OF MINUTES OF PREVIOUS MEETING**
January 26, 2012 – Columbia County Charter Review Commission
- VI. INTRODUCTION OF INVITED GUESTS AND THEIR PRESENTATIONS**
- VII. REMARKS OF INTERESTED CITIZENS**
- VIII. REPORT OF CHAIRPERSON**
- IX. REPORTS OF COMMITTEES (IF ANY)**
- X. UNFINISHED BUSINESS**
 - Executive Branch – County Administrator**
 - (a) Termination – Simple Majority Vote on One Meeting**
 - Major Departments**
 - (a) Department Head Appointment & Termination - Board Approval**
 - General Powers and Miscellaneous Provisions**
 - (a) Charter Amendments: Procedure for Petition – Article 6**
 - Public Notice Requirements**
- XI. NEW BUSINESS**
- XII. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING**
Thursday, March 29, 2012 commencing at 6:00 p.m. in the School Board Administrative Complex auditorium.

Lisa Roberts

From: Sandy Markham [smarkham@columbiaclerk.com]
Sent: Wednesday, February 15, 2012 1:49 PM
To: Lisa Roberts
Subject: Charter Minutes
Attachments: 2012_0126.doc

If you are going to mail or email, please add this note....

"If anyone has suggested changes or corrections, please contact Sandy Markham prior to the meeting at 758-3914."

2/15/2012

CHARTER REVIEW COMMISSION

Minutes of
January 26, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office.

The meeting was called to order by Chairman Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: Rocky Ford, David Morse
District 3 Representatives: Koby Adams, Walt Graham, Jack Berry
District 4 Representatives: Kim Skinner
District 5 Representatives: Nathan Morgan, Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 2 Representatives: Dean Taylor
District 4 Representatives: Sherree Vann, John Willis

Others in Attendance::

Deputy Clerk Sandy Markham
Kurt Spitzer, Consultant
Mark Watts, Attorney
Lisa Roberts, Asst. County Manager

Approval of Minutes of Previous Meeting

There was a motion and a second to approve the minutes of November 10, 2011 with suggested changes by Bettye Lane. The motion carried unanimously.

Remarks of Interested Citizens

None.

Report of the Chair

The Chair discussed with the Commission that the time for adding new items to the Discussion Agenda is narrowing. He encouraged everyone to do a final review of the Columbia County Charter and submit topics right away.

Reports of Committees

None.

Unfinished Business

Bylaws. There was a brief discussion regarding the bylaws and the proposed changes made by the Commission in an earlier meeting regarding public comment and prayer. Considering the changes, Attorney Watts said the current bylaws are “fine bylaws to go by.” He also noted that Rule #3 will be changed to replace the word “Welcome Center” with “Designated location.”

There was a motion and a second to adopt the bylaws with the provisions discussed. The motion carried unanimously.

At the last Charter Review Commission meeting the Commission identified topics they were interested in receiving presentations on. Presentations were provided to the Commission on “Districting” and “Public Notice Requirements.” The following action resulted:

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Public Notice Requirements. There was a motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

New Business

Topics considered for the Discussion Agenda were:

Terms of Office. There was a motion and a second to add *term limits* to the Discussion Agenda. The motion failed 7-5.

Termination Procedure for County Manager. There was motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

Non-Interference by Board of County Commissioners. There was a motion and second to add to the Discussion Agenda. The motion died for a lack of a second.

Process of Appointing and Terminating Department Heads. There was a motion and a second to add to the Discussion Agenda. The motion carried unanimously.

Elected or Appointed County Attorney. There was a motion and a second to add this topic to the Discussion Agenda. The motion carried unanimously.

Expansion of County Commission. There was a motion and a second to add to the Discussion Agenda the possibility of adding two (2) "at large" county commissioners to the current five (5). The motion carried unanimously.

Ordinance Initiative Process. There was a motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

Once again the Chairman encouraged everyone to present topics for consideration that they are interested in having moved to the Discussion Agenda.

Submission Deadline. There was a motion and a second that March 31, 2012 be established as the deadline date for submitting any discussion topics for consideration. The motion carried unanimously.

Next Meeting. The next meeting will be held at the Columbia County School Board Auditorium at 6 p.m. on February 21, 2012.

Adjournment. There was a motion and a second to adjourn. The meeting adjourned at 7 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Koby Adams, Chairman
Columbia County Charter Review Committee

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**372 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

FEBRUARY 21, 2012

6:00 P.M.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE

IV. ROLL CALL

**V. APPROVAL OF MINUTES OF PREVIOUS MEETING
January 26, 2012 – Columbia County Charter Review Commission**

**VI. INTRODUCTION OF INVITED GUESTS AND THEIR
PRESENTATIONS**

VII. REMARKS OF INTERESTED CITIZENS

VIII. REPORT OF CHAIRPERSON

IX. REPORTS OF COMMITTEES (IF ANY)

**X. UNFINISHED BUSINESS
Executive Branch – County Administrator
(a) Termination – Simple Majority Vote on One Meeting**

Major Departments

(a) Department Head Appointment & Termination - Board Approval

General Powers and Miscellaneous Provisions

**(a) Charter Amendments: Procedure for Petition – Article 6
Public Notice Requirements**

XI. NEW BUSINESS

**XII. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING
Thursday, March 29, 2012 commencing at 6:00 p.m. in the School Board
Administrative Complex auditorium.**

Lisa Roberts

From: Sandy Markham [smarkham@columbiaclerk.com]
Sent: Wednesday, February 15, 2012 1:49 PM
To: Lisa Roberts
Subject: Charter Minutes
Attachments: 2012_0126.doc

If you are going to mail or email, please add this note....

"If anyone has suggested changes or corrections, please contact Sandy Markham prior to the meeting at 758-3914."

2/15/2012

CHARTER REVIEW COMMISSION

Minutes of
January 26, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office.

The meeting was called to order by Chairman Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: Rocky Ford, David Morse
District 3 Representatives: Koby Adams, Walt Graham, Jack Berry
District 4 Representatives: Kim Skinner
District 5 Representatives: Nathan Morgan, Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 2 Representatives: Dean Taylor
District 4 Representatives: Sherree Vann, John Willis

Others in Attendance:

Deputy Clerk Sandy Markham
Kurt Spitzer, Consultant
Mark Watts, Attorney
Lisa Roberts, Asst. County Manager

Approval of Minutes of Previous Meeting

There was a motion and a second to approve the minutes of November 10, 2011 with suggested changes by Bettye Lane. The motion carried unanimously.

Remarks of Interested Citizens

None.

Report of the Chair

The Chair discussed with the Commission that the time for adding new items to the Discussion Agenda is narrowing. He encouraged everyone to do a final review of the Columbia County Charter and submit topics right away.

Reports of Committees

None.

Unfinished Business

Bylaws. There was a brief discussion regarding the bylaws and the proposed changes made by the Commission in an earlier meeting regarding public comment and prayer. Considering the changes, Attorney Watts said the current bylaws are “fine bylaws to go by.” He also noted that Rule #3 will be changed to replace the word “Welcome Center” with “Designated location.”

There was a motion and a second to adopt the bylaws with the provisions discussed. The motion carried unanimously.

At the last Charter Review Commission meeting the Commission identified topics they were interested in receiving presentations on. Presentations were provided to the Commission on “Districting” and “Public Notice Requirements.” The following action resulted:

Districting. There was a motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

Public Notice Requirements. There was a motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

New Business

Topics considered for the Discussion Agenda were:

Terms of Office. There was a motion and a second to add *term limits* to the Discussion Agenda. The motion failed 7-5.

Termination Procedure for County Manager. There was motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

Non-Interference by Board of County Commissioners. There was a motion and second to add to the Discussion Agenda. The motion died for a lack of a second.

Process of Appointing and Terminating Department Heads. There was a motion and a second to add to the Discussion Agenda. The motion carried unanimously.

Elected or Appointed County Attorney. There was a motion and a second to add this topic to the Discussion Agenda. The motion carried unanimously.

Expansion of County Commission. There was a motion and a second to add to the Discussion Agenda the possibility of adding two (2) "at large" county commissioners to the current five (5). The motion carried unanimously.

Ordinance Initiative Process. There was a motion and a second to add the topic to the Discussion Agenda. The motion carried unanimously.

Once again the Chairman encouraged everyone to present topics for consideration that they are interested in having moved to the Discussion Agenda.

Submission Deadline. There was a motion and a second that March 31, 2012 be established as the deadline date for submitting any discussion topics for consideration. The motion carried unanimously.

Next Meeting. The next meeting will be held at the Columbia County School Board Auditorium at 6 p.m. on February 21, 2012.

Adjournment. There was a motion and a second to adjourn. The meeting adjourned at 7 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Koby Adams, Chairman
Columbia County Charter Review Committee

CHARTER REVIEW COMMISSION

Minutes of
February 21, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office.

The meeting was called to order by Vice Chair Lane at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: Rocky Ford, David Morse
District 3 Representatives: Walt Graham, Jack Berry
District 4 Representatives: Kim Skinner, Sherree Vann, John Willis
District 5 Representatives: Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 2 Representative: Dean Taylor
District 3 Representative: Koby Adams
District 5 Representative: Nathan Morgan

Others in Attendance::

Deputy Clerk Sandy Markham
Kurt Spitzer, Consultant
Mark Watts, Attorney
Lisa Roberts, Asst. County Manager

Approval of Minutes of Previous Meeting

There was a MOTION and a SECOND to approve the minutes of January 26, 2012. The motion carried unanimously.

Invoice

An invoice from the law firm of Cobb Cole in the amount of \$1,511.50 was considered.

There was a MOTION and a SECOND to approve the invoice as presented. The motion carried unanimously.

Remarks of Interested Citizens

Citizen Stewart Lilker stressed the Charter Review Commission works for and is put into place for the benefit and protection of the people of Columbia County. He also addressed the topics of the need for public notice requirements and the minutes.

Deadline

The deadline for submitting topics to add to the Discussion Agenda needs to be changed due to the March meeting date.

There was a MOTION and a SECOND to establish March 29, 2012 as the deadline date for adding topics to the Discussion Agenda. The motion carried unanimously.

Unfinished Business

To date, the Charter Review Commission has identified the following topics to be added to the Discussion Agenda:

- Procedure for terminating a County Manager
- Department Head Appointments and Termination
- Procedure for Petitions (relating to Ordinances)
- Public Notice Requirements
- Districting
- Selection Process of County Attorney
- Expansion of the County Commission to add "At large" Commissioners

Termination of County Manager

There was a MOTION and a SECOND to recommend that the Charter verbiage be amended to read that instead requiring two meetings in order to terminate a County Manager, that only one meeting and a supermajority (a majority plus one of the entire County Commission) vote be required to terminate a County Manager. There was discussion that there should be a second option for the Board of County Commissioners.

The AMENDED MOTION and SECOND was to recommend that the Charter verbiage be amended to read that instead requiring two meetings in order to terminate a County Manager, that only one meeting and a supermajority (a majority plus one of the entire Commission) vote be required to terminate a County Manager. Or, the County Commission will have a second option for terminating the County Manager by receiving a simple majority vote in two consecutive meetings. The motion carried with a 9-3 vote.

Department Head Appointments and Termination

There was much discussion. Consultant Spitzer was asked to provide the Commission with verbiage options at the next meeting based on discussions.

Procedure for Petitions (relating to Ordinances)

This is a process whereby the public can propose ordinances by petition. There was discussion regarding the petition process that took place in Columbia County as it relates to the Ellisville Utilities. There was a question as to whether the charter process was faulty or it was simply an instance where the Charter worked exactly as it was intended to work. Applicable minutes from the Board of County Commissioners meetings will be reviewed to gain more information. This matter will be brought back up for discussion at the next meeting.

Public Notice and Information

There was a MOTION and SECOND to completely delete Section 2.11 from the Columbia County Charter. The motion carried unanimously.

Next Meeting

The next meeting will be held at the Columbia County School Board Auditorium at 6 p.m. on March 29, 2012.

Adjournment

The meeting adjourned at 7:20 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Bettye Lane, Chairman
Columbia County Charter Review Committee

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**327 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

MARCH 29, 2012

6:00 P.M.

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE**
- IV. ROLL CALL**
- V. APPROVAL OF MINUTES OF PREVIOUS MEETING**
February 21, 2012 – Columbia County Charter Review Commission
- VI. INTRODUCTION OF INVITED GUESTS AND THEIR PRESENTATIONS**
- VII. REMARKS OF INTERESTED CITIZENS**
- VIII. REPORT OF CHAIRPERSON**
 - (a) Invoice Approval – Kurt Spitzer & Associates, Inc. - \$3,850.00**
 - (b) Invoice Approval – Cobb Cole - \$159.28**
- IX. REPORTS OF COMMITTEES (IF ANY)**
- X. UNFINISHED BUSINESS**
 - Major Departments**
 - (a) Department Head Appointment & Termination – Board Confirmation and Appeal**
 - General Powers and Miscellaneous Provisions**
 - (a) Charter Amendments: Procedure for Petition – Article 6**

Page Two
Agenda
Charter Review Commission
March 29, 2012

XI. NEW BUSINESS

Legislative Branch – County Commission
(a) Districting Systems
(b) Redistricting Process

XII. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING

Thursday, April 12, 2012 commencing at 6:00 p.m. in the School Board
Administrative Complex auditorium.

CHARTER REVIEW COMMISSION

Minutes of
February 21, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Office.

The meeting was called to order by Vice Chair Lane at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

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District 5 Representative: Nathan Morgan

Others in Attendance:

Deputy Clerk Sandy Markham
Kurt Spitzer, Consultant
Mark Watts, Attorney
Lisa Roberts, Asst. County Manager

Approval of Minutes of Previous Meeting

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Invoice

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There was a MOTION and a SECOND to approve the invoice as presented. The motion carried unanimously.

Remarks of Interested Citizens

Citizen Stewart Lilker stressed the Charter Review Commission works for and is put into place for the benefit and protection of the people of Columbia County. He also addressed the topics of the need for public notice requirements and the minutes.

Deadline

The deadline for submitting topics to add to the Discussion Agenda needs to be changed due to the March meeting date.

There was a MOTION and a SECOND to establish March 29, 2012 as the deadline date for adding topics to the Discussion Agenda. The motion carried unanimously.

Unfinished Business

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- Procedure for Petitions (relating to Ordinances)
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There was much discussion. Consultant Spitzer was asked to provide the Commission with verbiage options at the next meeting based on discussions.

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This is a process whereby the public can propose ordinances by petition. There was discussion regarding the petition process that took place in Columbia County as it relates to the Ellisville Utilities. There was a question as to whether the charter process was faulty or it was simply an instance where the Charter worked exactly as it was intended to work. Applicable minutes from the Board of County Commissioners meetings will be reviewed to gain more information. This matter will be brought back up for discussion at the next meeting.

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Next Meeting

The next meeting will be held at the Columbia County School Board Auditorium at 6 p.m. on March 29, 2012.

Adjournment

The meeting adjourned at 7:20 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Bettye Lane, Chairman
Columbia County Charter Review Committee



(Federal EIN 59-2977021)

INVOICE

CC 001

TO: Columbia County Board of County Commissioners
Attention: Lisa K.B. Roberts
P.O. Box 1529
Lake City, FL 32056-1529

DATE: February 23, 2012

RE: Columbia County Charter Review Commission

<u>Date</u>	<u>Description of Services</u>	<u>Amount</u>
<u>2011-12</u>		
Nov - Feb	17.5 hours @ 175.00/hour (Summary attached)	\$ 3,062.50
Nov - Feb	9 hours @ 87.50/hour (travel) (Attached)	\$ 787.50

Total this invoice

\$ 3,850.00

*Please make check payable to Kurt Spitzer and Associates, Inc.
and mail to PO Box 867, Tallahassee, FL 32302-0867
Thank You*

DATE: February 28, 2012

RE: Columbia County Charter Review Commission

Kurt Spitzer Time Record

Date	Service	Travel Hours	Hours
7-Nov	Meeting research/preparation		2.25
	Phone - Adams		
	Prepare PPT		
10-Nov	CRC meeting		1.50
	Travel	3.0	
11-Nov	Review meeting notes		.50
13-Jan	Phone - Adams		.75
	Phone - Roberts		.75
17-Jan	Research		2.25
	Prepare briefing documents		
	Review/revise calendar		
26-Jan	CRC meeting		1.00
	Travel	3.0	
27-Jan	Review meetings notes		.75
10-Feb	Phone - Roberts		.50
	Review/revise calendar		1.75
19-Feb	Research/prepare memo		3.25
20-Feb	Phone, emails		.75
21-Feb	CRC meeting		1.50
	Travel	3.0	
	TOTAL	9	17.5

Cobb Cole
Post Office Box 2491
Daytona Beach, FL 32115-2491
Telephone (386)255-8171
Telecopier (386)258-5068
T.I.N. 59-3415054

RECEIVED

MAR 16 2012

Board of County Commissioners
Columbia County

Columbia County Charter Review Commission
Attention: Ms. Penny Stanley
135 N.E. Hernando Avenue, Suite 203
Lake City, FL 32056-1529

March 13, 2012

Bill Number 80994

File Number 040302 -000000000001

The enclosed bill is for services rendered for the period ending February 29, 2012. The breakdown of this bill by matter is as follows:

Legal Services

Charter Review	\$1,479.00
	<hr/>
Total for Legal Services	\$1,479.00

Expenses

Charter Review	\$159.28
	<hr/>
Total for Expenses	\$159.28

Total for This Bill	\$1,638.28
Previous Balance	\$1,511.50
Total Due	\$3,149.78

Cobb Cole
Post Office Box 2491
Daytona Beach, FL 32115-2491
Telephone (386)255-8171
Telecopier (386)258-5068
T.I.N. 59-3415054

March 13, 2012

Bill Number 80994

File Number 040302-000000000001

Columbia County Charter Review Commission
Attention: Ms. Penny Stanley
135 N.E. Hernando Avenue, Suite 203
Lake City, FL 32056-1529

FOR PROFESSIONAL SERVICES

Re: Charter Review

LEGAL SERVICES

Through February 29, 2012

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Time</u>
02/08/12	JNL	Read and responded to email communications regarding upcoming meetings; Followed up regarding by-laws.	0.30 Hrs
02/15/12	JNL	Finalized redrafting of Charter Review Commission By-laws; Collaborated with MAW regarding same.	1.20 Hrs
02/20/12	MAW	Reviewed memorandum from K. Spitzer regarding discussion items; Prepared memorandum regarding public notice requirements.	1.00 Hrs
02/21/12	MAW	Drafted memorandum regarding public notice requirements and existing charter language; Prepared for and attended Columbia County Charter Review Commission meeting.	4.20 Hrs
02/21/12	JNL	Revised By-laws; Drafted email correspondence transmitting same to L. Roberts; Read and responded to email communications from L. Roberts; Further revised By-laws; Transmitted same to L. Roberts; Reported to MAW.	1.00 Hrs

Columbia County Charter Review Commission

Re: Charter Review

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Time</u>	
02/23/12	MAW	Directed staff regarding research related to redistricting and Department of Justice clearance letter.	0.40 Hrs	
TOTAL LEGAL SERVICES				\$1,479.00

LEGAL SERVICES SUMMARY

Mark A. Watts	5.60 Hrs	215/hr	\$1,204.00
Jill N. Leo	2.50 Hrs	110/hr	\$275.00
	8.10 Hrs		\$1,479.00

DISBURSEMENTS

Through February 29, 2012

MILEAGE

02/08/12	Mark A. Watts/Mileage to Lake City on 1/26/12 for meeting (287 @ \$.555)	159.28	
			\$159.28
TOTAL DISBURSEMENTS			\$159.28

TOTAL FOR THIS INVOICE	<u>\$1,638.28</u>
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PREVIOUS INVOICES OUTSTANDING

80442	02/14/12	1,511.50
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GRAND TOTAL DUE	<u><u>\$3,149.78</u></u>
-----------------	--------------------------

PAID
3-16-12

TALLAHASSEE
Suite 200
1500 Mahan Drive
Tallahassee, Florida 32308
(850) 224-4070 Tel
(850) 224-4073 Fax

**Nabors
Giblin &
Nickerson** P.A.
ATTORNEYS AT LAW

FORT LAUDERDALE
208 S.E. Sixth Street
Fort Lauderdale, Florida 33301
(954) 525-8000 Tel
(954) 525-8331 Fax

TAMPA
Suite 1060
2502 Rocky Point Drive
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

June 18, 2010

**Via Electronic Transmission and
Overnight Delivery**

Dale Williams
County Manager
Columbia County
135 Northeast Hernando Avenue, Suite 203
Lake City, Florida 32055

Re: Citizens Petition Proposing Amendment to Ordinance No. 2010-2 of
Columbia County, Florida

Dear Mr. Williams:

You have asked this Firm to render an analysis and legal opinion concerning the validity and/or lawfulness of the above-referenced citizen petition to amend Ordinance No. 2010-2.

As a preliminary matter, Section 6.1.1 of the Columbia County Charter identifies certain conditions precedent to the validity of a petition to amend a county ordinance. Specifically, this Section provides that the petitioner must submit the proposed ordinance amendment to the Supervisor of Elections prior to collecting signatures in support of such amendment. This Section further requires that the petitioner publish notice of the submission of the proposed ordinance amendment in a newspaper of general circulation within fourteen (14) days of submission of the proposed ordinance amendment to the Supervisor of Elections. We have no information available to us which would establish whether or not these two conditions precedent to the validity of the petition and proposed ordinance amendment have been met. If they have not been met, then the proposed ordinance amendment is not valid and could not be acted upon by the Board of County Commissioners of Columbia County, Florida (the "Board").

Also, Section 6.1.3, Columbia County Charter, provides that the "power to enact, amend or repeal an ordinance or amend this Charter by initiative shall not include . . . matters inconsistent with the Charter, the general laws of Florida or the Florida Constitution" (emphasis added). It is this Firm's opinion that the proposed ordinance

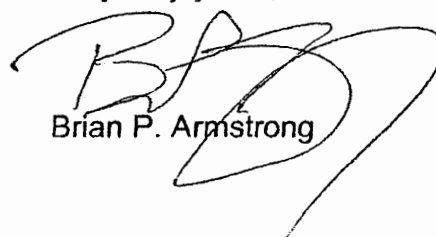
amendment includes matters inconsistent with the general laws of Florida, specifically, section 381.00655, Florida Statutes. Section 381.00655(1)(a), provides that "[t]he owner of a properly functioning onsite sewage treatment and disposal system . . . must connect the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection." As you know, the proposed ordinance amendment would make connection to a County sewer line optional at the discretion of a lot or parcel owner. This option is clearly inconsistent with the mandatory connect requirement of section 381.00655, Florida Statutes. Thus, the proposed ordinance amendment language cannot be included in the amendment initiative pursuant to Section 6.1.3, Columbia County Charter.

Finally, Section 6.1, Columbia County Charter, provides that "[t]he electors of Columbia County shall have the right to . . . amend or repeal existing ordinances when such amendments or repeal are not in conflict with the State Constitution or general law." Applying the same analysis as applied above with regard to Section 6.1.3 of the Columbia County Charter, the proposed ordinance amendment is in direct conflict with general law, specifically, section 381.00655(1)(a), Florida Statutes. For this reason, it is this Firm's opinion that the proposed ordinance amendment violates the Columbia County Charter and is thus unlawful.

For each of the foregoing reasons, it is the opinion of this Firm that the Board cannot lawfully sanction submission of the proposed ordinance amendment to voters by ballot or otherwise. Further, it is our opinion that the ordinance amendment language is inconsistent with and in conflict with the general laws of the State of Florida and thus would violate the Columbia County Charter and would otherwise be unlawful for the Board to adopt.

As always we are available to discuss our opinions further or to answer any additional questions which you or any member of the Board may have in these regards. Thank you for the opportunity to provide this service on behalf of Columbia County.

Very truly yours,



Brian P. Armstrong

BPA/adm



MEMORANDUM

TO: Columbia County Charter Review Commission

FROM: Kurt Spitzer

DATE: March 23, 2012

RE: March 29th Meeting Materials

This purpose of this Memorandum is to review the subject matter on the Agenda for your meeting of March 29, 2012.

Department Head Appointment and Termination

During the last meeting of the Charter Review Commission (CRC) you discussed two subjects relating to the Executive Branch of the County government: The procedure to terminate the County Manager and the procedure to appoint and terminate County Department Heads. As was discussed at your last meeting, both subjects relate to the Commission-Manager or Commission-Administrator form of government.

The Columbia County provides for a Commission-Manager form of government that specifically provides for a separation of legislative and administrative functions. Responsibility for setting policy rests with the legislative branch (the Board of County Commissioners) while responsibility for implementing policy is vested with the executive branch that is headed by the County Manager.

Charters often contain one or more policies to further the policy of separation of the legislative and executive functions. For example, such policies may be found in a non-interference clause, which recognizes that it is the County Manager who directly supervises his or her employees and prohibits individual members of the BCC from giving instructions or directives to employees who report to the County Manager.

Concerning the authority of the manager to retain or terminate senior staff, the CRC requested more information about practices/policies in other charters.

Attached please find information on the policies contained in county charters relating to the appointment and termination of department heads. About half of the charters provide that the appointment of department heads requires the confirmation of the governing body. The

balance of the charters do not specifically require such approval, although in practice the manager may informally seek such confirmation.

The great majority of the charters grant the exclusive authority to terminate department heads (with or without "cause") to the manager and do not provide for a formal appellate mechanism whereby the terminated department head may seek to have the decision of the manager reversed by the County Commission.

Granting the manager the authority to employ senior staff based on best professional judgment better allows him or her to build a senior management team without the undue influence of the legislative body, as does the power to terminate such staff with or without cause.

Ordinances by Petition

The CRC had previously requested information on the process by which the electorate in Columbia County may propose ordinances by petition. This subject was discussed in my Memorandum of February 20, 2012 to the CRC. A copy is attached.

Also attached is a copy of a June 18, 2010 opinion rendered by the Nabors, Giblin and Nickerson law firm concerning the validity of an ordinance concerning mandatory connections to central sewer systems that was being proposed by the Charter's petition process. The ordinance sought to provide that the connection by a household using an on-site septic system to a central or regional sewer system was voluntary or permissive on the part of the homeowner. In that case, counsel found the proposed ordinance to be invalid because the objective of the ordinance was inconsistent with Florida statutes.

The charter provides that ordinances proposed via this method must be consistent with Florida statutes. Florida statutes provide that the owner of an on-site septic system must connect to an available publically owned or investor owned sewer system within one year after notice that such system is ready for connection. Thus, the proposed ordinance was inconsistent with Florida Statutes.

The requirement that ordinances or charter amendments proposed by petition (or by some other method) be consistent with Florida Statutes is a policy that is not available for modification by a charter amendment. All ordinances and provisions of the charter must always be consistent with the Florida Constitution and Statutes.

However, how ordinances and charter amendments are placed in front of the voters for their consideration may be addressed by charter amendment. The policy options concerning ordinances proposed by petition were generally discussed in my February 20th memorandum to the CRC.

Additionally, the reason for providing a copy of such ordinances (or charter amendments, for that matter) to the Supervisor of Elections could be clarified or better specified. For example:

- Is it to "start the clock" for determination of whether an adequate number of signatures have been obtained within the allowable timeframe (six months) as specified by the charter? Is it to provide a review of the technical sufficiency of the ordinance or of the petition?
- Is it to provide a review of the legal sufficiency of the ordinance? If not, should the charter require petitioners to show proof of having obtained an opinion from outside counsel as to the validity of the proposed ordinance or charter amendment?

Districting Systems

Columbia County operates under a districting system with five Commissioners residing in single-member districts and elected by only the voters of each district. The suggestion for discussion was to consider moving to a system of five Commissioners elected from single-member districts plus two Commissioners elected at-large.

Charters provide for a myriad of districting systems, a summary of which appears below.

COUNTY	NUMBER OF BCC	DISTRICTING SYSTEM
Alachua	5	residence/at-large
Brevard	5	district
Broward	9	district
Charlotte	5	residence/at-large
Clay	5	district
Columbia	5	district
Duval	19	14 district/5 at-large (with mayor)
Hillsborough	7	4 district/3 at-large
Lee	5	residence/at-large
Leon	7	5 single/2 at-large
Miami-Dade	13	district (w/ mayor)
Orange	7	6 single/mayor
Osceola	5	residence/at-large
Palm Beach	7	district

COUNTY	NUMBER OF BCC	DISTRICTING SYSTEM
Pinellas	7	4 district/3 at-large
Polk	5	residence/at-large
Sarasota	5	residence/at-large
Seminole	5	residence/at-large
Volusia	7	5 single/1 at-large/1 at-large chair
Wakulla	5	residence/at-large

Note that the three "at-large" Commission seats in Hillsborough County have no specifications for residence areas associated with them. The three "at-large" seats in Pinellas County do have specific residence areas.

Also, note that the charters of Duval, Miami-Dade and Orange all make provisions for an executive position that is directly-elected by the voters on a countywide basis.

Discussion: At-Large Districts

Most programs and budgetary decisions that a County Commission considers are delivered on a countywide basis. It is therefore important that the members of the governing body are elected by and reflect the interests of all areas of the County. A system of at-large elections allows each voter in the county to vote for all five members of the Commission. Requiring that the Commissioners reside in "residence" districts, even though elected countywide, helps to ensure that the views of a specific area of the county are not overly reflected on the BCC and tends to ensure that a greater diversity of opinion is brought to the BCC.

However, electing Commissioners on an at-large basis makes them less responsive to the needs of their district area and can result in situations where a Commissioner is elected countywide but did not receive majority support within his or her own residence area. An at-large system of elections may make it more difficult to elect a member of the county's minority community.

Discussion: Single-Member Districts

Persons elected from single-member districts are more responsive to and reflective of the interests of their district. A system of single-member districts typically increases the opportunity for the creation of a minority-majority district or one or more minority-influence districts. Some costs of elections for single-member districts may be lower than those for an at-large seat.

Note that while persons elected from single-member districts may be more responsive to the interests of their district, they may also be less responsive to the needs of the remaining areas of the county, and may lead to a system where decision-making is more parochial than that found with at-large districts. Single-member districts are often paired with a system using an elected executive/chair or some at-large seats, thus offsetting the sometimes parochial nature of single member districts.

Discussion: Mixed Districting Systems

Alternatives such as a system of "five/two" (five single-member and two at-large) or "four/three" attempt to strike a balance between the two districting systems as discussed above. Both systems retain some of the at-large positions but include a majority of single-member seats. The existence of two or three commissioners elected at-large brings that perspective to the debate at the BCC.

One advantage of the four/three system is that it provides that each voter in the county has the ability to vote for a majority of the BCC - the three Commissioners who are elected at-large, plus his or her Commissioner who is elected from a single-member district. The charters in Pinellas and Hillsborough counties provide for this option.

An advantage of a five/two system is that the boundaries of the existing five single-member districts need not be altered with the addition of two at-large seats.

If an amendment was proposed by the CRC for an alternative districting system, a plan for transitioning to the new system would be included with the amendment.

Redistricting Process

In any of the alternatives discussed herein, all districts must be as nearly equal in population as is possible or practicable. The drawing of the district boundaries is a duty reserved for the county commission, although the charter may provide for a citizen's advisory committee to make recommendations to the BCC.

The policy questions surrounding the redistricting process were discussed in a January 17, 2012 memorandum to the CRC. A copy is attached. Also attached is a copy of an article on municipal redistricting that was published last year in the magazines of the Florida League of Cities.

County Department Heads
Charter Appointment/Termination Policies

COUNTY	APPOINTMENT	TERMINATION	with/without CAUSE?
Alachua	Admin/BD approval	Admin	either
Brevard	Admin/BD approval	Admin	either
Broward	Admin/BD approval	Admin	silent
Charlotte	Admin/BD approval	Admin	either
Clay	Admin	Admin w/ BD appeal	either
Columbia	Admin	Admin w/ BD appeal	either
Duval	Admin/BD approval	silent	silent
Hillsborough	Admin/BD approval	Admin	either
Lee	Admin	Admin	either
Leon	Admin	Admin	either
Miami-Dade	Mayor	Mayor	silent
Orange	Mayor	Mayor	Silent
Osceola	Admin	admin	either
Palm Beach	Admin	silent	silent
Pinellas	Admin/BD approval	Admin/BD approval	with
Polk	Admin/BD approval	Admin	either
Sarasota	Admin/BD approval	Admin/BD approval	either
Seminole	Admin/BD approval	Admin	either
Volusia	Admin/BD approval	silent	silent
Wakulla	silent	silent	silent

Policy - County Dept Heads
source: FAC

Via Electronic Mail

MEMORANDUM

TO: Columbia County Charter Review Commission

FROM: Kurt Spltzer

DATE: February 20, 2012

RE: Meeting Materials – February 21, 2012

This Memorandum reviews three subjects for your meeting of Tuesday, February 21, 2012. The first two concern the County Manager and the Commission-Manager form of government.

Termination of the County Administrator

The suggested revision is to change the charter so that the Manager may be terminated by a majority vote of the entire Board of County Commissioners (BCC) at a regular meeting. The current policy in the charter is that the Manager may be terminated by a majority vote of the entire BCC at each of two, successive regular meetings of the BCC.

The structure of charter counties in Florida have been heavily influenced by the movement for reform in local government that began almost 100 years ago. The cornerstone of the reform movement was to separate the administration of city and county government from political influence. That calls for a structure where responsibility for policy-making was vested in a legislative body and the responsibility for implementing policy was vested in a professional manager, who was retained based on qualifications and experience.

As was discussed at your last meeting, Columbia County operates under the Commission-Manager (or Commission-Administrator) form of government. The charter specifically provides for a separation of legislative and administrative functions (see Section 1.6) in furtherance of that form of government. Responsibility for setting policy rests with the legislative branch or BCC. The responsibility for implementing that policy is vested with the executive branch headed by the County Manager.

Charters often contain one or more policies to further the policy of separation of the legislative and executive functions. For example, such policies may be found in a non-interference clause, which recognizes that it is the County Manager who directly supervises his or her employees and prohibits individual members of the BCC from giving instructions or directives to employees who report to the County Manager.

Absent a directly-elected head of the Executive Branch, most (if not all) charters contain provisions to insure that there is strong support to remove the appointed County Manager.

Such policies manifest themselves in either a requirement (like that in the Columbia charter) to provide that a vote for termination must occur during two consecutive regularly scheduled meetings of the BCC, as opposed to one regular meeting of the Board.

An alternative is to provide that the Manager may be terminated during a single meeting of the Board by a majority-plus-one vote of the BCC. Some charters provide for both options.

An amendment proposing to provide for termination by a majority vote during a single meeting of the Board could certainly be considered. However, such a concept runs counter to the Commission-Manager form of government and would tend to weaken inherent power of the County Manager.

Termination of Department Heads

An additional part of the separation of powers or responsibilities between the Manager and BCC is the authority of the manager to retain or terminate senior staff on his or her management team.

The Charter provides that department heads are appointed, supervised and terminated (with or without cause) by the County Manager, and shall be employees at will and shall be responsible to the County Manager. However, the decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners pursuant to policy adopted by the Board.

Granting the manager the authority to employ senior staff based on best professional judgment better allows him or her to build a senior management team without the undue influence of the legislative body, as does the power to terminate such staff with or without cause.

The Columbia charter provides that department heads may appeal the manager's termination decision to the BCC. This is unusual when compared to other charters – most grant the Manager the exclusive authority to employ and terminate members of his or her team.

Ordinances Proposed by Petition

Most (although not all) charters provide for a process by which the electorate may propose ordinances by a petition process. The policy questions surrounding these charter provisions:

- The percentage of registered voters required to sign a petition seeking to propose an ordinance? 5%? 7%? Some other percentage?

- What mechanism (if any) is in place to insure that the required number of signatures is not concentrated within a single part of the county? For example: Signatures equal to at least 7% of the electorate countywide with also 7% in at least three out of the five BCC districts. Or, signatures equal to 7% countywide but not more than 30% of the required total from any single BCC district.
- The length of time required to gather the signatures – typically six months but could be as high as one year.
- The length of time that the BCC has to respond to the petition or take action – typically 60 days.
- Limitations on subject matter. Ordinances must be consistent with the Charter and general law. There are often other subjects that are prohibited from being considered via the petition process.
- The process by which the ordinance may be revised by the BCC. There are generally two common approaches: First, to allow the BCC to amend/repeal by a majority-plus-one vote of the entire membership. Second, to provide that the BCC may amend/repeal after the next general election, when the voters have had an opportunity to elect new Commissioners

The Columbia charter allows the voters to propose ordinances proposed by petition. The petition must be signed by a number of electors equal to at least seven percent of the voters qualified to vote in the last proceeding general election. Additionally, the threshold of seven percent must be obtained in at least three of the BCC districts. The allowable time period for obtaining signatures on the petition is six months. The BCC has sixty days to hold a public hearing and vote on the ordinance or call a referendum on ordinance during the next general election at least forty-five after the call for a referendum. The BCC may not amend or repeal an ordinance adopted by initiative prior to the next succeeding general election without the approval of the electors voting in a separate referendum called for that purpose.

The subject matter of ordinances proposed by petition may not include administrative or judicial functions; the county budget, debt or CIP; salaries of county officers and employees; the assessment or collection of taxes; and, matters inconsistent with the Charter, the general laws of Florida or the Florida Constitution.

I look forward to meeting with you this week. Please feel free to contact me if you have any questions.

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(954) 525-8331 Fax

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2502 Rocky Point Drive
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

June 18, 2010

**Via Electronic Transmssion and
Overnight Delivery**

Dale Williams
County Manager
Columbia County
135 Northeast Hernando Avenue, Suite 203
Lake City, Florida 32055

Re: Citizens Petition Proposing Amendment to Ordinance No. 2010-2 of
Columbia County, Florida

Dear Mr. Williams:

You have asked this Firm to render an analysis and legal opinion concerning the validity and/or lawfulness of the above-referenced citizen petition to amendment Ordinance No. 2010-2.

As a preliminary matter, Section 6.1.1 of the Columbia County Charter identifies certain conditions precedent to the validity of a petition to amend a county ordinance. Specifically, this Section provides that the petitioner must submit the proposed ordinance amendment to the Supervisor of Elections prior to collecting signatures in support of such amendment. This Section further requires that the petitioner publish notice of the submission of the proposed ordinance amendment in a newspaper of general circulation within fourteen (14) days of submission of the proposed ordinance amendment to the Supervisor of Elections. We have no information available to us which would establish whether or not these two conditions precedent to the validity of the petition and proposed ordinance amendment have been met. If they have not been met, then the proposed ordinance amendment is not valid and could not be acted upon by the Board of County Commissioners of Columbia County, Florida (the "Board").

Also, Section 6.1.3, Columbia County Charter, provides that the "power to enact, amend or repeal an ordinance or amend this Charter by initiative shall not include . . . matters inconsistent with the Charter, the general laws of Florida or the Florida Constitution" (emphasis added). It is this Firm's opinion that the proposed ordinance

Dale Williams, County Manager
June 18, 2010
Page 2

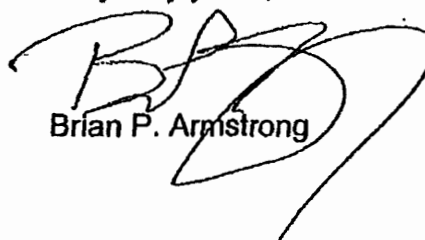
amendment includes matters inconsistent with the general laws of Florida, specifically, section 381.00655, Florida Statutes. Section 381.00655(1)(a), provides that "[t]he owner of a properly functioning onsite sewage treatment and disposal system . . . must connect the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection." As you know, the proposed ordinance amendment would make connection to a County sewer line optional at the discretion of a lot or parcel owner. This option is clearly inconsistent with the mandatory connect requirement of section 381.00655, Florida Statutes. Thus, the proposed ordinance amendment language cannot be included in the amendment initiative pursuant to Section 6.1.3, Columbia County Charter.

Finally, Section 6.1, Columbia County Charter, provides that "[t]he electors of Columbia County shall have the right to . . . amend or repeal existing ordinances when such amendments or repeal are not in conflict with the State Constitution or general law." Applying the same analysis as applied above with regard to Section 6.1.3 of the Columbia County Charter, the proposed ordinance amendment is in direct conflict with general law, specifically, section 381.00655(1)(a), Florida Statutes. For this reason, it is this Firm's opinion that the proposed ordinance amendment violates the Columbia County Charter and is thus unlawful.

For each of the foregoing reasons, it is the opinion of this Firm that the Board cannot lawfully sanction submission of the proposed ordinance amendment to voters by ballot or otherwise. Further, it is our opinion that the ordinance amendment language is inconsistent with and in conflict with the general laws of the State of Florida and thus would violate the Columbia County Charter and would otherwise be unlawful for the Board to adopt.

As always we are available to discuss our opinions further or to answer any additional questions which you or any member of the Board may have in these regards. Thank you for the opportunity to provide this service on behalf of Columbia County.

Very truly yours,



Brian P. Armstrong

BPA/adm



MEMORANDUM

TO: Columbia County Charter Review Commission

FROM: Kurt Spitzer

DATE: January 17, 2012

RE: Redistricting

This Memorandum reviews the subject of redistricting, which was identified for further discussion during the last meeting of the Charter Review Commission (CRC).

Redistricting of the County Commission is largely controlled by state and federal policy. It must occur at least every ten years, during the first odd-numbered year after the U.S. Bureau of the Census completes the decennial census. It is a process by which the principle of "one-person, one-vote" is furthered.

Several factors are balanced together in the process to attain this goal, to preserve "communities of interest" and to develop boundaries that are easily understood by the voters. Criteria are considered in total, with population being the dominant (but not absolute) factor.

Generally, the common factors that are considered are as follows:

1. **Population.** The population of each district should be as nearly equal in population as is possible. Generally, the closer to the average district population, the better and deviations from the average district size of more than 5% (over or under) should be equalized by adjusting district boundaries or the underlying public policy reason as to why an exception to the practice is warranted should be well-documented. "Population" is total population and not registered voters.
2. **Minority Population.** The new district boundaries should avoid diluting the voting strength of the minority population of the county by splitting that population into two or more districts ("cracking") or concentrating a significant number of minority residents residing in two or more districts into a single district ("stacking").

3. Contiguity. The different parts of each district must be connected to one another. While a water body may separate different parts, they may not be separated by another district.
4. Compactness. While each district need not be a perfect circle or square, they should be relatively compact. Serpentine or "bizarre" shapes should be avoided.
5. Easily understood boundaries. Districts should recognize and follow, where possible, significant man-made and natural boundaries, such as major roads, rivers, water bodies, etc.
6. Neighborhoods and cities. The districting plan should attempt to avoid splitting existing neighborhoods and cities into two or more different district boundaries.
7. Recognition of existing districts. The districting scheme may consider the area from which incumbents are currently elected and may seek to ensure that the new districts preserve the general boundaries of the existing districts. Doing so recognizes the preference of the voters as expressed by electing the incumbent Commissioner and is more easily understood by the voters.

None of the criteria by themselves are considered to be absolute; they are balanced against one another. However, equal population and preservation of minority voting strength are generally given a higher value than the other criteria.

Redistricting Process

The Florida Constitution requires that the Board of County Commissioners divide the county into districts of contiguous territory as nearly equal in population "as practicable" after each decennial census. Chapter 124, Florida Statutes, provides that the County Commissioners adjust the boundaries of the districts to keep them as nearly equal in population as is possible, although changes to the districts may be made only in odd-numbered years.

Thus, redistricting is performed by the County Commission, must occur in the first odd-numbered year after the census and may occur more frequently than that but only during odd-numbered years. Within these confines and those of federal law, the charter may provide guidance in the county's redistricting process.

Columbia CRC
January 17, 2012
Page three

The current language of the charter tracks that of the state constitution and statutes. It also contains language encouraging the cities within the county to not be divided or split by the revised commission districts.

Brevard County Charter Example

While most charters are similar to Columbia in terms of policy on redistricting, the charter could contain additional processes and/or policies concerning the redistricting process. An example of that is found in the Brevard County charter.

"In the first odd-numbered year after each decennial census, or more frequently where allowed by this section, the Board of County Commissioners shall cause the county to be divided into County Commission districts of contiguous territory as nearly equal in population as practicable. Redistricting shall be the responsibility of a Committee appointed in the same manner as a Charter Review Commission under this Charter. The recommendations of the Committee shall be made directly to the Board of County Commissioners which shall approve or disapprove them without amendment. In its recommendation the Committee shall, to the extent practicable, preserve the several municipalities and geographically cohesive racial or ethnic minority communities from fragmentation. Redistricting more frequently than decennially shall be permitted only where the population of a district has been changed by more than 25% since the last redistricting."

The Brevard example places a specific emphasis on preserving cities within district boundaries, and also on not fragmenting racial or ethnic communities. It creates an independent committee to make recommendations on new redistricting plans to the Board of County Commissioners for their approval or rejection.

After this section of the charter was adopted by the voters, two redistricting exercises have occurred. On one occasion, the redistricting Committee was staffed by an outside consultant; during the other, by county staff.

I look forward to meeting with you later this month. In the meantime, please feel free to contact me if you have any questions.

KS/



Redistricting at the Local Level

Transparency is the Key to Building Consensus

by Kurt Spitzer

The attention of most municipal officials in Florida was recently directed to the legislative session and measures to restructure state and local governments. But it's not too early for cities to begin considering the idea of restructuring at the local level.

With the April release of the official 2010 population data by the U.S. Census Bureau, most municipal and other local governments will begin to examine potential changes to their governing body's district boundaries to ensure adherence to the principal of "one person, one vote" and the provisions of the Voting Rights Act.

Equalizing the district populations is accomplished through redistricting, which is the adjustment of the boundaries of council districts within a city so that each district has a population that is roughly equal to all others, while ensuring that other legal requirements are met.

Within the confines of statutes, case law and the provisions of the municipal charter, redistricting is the prerogative and duty of the governing body of the city. It is the city council or commission that has the authority to make adjustments to the district boundaries of its legislative body.

The local redistricting process need not be characterized by a contentious, heated debate that spills into the courts, as it sometimes is at other levels of government. By following a few simple procedures and using generally accepted criteria, any city can enjoy a smooth process.

Openness

All actions taken by municipal officials are subject to Florida's Sunshine and public-records laws. But extra efforts should be made in the redistricting process to ensure that it is accomplished in a transparent manner and that input is solicited from city residents. It is important to plan well-publicized workshop meetings on redistricting of the city council, possibly holding such meetings in each individual district and using the city's website to keep residents informed.

Criteria

While the ultimate decision concerning new district boundaries will be made by the city council or commission, following established criteria will help ensure a smooth process that is understood and accepted by the community, is accomplished on time and stays out of the judicial system.

Here are some of those criteria:

Population – Districts must be as nearly equal in population as is possible or practicable. While it is impossible to have districts that are exactly equal in population, the initial policy goal should be to set a deviation from the average district size that is as small as possible. Usually a deviation of less than 3 percent is a good target.

Note that "population" does not mean registered voters but all people counted by the Census Bureau. In some cases, voting age population may be used instead of total population, and convicted felons in state or federal prison may be excluded.

Two districts that have populations with a difference in population of more than 10 percentage points may raise a "red flag" with the courts. In such cases, the underlying rationale or public policy necessitating such a deviation should be well documented.

Minority Voting Strength – The federal Voting Rights Act is intended to protect the voting power of certain classes, such as racial or other minorities. If the population of a protected class is compact, sufficiently large and politically cohesive, the district bound-

aries should be drawn so that members of the group can elect representatives of their choice.

The districting plan must not dilute the voting strength of minorities. Two common ways that minority voting strength is diluted and should be avoided are:

- ▲ **Packing** – Locating most of a minority population into a single district so as to dilute their influence in other districts.
- ▲ **Cracking** – Splitting the minority population into two or more districts so as to dilute their influence in all districts.

Census Blocks – Cities should use the data provided by the Census Bureau. This is the most recent information that is readily available and is presumed to be valid. Most redistricting software comes with the 2010 census data embedded in it.

The smallest unit of information available from the Census Bureau is census blocks. While the census data are the best we have, there may be glitches that are apparent only to local officials or to people familiar with the software, so be sure to check for anomalies in the data.

Other relevant information should be added to the city's database, such as major roads, neighborhoods, and significant natural features including lakes or streams, before moving ahead with the process.

District Shape and Boundaries – While following the primary criteria as described above, the objective should be to develop a system that is logical, easy for voters to understand, and that preserves communities of interest. Here are four common-sense guidelines to follow:

- ▲ **Bizarre Shapes** – Avoid them! Serpentine or other extreme shapes that have no valid underlying public-policy objective should be avoided. They may also raise a "red flag" with the courts. Generally, the more compact a district, the better.
- ▲ **Recognize Existing Boundaries** – Attempting to keep the

new boundaries as similar as possible to the old boundaries recognizes the will of the voters who elected the incumbent and avoids drawing an incumbent out of his or her district.

- ▲ **Significant Geographic Features** – District boundaries should follow significant manmade or natural boundaries, such as primary roads and major water bodies.
- ▲ **Neighborhoods** – The redistricting plan should attempt to preserve neighborhoods by not splitting them into two or more districts.

The Process

The first step in the redistricting process is to layer the current district boundaries on top of the new census data. It is possible that an analysis will show that no boundary adjustments are required. If such is the case, develop a record, readopt the boundaries, and you're done!

If the new data show a significant imbalance, the city should discuss and adopt its criteria or guidelines; develop a plan for garnering public input; prepare draft maps; and plan for public hearings.

The process of reviewing alternative maps and redistricting plans is an iterative one. One, two or several alternative maps that are legally sufficient can be presented for public review and comment. As input is received, the city may narrow the alternatives down to one or two for final consideration.

A knowledgeable, impartial facilitator is important in ensuring a successful redistricting process.

A transparent, public process is key to adopting new district boundaries in a manner that is based on consensus, operates smoothly and avoids challenges in court.

Kurt Spitzer is president of Kurt Spitzer and Associates, a local-government consulting firm based in Tallahassee. He can be reached at (850) 561-0904 or kurtspitzer@ksanet.net.

CHARTER REVIEW COMMISSION

Minutes of
March 29, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Administration Office.

The meeting was called to order by Chairman Koby Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Ozell Graham, Audrey Bullard, Bettye Lane
District 2 Representatives: David Morse (late)
District 3 Representatives: Walt Graham, Jack Berry, Koby Adams
District 4 Representatives: Kim Skinner, Sherree Vann, John Willis (late)
District 5 Representatives: Ray Walker, Glynnell Presley, Nathan Morgan

Charter Commissioners Absent:

District 2 Representative: Rocky Ford, Dean Taylor
District 4 Representative:

Others in Attendance:

Deputy Clerk Sandy Markham, Consultant Kurt Spitzer, Attorney Mark Watts
Asst. County Manager Lisa Roberts

Resignation

The Chair announced that Charter Commissioner Dean Taylor rendered his verbal and immediate resignation from the Charter Commission earlier in the evening due to job restraints. Staff will notify Commissioner DePratter of this resignation.

Minutes of February 21, 2012

There was a motion and a second to approve the minutes. The motion carried unanimously.

Introduction of Invited Guest and Presentations

None.

Remarks by Interested Citizens

There has been one petition process since the adoption of the Charter. The Charter Commission expressed an interest at a prior meeting about learning more about the process.

Citizen Toby Witt voiced the importance of the procedures for petitions remaining in place and being fine tuned. He is of the opinion that this is the only “checks and balances” in the system for the citizen. He explained that *Citizens Against Forced Utilities* (“CAFU”) used the process that is in place and it worked “as best as it could.”

Mr. Witt reported the group worked countless hours to obtain the required number of signatures. He said that the Board of County Commissioners used a loop hole in the final hour to circumvent the matter from being placed on the ballots. He explained how the Commission cast their vote to not place the matter on the ballot based on a legal opinion which was rendered by an attorney hired by the County (Brian Armstrong) to assist with matters pertaining to the Ellisville Utility Project. The CAFU’s attorney, who has much experience in this area disagreed with the legal opinion the County had received. The next step would have been to take the matter to court for a final ruling by a judge.

Mr. Witt explained that the organization and all of the public who signed the petitions found themselves at a financial disadvantage. He said the disadvantage was that the County’s financial resources were basically unlimited and they would be able to use the citizens’ tax dollars to fight the petition in court. Meanwhile, the organization had done their very best to follow the rules for the petition process and went as far as hiring an experienced attorney to oversee the process. Unfortunately, the organization and its funds were very minimal compared to that of county government and to their financial resources.

It was Mr. Witt’s opinion that this Charter provision was put into place by the people, it deserves to stay in place, and that the petition process should be made less restrictive so that it would work more realistically for the people.

Additionally, Mr. Witt said that the petition procedure that is now in place restricts the public from petitioning for term limits or changes in commissioner salaries. He said that nothing should be restricted from the public as long as it remains in line with federal and state law.

The Commission engaged in discussion to learn more.

Answering a question from a Charter Commissioner, Mr. Witt explained that the wording that the County Commission’s Attorney had a problem had been on the petition and circulated for a long period of time, and everyone had had an opportunity to review the petition. It was not until the final hour, after the petition process was complete, the red flag was raised by the Board of County Commissioners and CAFU was told that there was a problem with the verbiage, which ultimately resulted in a vote not to place the matter on the ballot.

While there are Charter Commissioners who feel the petition process worked just as it should have, there were others who would like to see the process fine tuned to avoid the expense of filing and also defending lawsuits, and to avoid future last minute denials by the Board of County Commissioners. Some of the suggestions offered for consideration were to require the following action prior to the petition being circulated:

- Establish a small review committee/board made up of a judge and an attorney (or something similar) to review proposed petitions

- Require organizations to have their proposed petitions reviewed at their own expense by an attorney. Once the organization's attorney approves the petition, the elected County Attorney should review the petition and voice any concerns. It was noted that the County Attorney is elected by the people and his interest should be in protecting the county as a whole (citizens and the Commission).
- Have a non-biased, neutral attorney review the petition and offer an opinion.
- Make it a requirement that the County Commissioners must voice any concerns with the proposed petition in advance
- Forward petitions to the County Judge for legal review and opinion.

Another option being voiced for consideration was if a lawsuit is filed and a judge rules in favor of the petition, that the County Commission be required to reimburse the organization for attorney fees.

Answering a question from the Charter Commission, Citizen Steward Lilker said that if the County had a problem with any of the verbiage, it did not affect the remainder of the petition. He pointed out that the severability clause within the petition clearly stated that if anything in the document was deemed to not be legal, it doesn't make the whole document void. Mr. Lilker recalled that the County's Attorney said that the "entire" petition was no good. He said the County should have had to get a court to rule on their decision (that the words within the petition were illegal). Mr. Lilker said the Charter should prevent the Board of County Commissioners from being both the judge and the jury. He said as a matter of law, CAFU should not have had to take the matter to court for a decision. The County should be the one who seeks the decision.

Citizen Stew Lilker addressed the issue of Advanced Public Notice. He read from an interview that he conducted with County Manager Dale Williams where Mr. Williams said that enhanced public notice is "good government," and how having agenda items and supporting documents on the County's website was a benefit, because having items readily available on the County's website keeps the public from having to make record requests to county staff members. Mr. Lilker said the interview concluded with the County Manager agreeing that enhanced public notice has made a more effective and responsive government, and with the County Manager stating that enhanced public notice is just good government and that it has been a good thing for everyone. Mr. Lilker said that the County Manager concluded by saying that it is important the people have the information as timely as possible. Mr. Lilker went on to recall that when the enhanced public notice amendment was initially presented, fourteen of the fifteen charter commissioners found enhanced public notice to be a good thing and voted in favor of enhanced public notice. He advised the Charter Commissioners that the County purchased a scanner for the purpose of scanning the agenda and supporting documents. The machine will scan 100 slides a minute, which take approx 2-3 minutes to scan the materials, and approximately 2 minutes to post the scanned materials to the website. He asked that the enhanced public notice not be removed.

Attorney Watts explained the Charter Commission can legally have a number of mechanisms created within it where an advisory opinion is rendered regarding the legality of a petition. However, if in the end there continues to be disagreement between the people and the Commission or the attorneys regarding the advisory opinion and a legal and binding opinion is needed, the decision would then have to come from the court.

Attorney Watts used as an example Brevard County has a panel of three (attorneys or judges) that review the proposed petitions and offer their legal opinions. Regarding Brevard County, Consultant Kurt Spitzer questioned if once the opinion is rendered by the panel and there is disagreement if it would be possible to go ahead and move forward with seeking a declaratory judgment from the court prior to circulation. Attorney Watts said that type of structure could be set up within the Charter.

Invoice Approval

Kurt Spitzer and Associates invoice in the amount of \$3850.

MOTION and Second to approve the invoice. The motion carried unanimously.

Cobb and Cole, P.A. The original invoice is in the amount of \$3149.78.

MOTION and second to approve payment of \$3149.78. There was discussion that the balance after the recent payment is \$1638.28.

AMENDED MOTION and Second to approve the invoice at \$1638.28. The motion carried unanimously.

Unfinished Business

The Commission continues to be in the midst of the discussion portion of the calendar, where certain issues have been identified that commission members may want to discuss. These discussions will continue through April. Depending on the discussions, the Charter Commission may decide to request proposed language to be created for a proposed charter amendment. Three public hearings are required for the proposed final amendments. At the conclusion of the final hearings, the Charter Commission will take a vote to transmit amendments to the Board of County Commissioners for placement on the November ballot.

Items discussed with the Charter Commission by Mr. Spitzer:

(a) Department Head Appointment & Termination. Most charter counties do not have an appeal process upon termination. Additionally, most charter counties require Board confirmation for the hiring of department heads by the Board of County Commissioners.

There was no discussion.

NEW BUSINESS

Legislative Branch - County Commission

(a) Districting Systems – The Commission received information that related to increasing the size of the County Commission to a total of seven. Five being elected from single member districts and two being elected on an at-large basis.

Attorney Watts conducted a preliminary research on the history of the districting system in Columbia County. If interested, the idea of a charter amendment to increase the size of the commission could be legally proposed in Columbia County. There is nothing to block this option from being considered or proposed. Attorney Watts said that he has reviewed and verified that this county would not need a clearance letter from the Department of Justice in order to pursue this as an amendment should the Charter Commission decide to do so.

Commissioner Ozell Graham said that he originally proposed the “at large” commissioner idea, but after having considered the cost and the other things associated with having two “at large” commissioners, he rescinded his recommendation and recommended that the county stay with five single member commissioners.

There was further discussion to gain a better understanding. Mr. Spitzer reviewed the practices of other charter counties, and discussed the advantages and disadvantages of the different systems.

The Charter cannot take action that will obviously dilute the minority voting abilities. There seemed to be a consensus that seven “at large” commissioners would not be beneficial for Columbia County, but there was a variety of mixed opinions as to whether two at large commission positions are needed. The Commission discussed the pros and cons of having two countywide county commissioners.

Some of the Commissioners expressed concern that adding “at large” commissioners would dilute the minority vote, and that it would not give the minorities fair representation. While others believe the minorities would have more representation and their vote would be strengthened. There was also a mixture of views relating to whether a minority person could or could not be elected on a county wide basis.

Mr. Spitzer explained the districts would not change if two “at large” commissioners were added. One of the “at large” commissioners would be voted in initially for a two year period and the other would be voted in for a four year period. Thereafter, the positions would be voted on every four years. It is not likely that there would be a residency requirement for the two commissioners.

(b) Mr. Spitzer discussed the **redistricting process** as it relates to the criteria considered when drawing the lines. While the act of redistricting the commission boundaries is something that is reserved by statute to the county commissioners, the Charter can put into place a citizen’s advisory committee that can present recommendations for the county to act on. There was minimal discussion.

Other Topics for Discussion

Though it has been addressed, Commissioner Morse said that he has had three citizens approach him regarding term limits. He said that it should at least be discussed since citizens have asked.

MOTION: By Commissioner Morse to add term limits to the Discussion Agenda. Second by Commissioner Berry. The motion failed.

Next Meeting

Thursday, April 12, 2012 commencing at 6:00 p.m. in the School Board
Administrative Complex auditorium.

Attest:

Koby Adams, Chairman
Charter Review Commission

P. DeWitt Cason
Clerk of Circuit Court

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**327 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

APRIL 12, 2012

6:00 P.M.

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE**
- IV. ROLL CALL**
- V. APPROVAL OF MINUTES OF PREVIOUS MEETING**
March 29, 2012 – Columbia County Charter Review Commission
- VI. INTRODUCTION OF INVITED GUESTS AND THEIR PRESENTATIONS**
- VII. REMARKS OF INTERESTED CITIZENS**
- VIII. REPORT OF CHAIRPERSON**
 - (a) Invoice Approval – Kurt Spitzer & Associates, Inc. – 3,044.75**
- IX. REPORTS OF COMMITTEES (IF ANY)**
- X. UNFINISHED BUSINESS**
 - Major Departments**
 - (a) Department Head Appointment & Termination – Board Confirmation And Appeal**
 - General Powers and Miscellaneous Provisions**
 - (a) Charter Amendments: Procedure for Petition – Article 6**
 - Legislative Branch – County Commission**
 - (a) Districting Systems**
 - (b) Redistricting Process**

Page Two
Agenda
Charter Review Commission
April 12, 2012

XI. NEW BUSINESS

- (a) Selection Process for County Attorney**
- (b) Other Issues**
- (c) Review and Decision Meetings**

XII. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING

**Thursday, April 26, 2012 commencing at 6:00 p.m. in the School Board
Administrative Complex auditorium**



RECEIVED

APR 05 2012

Board of County Commissioners
Columbia County

(Federal EIN 59-2977021)

INVOICE

CC 002

TO: Columbia County Board of County Commissioners
Attention: Lisa K.B. Roberts
P.O. Box 1529
Lake City, FL 32056-1529

DATE: April 3, 2012

RE: Columbia County Charter Review Commission

<u>Date</u>	<u>Description of Services</u>	<u>Amount</u>
<u>2012</u>		
March	15 hours @ 175.00/hour (Summary attached)	\$ 2,625.00
March	4 hours @ 87.50/hour (travel) (Attached)	350.00
Mar 23	Copying (240 x .25)	60.00
Mar 23	Postage (15 x .65)	9.75

Total this invoice

\$ 3,044.75

*Please make check payable to Kurt Spitzer and Associates, Inc.
and mail to PO Box 867, Tallahassee, FL 32302-0867
Thank You*

DATE: April 3, 2012

RE: Columbia County Charter Review Commission

Kurt Spitzer Time Record

Date	Service	Travel Hours	Hours
2012			
03/22	Phone (L. Roberts)		.25
	Research, prepare materials		3.75
03/23	Research, prepare materials		5.25
03/29	Phone (Roberts, Watts, Adams)		1.25
	Travel	4.00	
	CRC meeting		2.00
03/30	Review notes, prepare outline		2.00
04/02	Review district maps		.50
	Total	4.00	15.00

CHARTER REVIEW COMMISSION

Minutes of
April 12, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Administration Office.

The meeting was called to order by Chairman Koby Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Audrey Bullard, Bettye Lane
District 2 Representatives: David Morse (late)
District 3 Representatives: Walt Graham, Jack Berry, Koby Adams
District 4 Representatives: Kim Skinner, Sherree Vann, John Willis (late)
District 5 Representatives: Ray Walker, Glynnell Presley, Nathan Morgan

Charter Commissioners Absent:

District Representative: Ozell Graham
District 2 Representative: Rocky Ford

Others in Attendance:

Deputy Clerk Sandy Markham, Consultant Kurt Spitzer, Attorney Mark Watts
Asst. County Manager Lisa Roberts

Minutes of March 29, 2012

A MOTION and a second was offered to approve the minutes with the Clerk making the correction that John Willis was in attendance. The motion carried unanimously.

Invoice Approval for Kurt Spitzer & Associates - \$3,044.75

A MOTION and a second was offered to approve the invoice. The motion carried unanimously.

Unfinished Business.

This is one of the two required meetings for considering the approval of amendments that may be punched out to be considered at the three public hearings. Action will be required to move the proposed amendments to the public hearings. The topic/issues presented and reviewed were:

Removal of County Manager; Article 2. Section 2.8(1).

The proposed amendment is to allow the County Commissioners to remove the County Manager by either a majority vote of the entire Board at each of two successive regular meetings or by a majority plus one vote of the entire Board allowing one meeting of the Board to be an emergency meeting.

There was a MOTION and a second to amend the charter language so the County Manager can be removed by a majority plus one vote. This action can be taken in a special meeting, regularly scheduled county commission meeting or an emergency meeting. The motion carried 10-1. This topic will now be moved to the public hearing agenda. Three public hearings are required and changes may occur during public hearing.

Public Notice Requirements; Article 2. Section 2.1.1

The Charter currently has a public notice requirement in place that requires the county to take extra measures (beyond Florida Statutes) to provide the public with information via internet or other electronic means. The proposed amendment will simply require that Florida Statutes be complied with and will remove the extra measure requirement, and will also remove the nonfeasance clause.

There was a MOTION and a second to place this matter on the agenda for public hearing. The motion carried unanimously. This topic will now be moved to the public hearing agenda. Three public hearings are required and changes may occur during public hearing.

Major Department Heads 4.2 – Appointment, Termination and Appeal Process

There was a MOTION and a second to remove the language providing for an appeal process (delete last sentence in 4.2). The motion carried 10-2. Proposed language will be considered at the next meeting. A decision will then be made at the next meeting as to whether the amendment should be moved to the public hearing agenda.

General Powers and Misc. Provisions – 6.1

The procedure for Petition Process

There are mixed opinions on the topic. Everyone understands that ultimately, if the Board of County Commissioners and its attorney deem that a petition is illegal, the only recourse for the petitioner to get the amendment on the ballot would be to take the matter to court and obtain a ruling by the judge.

Understanding this, there are Charter Commissioners who feel that it only makes sense and is only fair for the County Commission to be required to obtain a legal opinion from their attorney on the front end of the petition process instead of at the back end. The mindset was that the

County Attorney is likely going to have to review the petition anyway and tax dollars can afford to pay for a legal review on the front end much cheaper than it can pay for the review and a court battle on the back end. A petition is rare and reasonable effort should be made in advance of the petition being circulated to resolve issues (if there are any).

Another option discussed for obtaining opinions would be to have a small legal committee impanel to offer opinions (front end/ back end). This could be beneficial to the County Commission and/or the petitioner. Putting a few provisions in place to resolve concerns outside of court could be a large cost saving step in the end.

There was a **MOTION** and a second to move forward with having language drafted setting a provision in place to obtain a legal opinion(s) from a source such as a legal panel. The language presented will give options for legal review prior to circulation as well as other options.

The motion failed 5-7.

Legislative Branch - County Commission

Districting Systems – Number of County Commissioners

There was discussion as to whether the two (2) at large commissioners should be added to the current five (5) single members commissioners; making a total of seven (7) commissioners.

There was a MOTION and a second to move this item forward and to have proposed language presented for consideration at the next meeting. The motion carried 8-4. Proposed language will be considered at the next meeting. A decision will then be made at the next meeting as to whether the amendment should be moved to the public hearing agenda.

Legislative Branch - County Commission

Re- Districting Process

The most recent redistricting process was discussed. Several Charter Commissioners felt this should have been handled differently. There was discussion.

There was a MOTION and a second to move forward with drafting language for creating a committee of three that would work to propose redistricting lines and make recommendations to the Board of County Commissioners. The motion carried unanimously.

Selection Process for County Attorney

There was a MOTION and second to move this item forward to the next meeting and have propose ballot language drafted for appointing a county attorney. Transition language is to included in the proposed language. The motion carried 11-1.

Review and Decision Meetings

The following issues (with revised language) are ready for public hearings: 1.) Terminating the county manager, and 2.) public notice requirements.

Adjournment with day Fixed for Next Meeting

The next meeting is Thursday, April 26, 2012 commencing at 6:00 p.m. in the School Board Administrative Complex auditorium. There being no further business, the meeting adjourned at 7:30 p.m.

Attest:

Koby Adams, Chairman
Charter Review Commission

P. DeWitt Cason
Clerk of Circuit Court

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**327 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

April 26, 2012

6:00 P.M.

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE**
- IV. ROLL CALL**
- V. APPROVAL OF MINUTES OF PREVIOUS MEETING**
April 12, 2012 – Columbia County Charter Review Commission
- VI. INTRODUCTION OF INVITED GUESTS AND THEIR PRESENTATIONS**
- VII. REMARKS OF INTERESTED CITIZENS**
- VIII. REPORT OF CHAIRPERSON**
- IX. REPORTS OF COMMITTEES (IF ANY)**
- X. UNFINISHED BUSINESS**
 - Major Departments**
 - (a) Department Head Appointment & Termination – Removal of Appeal Process**
 - Legislative Branch – County Commission**
 - (a) Districting System – 2 at Large Members and 5 Single Members**
 - (b) Redistricting Process – Advisory Committee**
 - (c) County Attorney – Selection Process**
- XI. NEW BUSINESS**
 - (a) Other Issues**
 - (b) Adopt Final Recommendations for Public Hearings**

Page Two
Agenda
Charter Review Commission
April 26, 2012

- XII. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING**
FIRST PUBLIC HEARING:
Thursday, May 10, 2012 commencing at 6:00 p.m. in the School Board
Administrative Complex auditorium

CHARTER REVIEW COMMISSION

Minutes of
April 26, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Administration Office.

The meeting was called to order by Chairman Koby Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Audrey Bullard, Bettye Lane
District 2 Representatives: Zimmie Petty, David Morse (late)
District 3 Representatives: Walt Graham, Jack Berry, Koby Adams
District 4 Representatives: Kim Skinner, Sherree Vann
District 5 Representatives: Ray Walker, Glynnell Presley, Nathan Morgan

Charter Commissioners Absent:

District 1 Representative: Ozell Graham
District 2 Representative: Rocky Ford
District 4 Representative: John Willis

Others in Attendance:

Deputy Clerk Sandy Markham	Consultant Kurt Spitzer
Attorney Mark Watts	Asst. County Manager Lisa Roberts

Minutes of March 29, 2012

MOTION by G. Presley to approve. Second by B. Lane. The motion carried unanimously.

Public Input

Citizen Stew Lilker offered comment relating to the position of School Board Superintendent, and the posting information to the website in a timely manner.

Introduction of New Member

The Chair recognized and welcomed newly appointed Charter Commissioner Zimmie Petty.

Business

Termination of County Manger. This amendment has already been approved. The minor wording change in the last sentence of the amendment was reviewed with the commissioners.

Removal of Supplementary Public Notice and Information Provision. The prior form of this amendment has already been approved. It was suggested that the Commission consider endorsing and approve adding the following language to the end of the amendment: "...except as is supplemented by ordinance approved by the Board of County Commissioners."

MOTION by J. Berry to accept the suggested changes presented by Attorney Watts. Second by D. Morse. The motion carried unanimously.

Department Head Appointments and Terminations. This amendment deletes the appeal right of the County Managers decision to terminate.

MOTION by J. Berry to accept the recently approved wording which eliminates the appeal process for all employees of the county and to move this amendment to the public hearing agenda. Second by N. Morgan. The motion carried 8-4.

Recommendations for a Redistricting Advisory Committee.

MOTION by J. Berry to approve an Advisory Committee and to change the membership number to seven (instead of 15). Also, that the Supervisor of Elections serve on the council and that the council be able to hire an outside consultant should they deem it is necessary. The motion failed for a lack of second.

MOTION by K. Skinner to move this item, as written, to the public hearing agenda. Second by J. Berry. The motion carried 8-4.

Districting System – Adding two at large commissioners

Minor technical revisions to the amendment were reviewed. There was discussion regarding the terms of the two added commissioners. There was also an option discussed for reducing the five commissioners' salaries in order to cover the cost of the two additional commissioners.

MOTION by R. Walker to move this item along with the minor technical changes to the public hearing agenda (Without the salary reducing option). Second by J. Berry. The motion carried 8-4.

County Attorney Selection Process. This would no longer be an elected position, but would be a position appointed by the Board of County Commissioners. The amendment allows for a transition period that will allow the current office holder to complete his term in office.

One change was noted in the amendment summary (Pg. 8 – Ln. 2). The word “repeal” has been replaced with “supersede.”

MOTION by J. Berry to move this amendment, abolishing the office of County Attorney, to the public hearing agenda and to accept the wording change. Second by R. Walker. The motion carried unanimously.

Public hearings dates scheduled for the adoption of final recommendations.

- May 10, 2012 (May make minor technical changes)
- May 24, 2012 (May make minor technical changes)
- June 05, 2012 (Date to vote on final amendments)

MOTION by S. Vann to arrange the articles and section numbers in chronological order for the public hearings. Second by J. Berry. The motion carried unanimously.

MOTION by D. Morse to set the public hearing dates as recommended. Second by K. Skinner. The motion carried unanimously.

Typographical Errors.

MOTION by J. Berry to authorize the chair and Kurt Spitzer to work together to correct minor scrivener errors that may be found in amendments.

Next Meeting

The next meeting is scheduled for May 10, 2012, which will be the first public hearing. The meeting will be at 6 p.m. at the School Board Administrative Complex.

The meeting adjourned.

Attest:

Koby Adams, Chairman
Charter Review Commission

P. DeWitt Cason
Clerk of Circuit Court

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**327 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

MAY 10, 2012

6:00 P.M.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE

IV. ROLL CALL

**V. APPROVAL OF MINUTES OF PREVIOUS MEETING
April 26, 2012 – Columbia County Charter Review Commission**

VI. REPORT OF CHAIRPERSON

VII. REPORTS OF COMMITTEES (IF ANY)

VIII. UNFINISHED BUSINESS

PUBLIC HEARING:

1.) Proposed Amendment #1

Article 2, Section 2.1 – Adding Two At-Large Members and 5 Single Members

Article 2, Section 2.4 – Staggering At-Large Terms – Initial Term for District Seven Shall be for Two Years and Initial Term for District Six Shall be for four (4) Years.

2.) Proposed Amendment #2

Article 2, Section 2.2 – Creation of a Citizen Redistricting Advisory Committee

3.) Proposed Amendment #3

Article 2, Section 2.8(1) – Amending Provisions for Removal of County Manager by the Board of County Commissioners

4.) Proposed Amendment #4

Article 2, Section 2.11 – Removal of Supplementary Public Notice and Information Provision and Providing State Law Control Public Notice of Hearings and Provision of Materials for Hearings.

5.) Proposed Amendment #5

Article 4, Section 4.2 – Removes a Department Head's Option to Appeal Termination by County Manager to the County Commission.

6.) Proposed Amendment #6

Article 5, Section 5.2.1 – Abolishes Elected Office of County Attorney; Provides for Appointment of Qualified County Attorney by Commission.

IX. PUBLIC COMMENT

**X. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING
SECOND PUBLIC HEARING:**

Thursday, May 24, 2012 commencing at 6:00 p.m. in the School Board Administrative Complex auditorium

CHARTER REVIEW COMMISSION

Minutes of
April 26, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Administration Office.

The meeting was called to order by Chairman Koby Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Audrey Bullard, Bettye Lane
District 2 Representatives: Zimmie Petty, David Morse (late)
District 3 Representatives: Walt Graham, Jack Berry, Koby Adams
District 4 Representatives: Kim Skinner, Sherree Vann
District 5 Representatives: Ray Walker, Glynnell Presley, Nathan Morgan

Charter Commissioners Absent:

District 1 Representative: Ozell Graham
District 2 Representative: Rocky Ford
District 4 Representative: John Willis

Others in Attendance:

Deputy Clerk Sandy Markham	Consultant Kurt Spitzer
Attorney Mark Watts	Asst. County Manager Lisa Roberts

Minutes of March 29, 2012

MOTION by G. Presley to approve. Second by B. Lane. The motion carried unanimously.

Public Input

Citizen Stew Lilker offered comment relating to the position of School Board Superintendent, and the posting information to the website in a timely manner.

Introduction of New Member

The Chair recognized and welcomed newly appointed Charter Commissioner Zimmie Petty.

Business

Termination of County Manger. This amendment has already been approved. The minor wording change in the last sentence of the amendment was reviewed with the commissioners.

Removal of Supplementary Public Notice and Information Provision. The prior form of this amendment has already been approved. It was suggested that the Commission consider endorsing and approve adding the following language to the end of the amendment: "...except as is supplemented by ordinance approved by the Board of County Commissioners."

MOTION by J. Berry to accept the suggested changes presented by Attorney Watts. Second by D. Morse. The motion carried unanimously.

Department Head Appointments and Terminations. This amendment deletes the appeal right of the County Managers decision to terminate.

MOTION by J. Berry to accept the recently approved wording which eliminates the appeal process for all employees of the county and to move this amendment to the public hearing agenda. Second by N. Morgan. The motion carried 8-4.

Recommendations for a Redistricting Advisory Committee.

MOTION by J. Berry to approve an Advisory Committee and to change the membership number to seven (instead of 15). Also, that the Supervisor of Elections serve on the council and that the council be able to hire an outside consultant should they deem it is necessary. The motion failed for a lack of second.

MOTION by K. Skinner to move this item, as written, to the public hearing agenda. Second by J. Berry. The motion carried 8-4.

Districting System – Adding two at large commissioners

Minor technical revisions to the amendment were reviewed. There was discussion regarding the terms of the two added commissioners. There was also an option discussed for reducing the five commissioners' salaries in order to cover the cost of the two additional commissioners.

MOTION by R. Walker to move this item along with the minor technical changes to the public hearing agenda (Without the salary reducing option). Second by J. Berry. The motion carried 8-4.

County Attorney Selection Process. This would no longer be an elected position, but would be a position appointed by the Board of County Commissioners. The amendment allows for a transition period that will allow the current office holder to complete his term in office.

One change was noted in the amendment summary (Pg. 8 – Ln. 2). The word “repeal” has been replaced with “supersede.”

MOTION by J. Berry to move this amendment, abolishing the office of County Attorney, to the public hearing agenda and to accept the wording change. Second by R. Walker. The motion carried unanimously.

Public hearings dates scheduled for the adoption of final recommendations.

- May 10, 2012 (May make minor technical changes)
- May 24, 2012 (May make minor technical changes)
- June 05, 2012 (Date to vote on final amendments)

MOTION by S. Vann to arrange the articles and section numbers in chronological order for the public hearings. Second by J. Berry. The motion carried unanimously.

MOTION by D. Morse to set the public hearing dates as recommended. Second by K. Skinner. The motion carried unanimously.

Typographical Errors.

MOTION by J. Berry to authorize the chair and Kurt Spitzer to work together to correct minor scrivener errors that may be found in amendments.

Next Meeting

The next meeting is scheduled for May 10, 2012, which will be the first public hearing. The meeting will be at 6 p.m. at the School Board Administrative Complex.

The meeting adjourned.

Attest:

Koby Adams, Chairman
Charter Review Commission

P. DeWitt Cason
Clerk of Circuit Court

Via Electronic Mail

MEMORANDUM

TO: Columbia County Charter Review Commission
FROM: Kurt Spitzer
DATE: May 2, 2012
RE: May 10, 2012 Hearing – Title Revisions

At the last meeting of the Charter Review Commission (CRC) you authorized the Chair in working with staff to make technical or “housekeeping” revisions to a proposed amendment that would serve to improve or clarify the language without changing the effect of the proposal.

Staff recommended revisions to the titles of three of the amendments. The Chair approved the recommended revisions and they have been embedded in the final proposals that will be distributed to the CRC and used at the three public hearings. They are described below.

Amendment #1

Previous title: Adds two members to the Board of County Commissioners elected countywide

Revision: ADDS TWO MEMBERS TO THE COUNTY COMMISSION FOR WHICH ALL ELECTORS COUNTYWIDE MAY VOTE

Amendment #3

Previous Title: Adding Option for Removal of the County Manager by the Board of County Commissioners

Revision: PROVIDING ADDITIONAL METHOD FOR REMOVAL OF THE COUNTY MANAGER BY THE BOARD OF COUNTY COMMISSIONERS

Amendment #4

Previous Title: Removal of Supplementary Public Notice and Information Provision, Article 2, Section 2.11

Revision: REMOVAL OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET

Charter Review Commission
May 2, 2012
Page two

There were no other revisions or recommendations to other titles, nor to any of the ballot summaries or amendment language other than adding standard clauses providing for effective dates and severability to each proposal.

Any part of any of the proposed amendments are subject to your revision at the final hearing, including rejection of the proposal itself; however, remember that amendments that significantly alter the intent or effect of a proposal may trigger the need to conduct a new series of three hearings before the proposal may be submitted to the County Commission for placement on the November ballot.

Please contact me if you have any questions.

Columbia County Charter Review Commission

PUBLIC HEARINGS on **Proposed Recommendations**

The Columbia County Charter was adopted by the county's voters in November of 2002. The Charter operates like a "constitution" for the people of Columbia County and establishes the structure, powers and duties of county government. The Charter also requires the Board of County Commissioners appoint a Charter Review Commission ("CRC") to review the Charter every eight years. Only the voters of Columbia County may adopt amendments to the Charter. If a CRC has proposed recommendations for changes to the Charter, it must conduct three public hearings for the purpose of receiving comments and input from the public on the recommendations. The hearings must be separated by at least 10 but not more than 20 days immediately prior to the transmittal of its recommendations for the consideration of the county voters on the November 2012 ballot.

The 2011-12 CRC has adopted six (6) proposed amendments to the Charter and has scheduled three public hearings as listed below.

**All hearings will begin at 6:00 PM and will be held at the
COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX
327 West Duval Street
Lake City, Florida**

Hearing #1	Thursday - May 10, 2012
Hearing #2	Thursday – May 24, 2012
Hearing #3	Tuesday – June 5, 2012

Columbia County Charter Review Commission

PUBLIC HEARINGS

PROPOSED RECOMMENDATIONS

Subject 1	Adding Two Commissioners Elected on a Countywide Basis to the Board of County Commissioners and Providing for Transition Plan	Amendment #1
Title	ADDS TWO MEMBERS TO THE COUNTY COMMISSION FOR WHICH ALL ELECTORS COUNTYWIDE MAY VOTE.	
Subject 2	Creating a Citizen Redistricting Advisory Committee	Amendment #2
Title	ESTABLISHES CITIZEN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING REDISTRICTING.	
Subject 3	Providing for an Additional Method for the Termination of the County Manager by the Board of County Commissioners	Amendment #3
Title	PROVIDING ADDITIONAL METHOD FOR REMOVAL OF THE COUNTY MANAGER BY THE BOARD OF COUNTY COMMISSIONERS.	
Subject 4	Deleting the Charter's Requirements for Supplementary Public Notice using the Internet; Requiring the County to Follow Public Notice Policies as Provided in State Law and as Supplemented by County Ordinance	Amendment #4
Title	REMOVAL OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET.	

Columbia County Charter Review Commission

PUBLIC HEARINGS

PROPOSED RECOMMENDATIONS

Subject 5	Deleting a Department Head's Option to Appeal His or Her Termination by County Manager to the County Commission	Amendment #5
Title	REMOVES A DEPARTMENT HEAD'S OPTION TO APPEAL TERMINATION BY COUNTY MANAGER TO THE COUNTY COMMISSION.	
Subject 6	Abolishing the Elected Status of the County Attorney and Providing for the Appointment of a County Attorney by the County Commission based on Qualifications and Experience	Amendment #6
Title	ABOLISHING ELECTED OFFICE OF COUNTY ATTORNEY; PROVIDING FOR APPOINTMENT OF QUALIFIED COUNTY ATTORNEY BY COMMISSION.	

AMENDMENT 1

ADDS TWO MEMBERS TO THE COUNTY COMMISSION FOR WHICH ALL ELECTORS COUNTYWIDE MAY VOTE.

Summary:

SHALL ARTICLE 2, SECTION 2.1 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO ADD TWO SEATS TO THE BOARD OF COUNTY COMMISSIONERS PROVIDING THAT SAID SEATS ARE ELECTED BY ALL OF THE VOTERS COUNTYWIDE AND SHALL ARTICLE 2, SECTION 2.4 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO PROVIDE FOR THE STAGGERING OF THE INITIAL TERMS OF OFFICE FOR THE NEW SEATS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2, Section 2.1 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.1 *Composition*

There shall be seven (7) county commissioner districts in Columbia County. Districts numbered one through five shall together cover the entire county and shall be as nearly equal in population as practicable. The County Commissioners for districts one through five shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner. Districts numbered six and seven shall be at-large districts and shall be nominated and elected by the qualified electors countywide.

~~There shall be five county commissioners' districts in Columbia County, which shall be numbered one to five, inclusive, the districts together covering the entire county and as nearly equal in population as practicable. Five County Commissioners shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner.~~

Article 2, Section 2.4 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

2.4 *Redistricting*

Each commissioner shall be elected for a term of four (4) years, beginning on the second Tuesday after election, and continuing after such term until his or her successor is elected and qualified. Terms shall be staggered so that one more or one less than half of the commissioners elected from residence areas are elected every two years. At-large terms shall be staggered so that one at-large commissioner is elected every two years. The first election for at-large commissioners shall be held in 2014. The initial term for district seven shall be two (2) years and the initial term for district six shall be four (4) years. Elections held thereafter shall be for four year terms.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Sections 2.1 and 2.4, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 2

ESTABLISHES CITIZEN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING REDISTRICTING.

Summary:

SHALL ARTICLE 2, SECTION 2.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO PROVIDE FOR THE CREATION OF A CITIZEN REDISTRICTING ADVISORY COMMITTEE COMPOSED OF REGISTERED VOTERS RESIDING IN COLUMBIA COUNTY TO ADVISE THE BOARD OF COUNTY COMMISSIONERS DURING THE REDISTRICTING PROCESS AND SETTING FORTH CRITICAL TIMEFRAMES FOR ACTION?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2, Section 2.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strike through~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.2 *Redistricting*

In the first odd-numbered year after each decennial census, the Board of County Commissioners shall initiate the process to divide the county into districts of contiguous territory, following the existing boundaries of municipalities where possible and as nearly equal in population as possible. The Board of County Commissioners may initiate the process to ~~redive the districts in~~ any other odd-numbered year

Recommendations for redistricting shall be the responsibility of a citizens redistricting committee appointed by the Board of County Commissioners. The redistricting committee shall be funded by the Board of County Commissioners. The redistricting committee shall be composed of an odd number of not less than 11 and not more than 15 members. No elected officials nor employees of Columbia County shall be a member of the redistricting committee. All members of the redistricting committee shall be registered voters residing within Columbia County. Vacancies shall be filled within 30 days in the same manner as the original appointment. The redistricting committee shall have its first meeting before May 15 of the odd numbered year in which redistricting is required. The redistricting committee shall adopt rules of procedure to govern its actions and all meetings of the redistricting committee shall be open to the public and conducted in compliance with Florida's sunshine laws. The redistricting committee shall, to the extent practicable and consistent with the law, preserve the several municipalities and geographically cohesive racial or ethnic

minority communities from fragmentation. The redistricting committee shall present their recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting of September of that year. The Board of County Commissioners may approve the recommendation without amendment or reject the recommendation with written justification for the rejection provided to the redistricting committee. If the recommendation is rejected, the redistricting committee shall reconvene and consider the written justification for rejection presented by the Board of County Commissioners. The redistricting committee shall present their final recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting in October of that year. The Board of County Commissioners shall act upon the recommendation of the redistricting committee at that meeting by accepting, modifying or rejecting the redistricting committee's recommendation. If the Board of County Commissioners modifies or rejects the final recommendation of the redistricting committee, it shall adopt a final redistricting plan no later than the Board of County Commissioner's first regular meeting in December.

Whenever the boundaries of existing county commissioners' districts are changed by the Board of County Commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for four (4) consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the Board of County Commissioners. The publication of such copy shall be for information only and shall not be jurisdictional.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.2, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 3

PROVIDING ADDITIONAL METHOD FOR REMOVAL OF THE COUNTY MANAGER BY THE BOARD OF COUNTY COMMISSIONERS

Summary:

SHALL ARTICLE 2, SECTION 2.8(1) OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO REMOVE THE COUNTY MANAGER BY A MAJORITY PLUS ONE VOTE OF THE ENTIRE BOARD AT ONE MEETING, ALLOWING THE ONE MEETING TO BE A SPECIAL MEETING, IN ADDITION TO THE EXISTING OPTION OF BY A MAJORITY VOTE OF THE ENTIRE BOARD AT EACH OF TWO SUCCESSIVE REGULAR MEETINGS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2. Section 2.8(1) of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.8 Powers

2.8.1 Appoint and reappoint the County Manager by a vote of a majority of the entire Board of County Commissioners, and remove the County Manager during a contract term by either a majority vote of the entire Board of County Commissioners at each of two successive regular meetings or by a majority plus one vote of the entire Board of County Commissioners at one meeting of the Board of County Commissioners, which meeting may be a regular meeting or a special meeting.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.8, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 4

REMOVAL OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET

Summary:

SHALL ARTICLE 2, SECTION 2.11 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED, REMOVING OBLIGATION TO PROVIDE BOARD AGENDAS AND MATERIALS VIA THE INTERNET, REMOVING DETERMINATION OF NONFEASANCE IN OFFICE FOR FAILURE TO PROVIDE SUCH INFORMATION, REMOVING OBLIGATION TO PROVIDE NOTICE AND MATERIALS FOR SUBORDINATE BOARDS, AND PROVIDING THAT STATE LAW SHALL CONTROL PUBLIC NOTICE OF HEARINGS AND PROVISION OF MATERIALS FOR HEARINGS, EXCEPT AS MAY BE SUPPLEMENTED BY LOCAL ORDINANCE?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2. Section 2.11 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strike through~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.11 *Notice for public hearing*

Notice for a public hearing and the provision of information to the public related to a public hearing shall be governed by Florida Law, except as supplemented by ordinance approved by the Board of County Commissioners. ~~In addition to any notice required by law, the Board of County Commissioners shall use the Internet, or any other widely available and economically feasible technology hereafter developed and specified in the Administrative Code, to provide the public with convenient and timely access to its regular and special (non-emergency and non-confidential) meeting agendas, including the information provided to the Board for its consideration. The failure of the Board to provide such information shall not invalidate any action as to which all statutorily required notice has been provided, but such failure may be deemed nonfeasance in office. The Board shall also adopt measures to ensure that such information is available for the meetings of any subordinate boards for which any notices in addition to those required by Section 286.011, Florida Statutes, are required to be published.~~
[as amended November 7, 2006].

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.11, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 5

REMOVES A DEPARTMENT HEAD'S OPTION TO APPEAL TERMINATION BY COUNTY MANAGER TO THE COUNTY COMMISSION.

Summary:

SHALL ARTICLE 4, SECTION 4.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO REMOVE THE ABILITY OF A DEPARTMENT HEAD TO APPEAL HIS OR HER TERMINATION BY THE COUNTY MANAGER TO THE BOARD OF COUNTY COMMISSIONERS?

_____yes _____no

Section 1 - Text of Amendment:

Article 4, Section 4.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 4 **ADMINISTRATIVE DEPARTMENTS**

4.2 *Department Heads*

Department heads shall be appointed, supervised and terminated by the County Manager, and shall be employees at will and shall be responsible to the County Manager. The County Manager shall have the sole authority to terminate any department head with or without cause. ~~The decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners pursuant to policy adopted by the Board.~~

~~**Option: Add provision continuing appeal right for any department head employed as of the effective date of the amendment.**~~

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 4, Section 4.2, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 6

ABOLISHING ELECTED OFFICE OF COUNTY ATTORNEY; PROVIDING FOR APPOINTMENT OF QUALIFIED COUNTY ATTORNEY BY COMMISSION.

Summary:

SHALL ARTICLE 5, SECTION 5.2.1 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO SUPERCEDE LAWS OF FLORIDA CH. 27476, NO. 997 TO REMOVE THE ELECTED OFFICE OF COUNTY ATTORNEY; AMEND THE TITLE OF ARTICLE III; CREATE ARTICLE 3, SECTION 3.6 TO ESTABLISH THE OFFICE OF COUNTY ATTORNEY, PROVIDE AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS REGARDING THE HIRING AND FIRING, QUALIFICATIONS, POWERS, DUTIES AND TERMS OF EMPLOYMENT OF THE COUNTY ATTORNEY.

_____yes

_____no

Section 1 - Text of Amendment:

Article 5, Section 5.2.1 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striethrough~~.)

ARTICLE 5 **COUNTY OFFICERS**

5.2 *Non-partisan election of county officers*

5.2.1 The County Commissioners, ~~the County Attorney~~, the Superintendent of Schools and the County Constitutional Officers shall be elected on a non-partisan basis.

The title of Article 3 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strike through~~.)

ARTICLE 3

ADMINISTRATIVE BRANCH:

COUNTY MANAGER AND COUNTY ATTORNEY

3.6 *County Attorney*

The Office of County Attorney. There shall be a County Attorney who shall be appointed by the Board of County Commissioners on the basis of professional training, experience and qualifications. The County Attorney shall serve at the direction and pleasure of the Board of County Commissioners. The County Attorney shall be licensed by The Florida Bar to practice law within the State of Florida and shall meet other such minimum qualifications that shall be established by County ordinance. The County Attorney shall be responsible directly to the Board of County Commissioners and shall provide legal services to the Board of County Commissioners, county departments, and county boards and agencies. The County Attorney shall provide for the prosecution and defense of legal causes on behalf of the County. The County Attorney shall prepare and submit an annual budget to the Board of County Commissioners for appropriations necessary for the Office of County Attorney to carry out the full and faithful performance of its responsibilities. Employees of the Office of County Attorney shall serve at the pleasure of the County Attorney. The Board of County Commissioners shall establish the compensation for the County Attorney at a level which is commensurate with the requirements of the position. The terms and conditions of compensation and employment of the County Attorney shall be set forth in a contract. The County Attorney may be terminated by a majority vote of the Board of County Commissioners. Notwithstanding the authority provided to the County Manager pursuant to Article 4 of the Home Rule Charter for Columbia County, authority to hire or terminate the County Attorney shall reside only with the Board of County Commissioners and the County Manager shall be without authority to hire or terminate the County Attorney or any employee of the Office of County Attorney. This section shall take effect upon the expiration of the current term of the elected County Attorney holding office as of the date this amendment is approved by the voters.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 5, Section 5.2, and Article 3, Section 3.6, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

PUBLIC HEARINGS

**Columbia County
Charter Review Commission
2012**

Columbia County CRC

- 15 Members
- Six tentative recommendations for Charter Amendments
- Must hold three Hearings to receive public input on tentative Amendments
- After third Hearing, 2/3 vote required to send proposed Amendment(s) to ballot
- Voter's approve/reject Amendment(s) during November election

Columbia County CRC

Hearings

1. May 10, 2012
2. May 24, 2012
3. June 5, 2012

Revisions to Florida's Constitution (1968)

Dillon's Rule

replaced by

Home Rule

Dillon's Rule –

- John Dillon: Iowa Supreme Court Justice, writer and scholar.
- Clark v. City of Des Moines (1865) - Local governments were creations of the state and, therefore, had only those powers granted by the state.

Dillon's Rule

- A local government has only those powers which are specifically granted by the State.

Home Rule

- A local government has all powers of self-government except those that are specifically prohibited or pre-empted by the State.

Dillon's Rule

- A local government has only those powers which are specifically granted by the State

HOME RULE

- A local government has all powers of self government except those that are specifically prohibited or pre-empted by the State

Dillon's Rule

- Look for Authorization. Absent authorization, powerless to act.

HOME RULE

- Look for Prohibition. Absent prohibition, empowered to act.

1968 Florida Constitution

- Non-charter counties - all powers of self-government as provided by law (legislatively implemented in 1971 and 1972)
- Charter counties - all powers of self-government not inconsistent with general law or special law approved by vote of the county electorate

Key Policies/Provisions

- 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 city's

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

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

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	33,000	2

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

Columbia County Charter

- *No significant revisions to BCC or the Constitutional Officers*

Columbia County Charter

Key Differences....

- BCC subject to recall
- Formalized position of County Manager, and separation of Executive and Legislative Branch powers
- Established Non-Interference Policy
- BCC required to live in district when qualifying for office

Columbia County Charter

Key Differences....

- BCC, Constitutional Officers, School Superintendent, Attorney elected on non-partisan basis
- BCC has authority to set policy countywide in certain areas
- Public petition process

Columbia County Charter

Key Differences....

- Ability to amend Charter in future
- Citizen Charter Review Commission every eight years

Issues Examined by CRC

Issues Considered for Discussion:

- Redistricting Process for BCC
- Term Limits for BCC
- Districting System of BCC
- Methods to Terminate County Manager

Issues Examined by CRC

Issues Considered for Discussion:

- Appointment and Termination process for Department Heads
- Process to Propose Ordinances by Petition
- Internet Notice Requirements of Charter
- Election or Appointment of County Attorney

Proposed Amendment #1

Adds two Commissioners Elected on a Countywide Basis to the Board of County Commissioners

- Retains five Commissioners elected from single member districts by only the voters of each district
- Adds two new seats elected by all of the voters countywide; provides for transition plan
- Intended to bring more countywide perspective to deliberations and decisions of BCC
- Allows each elector to vote for three Commissioners, instead of only one

Proposed Amendment #2

Creates Citizen Advisory Committee to make Recommendations Concerning Redistricting to BCC

- Requires establishment of Citizens Redistricting Advisory Committee every 10 years
- 11 to 15 electors residing in Columbia County; first meeting prior to May 15th

Proposed Amendment #2

Creates Citizen Advisory Committee to make Recommendations Concerning Redistricting to BCC

- September – First recommendation to BCC; BCC accepts or rejects. If rejected, BCC states reasons and Advisory Committee reconvenes
- October – Second recommendation to BCC; BCC accepts, modifies or rejects. If modifies or rejects, final plan must be adopted no later than December

Proposed Amendment #3

Providing for an Additional Method for the Termination of the County Manager by the BCC

- Current System: Simple majority of entire BCC voting for termination during two regular, consecutive meetings of BCC
- Additional Method: Majority plus one of entire BCC voting for termination during one regular or special meeting of BCC

Proposed Amendment #4

Deletes Charter's requirements for supplementary public notice using the Internet.

- Repeals additional requirements for posting notices on the internet.
- Specifically retains recognition of notice requirements of state law, in addition to that which may be adopted at discretion of BCC

Proposed Amendment #5

Deletes a Department Head's Option to Appeal Termination by County Manager to the BCC

- Current System: Department head's may appeal a decision to terminate by the County Manager to the BCC
- Revision: Deletes right to appeal
- Further improves the county manager form of government, and the separation of powers between the legislative and executive branches of county government
- Brings Columbia Charter into consistency with most other charters in Florida

Proposed Amendment #6

Replaces the elected County Attorney with appointed position selected by BCC based on qualifications

- Current System: Elected County Attorney was established by special act in early 1950's; Columbia remains only county in Florida with such position
- Revised System – After current term of office has concluded, BCC employs and terminates County Attorney based on qualifications and performance

Columbia County CRC

Hearings

1. May 10, 2012
2. May 24, 2012
3. June 5, 2012

PUBLIC HEARING

**Columbia County
Charter Review Commission
2012**

CHARTER REVIEW COMMISSION

Minutes of
May 10, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Administration Office.

The meeting was called to order by Chairman Koby Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Audrey Bullard, Ozell Graham
District 2 Representatives: Zimmie Petty, David Morse, Rocky Ford
District 3 Representatives: Walt Graham, Jack Berry, Koby Adams
District 4 Representatives: Kim Skinner, Sherree Vann, John Willis
District 5 Representatives: Ray Walker, Glynnell Presley, Nathan Morgan

Charter Commissioners Absent:

District 1 Representative: Bettye Lane

Others in Attendance:

Deputy Clerk Sandy Markham	Consultant Kurt Spitzer
Attorney Mike Woods	Asst. County Manager Lisa Roberts

Minutes of April 26, 2012

MOTION by O. Graham to approve. Second by J. Berry. The motion carried unanimously.

Public Hearing Regarding Amendments

This is the first of three required public hearings. Consultant Spitzer gave a brief Power Point Presentation. Thus far the following six amendments are being proposed. Chairman Adams declared the public hearing open:

Amendment #1

Article 2, Section 2.1. Adds two at-large members and five single members.
Article 2, Section 2.4. Staggering at-large terms.

Public comment was offered by Michael Gordon, Stewart Lilker and David Rountree.

Amendment #2

Article 2, Section 2.2. Creation of a Citizen Redistricting Advisory Committee.

Public comment was offered by Stewart Lilker.

Amendment #3

Article 2, Section 2.8(1). Amending provisions for removal of County Manager by the Board of County Commissioners.

Public comment was offered by Stewart Lilker.

Amendment #4

Article 2, Section 2.11. Removal of the supplementary public notice and information provision, and providing that state law control the public notice of hearings and provision of materials for hearing.

Public comment was offered by Stewart Lilker, Michael Gordon and Paul Wenget.

Amendment #5

Article 4, Section 4.2. Removes a department head's option to appeal termination by County Manager to the County Commission.

Public comment was offered by Stewart Lilker and Paul Wenget.

Amendment #6

Article 5, Section 5.2.1. Abolishes the elected office of County Attorney and provides for the appointment of a qualified county attorney.

Public comment was offered by Stewart Lilker and Michael Gordon.

The public hearing closed.

Public Comment

Stewart Lilker asked the Commission to consider having the third public hearing in Fort White.

Next Public Hearing

The next public hearing is scheduled for May 24, 2012 at 6:00 p.m. at the School Board Administration Office.

Adjournment

There being no further business, the meeting adjourned.

Attest:

Koby Adams, Chairman
Charter Review Commission

P. DeWitt Cason
Clerk of Circuit Court

COLUMBIA COUNTY CHARTER REVIEW COMMISSION
POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX
327 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055

AGENDA
MAY 24, 2012
6:00 P.M.

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE**
- IV. ROLL CALL**
- V. APPROVAL OF MINUTES OF PREVIOUS MEETING**
May 10, 2012 – Columbia County Charter Review Commission
- VI. REPORT OF CHAIRPERSON**
 - (a) Invoice Approval – Kurt Spitzer and Associates, Inc. - \$2,931.25**
 - (b) Invoice Approval – Cobb Cole - \$1,144.78**
 - (c) Review Draft Report**
- VII. REPORT OF COMMITTEES (IF ANY)**
- VIII. UNFINISHED BUSINESS**
 - PUBLIC HEARING:**
 - 1.) Proposed Amendment #1**
 - Article 2, Section 2.1 – Adding Two At-Large Members and 5 Single Members**
 - Article 2, Section 2.4 – Staggering At-Large Terms – Initial Term for District Seven Shall be for Two Years and Initial Term for District Six Shall be for Four (4) Years**
 - 2.) Proposed Amendment #2**
 - Article 2, Section 2.2 – Creation of a Citizen Redistricting Advisory Committee**

3.) Proposed Amendment #3

Article 2, Section 2.8(1) – Amending Provisions for Removal of County Manager by the Board of County Commissioners

4.) Proposed Amendment #4

Article 2, Section 2.11 – Removal of Supplementary Public Notice and Information Provision and Providing State Law Control Public Notice of Hearings and Provision of Materials for Hearings

5.) Proposed Amendment # 5

Article 4, Section 4.2 – Removes a Department Head's Option to Appeal Termination by County Manager to the County Commission

6.) Proposed Amendment #6

Article 5, Section 5.2.1 – Abolishes Elected Office of County Attorney; Provides for Appointment of Qualified County Attorney by Commission

IX. PUBLIC COMMENT

X. ADJOURNMENT WITH DAY FIXED FOR NEXT MEETING

FINAL PUBLIC HEARING:

Thursday, June 5, 2012 commencing at 6:00 p.m. in the School Board Administrative Complex auditorium

CHARTER REVIEW COMMISSION

Minutes of
May 10, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Administration Office.

The meeting was called to order by Chairman Koby Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Audrey Bullard, Ozell Graham
District 2 Representatives: Zimmie Petty, David Morse, Rocky Ford
District 3 Representatives: Walt Graham, Jack Berry, Koby Adams
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District 5 Representatives: Ray Walker, Glynnell Presley, Nathan Morgan

Charter Commissioners Absent:

District 1 Representative: Bettye Lane

Others in Attendance:

Deputy Clerk Sandy Markham	Consultant Kurt Spitzer
Attorney Mike Woods	Asst. County Manager Lisa Roberts

Minutes of April 26, 2012

MOTION by O. Graham to approve. Second by J. Berry. The motion carried unanimously.

Public Hearing Regarding Amendments

This is the first of three required public hearings. Consultant Spitzer gave a brief Power Point Presentation. Thus far the following six amendments are being proposed. Chairman Adams declared the public hearing open:

Amendment #1

Article 2, Section 2.1. Adds two at-large members and five single members.
Article 2, Section 2.4. Staggering at-large terms.

Public comment was offered by Michael Gordon, Stewart Lilker and David Rountree.

Amendment #2

Article 2, Section 2.2. Creation of a Citizen Redistricting Advisory Committee.

Public comment was offered by Stewart Lilker.

Amendment #3

Article 2, Section 2.8(1). Amending provisions for removal of County Manager by the Board of County Commissioners.

Public comment was offered by Stewart Lilker.

Amendment #4

Article 2, Section 2.11. Removal of the supplementary public notice and information provision, and providing that state law control the public notice of hearings and provision of materials for hearing.

Public comment was offered by Stewart Lilker, Michael Gordon and Paul Wenget.

Amendment #5

Article 4, Section 4.2. Removes a department head's option to appeal termination by County Manager to the County Commission.

Public comment was offered by Stewart Lilker and Paul Wenget.

Amendment #6

Article 5, Section 5.2.1. Abolishes the elected office of County Attorney and provides for the appointment of a qualified county attorney.

Public comment was offered by Stewart Lilker and Michael Gordon.

The public hearing closed.

Public Comment

Stewart Lilker asked the Commission to consider having the third public hearing in Fort White.

Next Public Hearing

The next public hearing is scheduled for May 24, 2012 at 6:00 p.m. at the School Board Administration Office.

Adjournment

There being no further business, the meeting adjourned.

Attest:

Koby Adams, Chairman
Charter Review Commission

P. DeWitt Cason
Clerk of Circuit Court



(Federal EIN 59-2977021)

INVOICE

CC 003

TO: Columbia County Board of County Commissioners
Attention: Lisa K.B. Roberts
P.O. Box 1529
Lake City, FL 32056-1529

DATE: April 25, 2012

RE: Columbia County Charter Review Commission

<u>Date</u>	<u>Description of Services</u>	<u>Amount</u>
<u>2012</u>		
April	14.75 hours @ 175.00/hour (Summary attached)	\$ 2,581.25
April	4 hours @ 87.50/hour (travel) (Attached)	350.00

Total this invoice

\$2,931.25

*Please make check payable to Kurt Spitzer and Associates, Inc.
and mail to PO Box 867, Tallahassee, FL 32302-0867
Thank You*

DATE: April 25, 2012

RE: Columbia County Charter Review Commission

Kurt Spitzer Time Record

Date	Service	Travel Hours	Hours
2012			
04/02/12	review packet		0.75
04/05/12	prepare memo		0.25
04/08/12	prepare memo		0.75
04/09/12	research issues for 4/12		1.25
04/10/12	m watts; prepare memo		1.50
04/11/12	columbia - M Watts phone		0.25
	KA phone; review meeting materials		1.25
	watts - phone		0.75
04/12/12	columbia travel - 2 x 2 hrs.	4.00	
	columbia crc		2.00
04/13/12	mtg follow up/emails		1.00
04/17/12	agenda		0.50
04/24/12	rev amendments		0.75
04/25/12	watts/review amendments		1.50
04/25/12	rev amendments		2.25
	Total	4.00	14.75

RECEIVED

MAY 04 2012

**Board of County Commissioners
Columbia County**

Cobb Cole
Post Office Box 2491
Daytona Beach, FL 32115-2491
Telephone (386)255-8171
Telecopier (386)258-5068
T.I.N. 59-3415054

Columbia County Charter Review Commission
Attention: Ms. Penny Stanley
135 N.E. Hernando Avenue, Suite 203
Lake City, FL 32056-1529

April 30, 2012

Bill Number 81865
File Number 040302 -000000000001

The enclosed bill is for services rendered for the period ending March 31, 2012. The breakdown of this bill by matter is as follows:

Legal Services

Charter Review	\$2,497.00
	<hr/>
Total for Legal Services	\$2,497.00

Expenses

Charter Review	\$159.28
	<hr/>
Total for Expenses	\$159.28

Total for This Bill	\$2,656.28
Less Prior Payments	\$1,511.50
Total Due	\$1,144.78

Cobb Cole
Post Office Box 2491
Daytona Beach, FL 32115-2491
Telephone (386)255-8171
Telecopier (386)258-5068
T.I.N. 59-3415054

April 30, 2012

Bill Number 81865

File Number 040302-000000000001

Columbia County Charter Review Commission
Attention: Ms. Penny Stanley
135 N.E. Hernando Avenue, Suite 203
Lake City, FL 32056-1529

FOR PROFESSIONAL SERVICES

Re: Charter Review

LEGAL SERVICES

Through March 31, 2012

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Time</u>
03/19/12	MAW	Collaborated and analyzed redistricting issue for 3/29/12 meeting.	0.40 Hrs
03/20/12	JAS	Researched caselaw and federal regulations regarding redistricting requirements; Analyzed state law regarding redistricting thresholds and requirements.	3.10 Hrs
03/21/12	JAS	Drafted redistricting memorandum; Analyzed redistricting caselaw; Analyzed Voting Rights Act and pre-clearance process related to redistricting.	2.30 Hrs
03/23/12	MAW	Reviewed petition ordinance letter and conferred with K. Spitzer regarding same.	0.50 Hrs
03/29/12	MAW	Prepared for and attended Charter Review Commission meeting in Lake City.	4.50 Hrs
03/29/12	JNL	Obtained agenda and reports for Charter Review Commission meeting; Prepared binder of materials of use by MAW at meeting.	0.50 Hrs
03/30/12	MJW	Discussed scheduling and other outstanding issues for May Public Meeting.	0.20 Hrs

Columbia County Charter Review Commission

TOTAL LEGAL SERVICES **\$2,497.00**

LEGAL SERVICES SUMMARY

Mark A. Watts	5.40 Hrs	215/hr	\$1,161.00
Michael J. Woods	0.20 Hrs	195/hr	\$39.00
James A. Stowers	5.40 Hrs	230/hr	\$1,242.00
Jill N. Leo	0.50 Hrs	110/hr	\$55.00
	<u>11.50 Hrs</u>		<u>\$2,497.00</u>

DISBURSEMENTS

Through March 31, 2012

MILEAGE

03/27/12	Mark A. Watts/Mileage to Columbia County on 2/21/12 for Charter Review Commission meeting (287 miles @ \$.555)	159.28	
			\$159.28
	TOTAL DISBURSEMENTS		\$159.28
	Less Prior Payments		\$1,511.50
	TOTAL FOR THIS INVOICE		<u>\$1,144.78</u>

Final Report

Columbia County

Charter Review Commission

2011-12

prepared by

Kurt Spitzer and Associates, Inc.

June 2012

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INTRODUCTION

This Report is submitted as part of the work of the second Columbia County Charter Review Commission. The Charter Review Commission (CRC) was appointed by the Columbia County Board of County Commissioners in June of 2011 pursuant to Section 8.4 of the Columbia County Charter.

The Charter was adopted by the voters of Columbia County in November of 2002. It operates like a "constitution" for the County, establishing the structure, powers and duties of the County officers and branches of government. Additionally, the Charter requires that a CRC be appointed by the Board of County Commissioners every eight years.

After their appointment, the CRC conducted an organizational meeting to select a chair and vice-chair. The CRC subsequently adopted operating rules. They also identified issues to be examined, adopted a work plan to study issues and hear testimony from the public and elected officials, and make recommendations to the public for revisions to the charter.

The 15-member CRC operated independently of county government. Its mission was to review the Charter of the county, the operation of county government and the ways in which they might be improved or reorganized through revisions to the charter. The CRC adopted six tentative amendments to the charter that were reviewed at three public hearings. After the third and final Hearing, the CRC voted to send XX of the tentative amendments to the November 2012 ballot for the consideration and vote of the county's electorate.

The Charter Review Commission conducted 10 meetings and three public hearings to receive input from members of the public, civic leaders and local officials. They served without compensation. Members of the CRC are listed below.

Columbia County Charter Review Commission
2011-12

Koby Adams, Chair
Bettye Lane, Vice Chair
Jack Berry
Audrey Bullard
Rocky Ford
Ozell Graham
Walt Graham (*replaced David Roundtree*)
Nathan Morgan
David Morse
Zimmie Petty (*replaced Dean Taylor*)
Glynnell Presley
Dave Roundtree (*resigned September 26, 2011*)
Kim Skinner
Dean Taylor (*resigned March 29, 2012*)
Sheree Vann
Ray Walker
John Willis

Staff

Kurt Spitzer of KSA Governmental Consultants, Tallahassee, provided consulting services for the CRC. Legal Counsel to the CRC was Mark Watts of Cobb and Cole, Daytona Beach. Minutes and other records were kept by Deputy Clerk Sandy Markham. The liaison to the CRC from the Board of County Commissioners was Lisa Roberts, Assistant County Administrator.

Bylaws

During the early stages of its work, the Charter Review Commission adopted Roberts Rules of Order to govern its meetings and decision processes. The CRC also voted to impose additional requirements as relates to its internal procedures.

The adopted Bylaws established procedures as to how issues for discussion were identified; whether they were to receive further examination; were to be placed on the Hearing schedule; and, whether they would be sent to the Board of County Commissioners for placement on the November 2012 ballot.

The CRC decided to require an affirmative vote of at least two-thirds of its membership present, with a minimum of eight affirmative votes, to send tentative amendments to the three Hearings for public comment.

Likewise, the CRC also required an affirmative vote of two-thirds of its membership present, with a minimum of eight affirmative votes, to send final amendments to the November 2012 ballot where the electorate will have the opportunity to vote for or against each of the amendments.

ISSUES CONSIDERED

Early in the process, staff provided the Charter Review Commission with a summary overview of each of the possible general revisions to service delivery mechanisms or changes to the county structure that were available for consideration.

After discussion, issues identified for further discussion were included in a "Decision Agenda." Items identified for inclusion in the Decision Agenda were added to the remaining balance of the Charter Review Commission's schedule and more detailed briefing documents were prepared by staff for the review and consideration of the CRC.

Subjects identified for the "Issues Agenda" and reviewed by the CRC included the following:

1. Termination of the County Administrator – The procedure that the Board of County Commissioners is required to follow to terminate the County Administrator. A proposed amendment is recommended in this policy area.
2. Appointment and Termination of County Department Heads - The procedures that the County Administrator and the Board of County Commissioners follow to retain and terminate Department Heads. A proposed amendment is recommended in one of these policy areas.
3. Citizen Initiative – The methods by which the electorate may propose ordinances by petition, including subject areas that such ordinances may concern. After discussion, no recommendations for amendments are made in this policy area.
4. Term Limits for County Commissioners - Limitations on the number of consecutive times a County Commissioner may seek re-election to his or her seat on the County

Commission. While there was interest in discussing this issue by some of the CRC members, cases in front of Florida appellate courts on term limits were pending at the time that the CRC was meeting and existing case law indicated that such charter provisions were not consistent with the Florida Constitution and therefore illegal. No recommendations for amendments were proposed for public Hearings. (Note that shortly after the first Hearing of the CRC, the Florida Supreme Court issued a decision reversing its previous rulings and upheld such provisions in certain county charters.)

5. Districting System for the BCC - The Board of County Commissioners currently consists of five Commissioners elected only by the voters within single-member districts. While charters can provide for a different number of Commissioners and a wide variety of districting schemes, the system in Columbia is the result of an Order of a Federal Court. After examining the Court's Order to confirm that a charter amendment could be considered by the CRC and public, a recommendation is proposed to add two Commissioners to the Board of County Commissioners that would be elected "countywide" by all of the voters of Columbia County.
6. Redistricting Process – The CRC examined alternative methods by which the districts of the Board of County Commissioners are revised every 10 years. A proposed amendment is recommended in this area.
7. Supplemental Public Notice – Pursuant to a request from the County Manager's office, the CRC discussed the efficacy of the recently-adopted amendment requiring the use of the Internet to post meeting agendas and back-up information on the County's website, in addition to those notice requirements that already exist in Florida Statutes. A recommendation for a charter amendment deleting the new requirement is proposed.
8. County Attorney – The CRC examined whether the Office of the County Attorney should remain an elected position or become an appointed position that is hired and fired by

the Board of County Commissioners, as it is in all other Florida counties. A proposed amendment is recommended in this area.

After discussion and debate, hearing testimony at numerous public meetings and three public hearings, the Charter Review Commission decided to recommend XX amendments to the Charter to the voters for their consideration and approval during the November 2012 general election.

ADOPTED RECOMMENDATIONS for REVISIONS to the CHARTER

The Charter Review Commission makes the following recommendations for amendments to the charter:

1. *AMENDMENT #1 – Adds Two Commissioners to the Board of County Commissioners that are Elected by all Voters on a Countywide Basis and Provides for a Transition Plan*

The Columbia County Charter currently provides for a five-member Board of County Commissioners elected from single-member districts. Under single-member districting systems, electors may vote only for the Commissioner residing in their district. Charters may provide for numerous alternative systems to elect members of the Board of County Commissioners.

Persons elected from single-member districts are more responsive to and reflective of the interests of their district. In Columbia County, such a districting system has allowed for the creation of a minority-access district.

However, while persons elected from single-member districts may be more responsive to the interests of their district, they may also be less responsive to the needs of the remaining areas of the county. Since most programs and budgetary decisions that a County Commission considers are delivered on a countywide basis, the CRC believes that it is important that some members of the governing body are elected by and reflect the interests of all areas of the County.

The CRC therefore recommends that two seats are added to the County Commission that are elected on an “at-large” or countywide basis, thus providing all of the electors

with the opportunity to vote for a total of three Commissioners: One from their single-member district and two countywide.

The recommended amendment would retain five single-member commission districts where the Commissioners are elected only by the voters of his or her district. Such district boundaries (including the minority-access district) would not be affected by the proposed amendment to the Charter.

Adding two members to the County Commission that are elected countywide strikes a balance between the advantages of the single-member and at-large districting systems, while not necessitating revisions to the boundaries of the current districts.

If approved by the voters in November of 2012, the additional Commissioners would first be elected in 2014. At that time, one seat would be elected for a term of two years and the other for a term of four years. Thereafter, each would be elected for a normal, four-year term.

2. **AMENDMENT #2 – Establishes a Citizen Redistricting Advisory Committee to Make Recommendations Concerning Redistricting of the County Commission.**

Redistricting of the County Commission is the process by which the principle of “one-person, one-vote” is furthered by adjusting district boundaries so that they are as nearly equal in population as is possible. It is a process that is primarily controlled by state and federal policy, and the final decision concerning redistricting is reserved to the Board of County Commissioners.

Redistricting must occur every ten years, during the first odd-numbered year after the U.S. Bureau of the Census completes the decennial census. Several factors are balanced

together in the redistricting process to preserve “communities of interest” and to develop boundaries that are easily understood by the voters. Such factors are considered in total, with equal population and preservation of the voting strength of the minority population within a district being the dominant criteria.

However within such confines, a charter may provide for supplementary procedures concerning the redistricting process and the CRC pursued options to move the process away from the BCC to the extent possible.

The proposed amendment creates an independent citizen advisory committee to make recommendations on new redistricting plans to the BCC for their approval or rejection. It shifts responsibility for making the initial decisions concerning new district boundaries away from the County Commission to an independent committee composed of electors of Columbia County who live in the county.

If approved by the voters, the amendment requires the BCC to appoint the Advisory Committee after receipt of the new census data. The Committee must have its first meeting prior to May 15th and is required to submit its first recommendation to the BCC by September. The County Commission may accept or reject that recommendation but if it rejects the recommendation, it must state its reasons for doing so in writing to the Committee.

If the County Commission rejects the initial recommendation, the Committee reconvenes and submits its next recommendation by October. The BCC may then accept, reject or modify the second recommendation and adopt a final recommendation prior to the end of the year.

The proposed amendment shifts responsibility for redistricting away from the County Commission to an independent body to the extent allowed by law, while recognizing

that the final authority and responsibility for redistricting rests with the Board of County Commissioners.

3. **AMENDMENT #3 – Provides for an Additional Method for the Termination of the County Manager by the Board of County Commissioners**

The Charter currently provides that the Board of County Commissioners may terminate the County Manager by a majority vote of the entire BCC that occurs during two regularly-scheduled, consecutive meetings of the Board. The recommended amendment adds an additional method: By a majority-plus-one vote of the entire Board that may occur during a single regular or special meeting.

Columbia County operates under the Commission-Manager form of government, where responsibility for policy-making is vested in the Board of County Commissioners and responsibility for implementing policy was vested in a professional manager, who is hired and fired based on qualifications and job performance.

An integral part of the Commission-Manager form of government is the separation of the administration of county government from political influence. Charters often contain provisions that further the policy of separation of the legislative and executive functions, such as Columbia's non-interference clause, which recognizes that it is the County Manager who directly supervises his or her employees and prohibits individual members of the BCC from giving instructions or directives to employees who report to the County Manager. Providing that a decision to terminate must occur during two regular meetings furthers the separation between the legislative and executive functions of the County and the independence of the County Manager.

An amendment to provide for termination by a majority vote during a single meeting of the Board was considered but rejected by the CRC.

The proposed amendment adds an alternative termination method. Although permitting the termination decision to occur during a single meeting, the vote required to make such a decision must be by a "super-majority" of the entire BCC.

4. AMENDMENT #4 – Deletes the Charter's Requirement for Supplementary Public Notice using the Internet.

The Charter was amended in 2006 to provide for additional notice requirements using the Internet. The 2006 amendment requires that the agendas and backup information provided to the BCC be placed on the Internet or a successor media to the Internet. It also requires that similar notice is given for meetings of subordinate boards for which additional notice requirements (beyond the "Sunshine Law") are already required by Florida Statutes, such as a Planning and Zoning Board or a Board of Adjustment.

Compliance with the new requirement (especially its provisions concerning backup information) has proven to be cumbersome and of questionable value. The proposed amendment repeals the revisions of 2006 while maintaining recognition that the BCC is still bound by the notice requirements of Florida Statutes and that the County Commission may supplement notice policies at any time by local ordinance.

5. AMENDMENT #5 – Deletes a Department Head's Option to Appeal His or Her Termination by the County Manager to the County Commission

Department heads are employees “at will” in Columbia County who report to the County Manager. They are appointed, supervised and terminated (with or without cause) by the Manager.

However, a decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners and overturned pursuant to policy adopted by the Board. Provisions such as this are very unusual in Florida charter counties.

The CRC examined the issue of the Department Head's right to appeal his/her termination. The CRC also discussed whether it would be preferable to require BCC confirmation of the County Manager's nomination of a Department Head at the time of appointment.

After discussion on both issues - the right of a Department Head to appeal his or her termination to the BCC and a requirement for BCC confirmation of newly-appointed Department Heads – the CRC believed that the best policy was to provide the County Manager with the tools to build the senior management team of the County. A key feature of such a policy is the ability to retain and terminate senior department heads without the undue influence of the legislative body. If the BCC is dissatisfied with the performance of the County Manager or some aspect of the way in which county policies are being implemented, the option to terminate the County Manager always exists.

The CRC therefore recommends that the Department Heads' ability to appeal a decision to terminate to the BCC be removed from the Charter. The CRC further recommends

that the Charter's current policy allowing the County Manager to fill such positions without Board confirmation remain unchanged.

6. AMENDMENT #6 – Replaces the Elected Office of the County Attorney with an Attorney Appointed and Terminated by the County Commission based on Qualifications and Performance.

Columbia County remains the only county in Florida where the County Attorney is an elected office. In all other Florida counties (charter and non-charter alike) the County Attorney is retained based on training, education and performance by the Board of County Commissioners. In all other counties, the County Attorney is employed by and reports to the Board of County Commissioners, except in those jurisdictions that have a chief elected executive position that hires and fires all staff.

In those counties outside of Florida where there is an elected County Attorney, that position is typically the equivalent of a County Prosecutor or a "State Attorney" that is elected by the voters of the county and only serves the citizens of the county.

The current practice in Columbia County has its origins in a Special Act passed by the Florida Legislature 60 years ago and well before the Florida Constitution was revised by the electorate in 1968.

The current Charter provision creates a system where the client – in this case the Board of County Commissioners - does not have the ability to hire or fire its primary legal advisor. The current provision also creates a situation where the position of County Attorney is selected by the voters of Columbia County but has no direct duties or responsibilities to the general public.

The proposed charter amendment would eliminate the elected status of the Office of the County Attorney after the current term of office has concluded. It would be replaced by an appointed position that is hired and fired by the County Commission based on qualifications and job performance. The proposed amendment does not specify whether the position is a full-time employee or part-time position retained on a contractual basis; that decision is left to the Board of County Commissioners within budget constraints.

Columbia County Charter Review Commission

PUBLIC HEARINGS on Proposed Recommendations

The Columbia County Charter was adopted by the county's voters in November of 2002. The Charter operates like a "constitution" for the people of Columbia County and establishes the structure, powers and duties of county government. The Charter also requires the Board of County Commissioners appoint a Charter Review Commission ("CRC") to review the Charter every eight years. Only the voters of Columbia County may adopt amendments to the Charter. If a CRC has proposed recommendations for changes to the Charter, it must conduct three public hearings for the purpose of receiving comments and input from the public on the recommendations. The hearings must be separated by at least 10 but not more than 20 days immediately prior to the transmittal of its recommendations for the consideration of the county voters on the November 2012 ballot.

The 2011-12 CRC has adopted six (6) proposed amendments to the Charter and has scheduled three public hearings as listed below.

**All hearings will begin at 6:00 PM and will be held at the
COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX
327 West Duval Street
Lake City, Florida**

Hearing #1

Thursday - May 10, 2012

Hearing #2

Thursday – May 24, 2012

Hearing #3

Tuesday – June 5, 2012

Columbia County Charter Review Commission

PUBLIC HEARINGS

PROPOSED RECOMMENDATIONS

Subject 1	Adding Two Commissioners Elected on a Countywide Basis to the Board of County Commissioners and Providing for Transition Plan	Amendment #1
Title	ADDS TWO MEMBERS TO THE COUNTY COMMISSION FOR WHICH ALL ELECTORS COUNTYWIDE MAY VOTE.	
Subject 2	Creating a Citizen Redistricting Advisory Committee	Amendment #2
Title	ESTABLISHES CITIZEN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING REDISTRICTING.	
Subject 3	Providing for an Additional Method for the Termination of the County Manager by the Board of County Commissioners	Amendment #3
Title	PROVIDING ADDITIONAL METHOD FOR REMOVAL OF THE COUNTY MANAGER BY THE BOARD OF COUNTY COMMISSIONERS.	
Subject 4	Deleting the Charter's Requirements for Supplementary Public Notice using the Internet; Requiring the County to Follow Public Notice Policies as Provided in State Law and as Supplemented by County Ordinance	Amendment #4
Title	REMOVAL OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET.	

Columbia County Charter Review Commission

PUBLIC HEARINGS

PROPOSED RECOMMENDATIONS

Subject 5	Deleting a Department Head's Option to Appeal His or Her Termination by County Manager to the County Commission	Amendment #5
Title	REMOVES A DEPARTMENT HEAD'S OPTION TO APPEAL TERMINATION BY COUNTY MANAGER TO THE COUNTY COMMISSION.	
Subject 6	Abolishing the Elected Status of the County Attorney and Providing for the Appointment of a County Attorney by the County Commission based on Qualifications and Experience	Amendment #6
Title	ABOLISHING ELECTED OFFICE OF COUNTY ATTORNEY; PROVIDING FOR APPOINTMENT OF QUALIFIED COUNTY ATTORNEY BY COMMISSION.	

AMENDMENT 1

ADDS TWO MEMBERS TO THE COUNTY COMMISSION FOR WHICH ALL ELECTORS COUNTYWIDE MAY VOTE.

Summary:

SHALL ARTICLE 2, SECTION 2.1 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO ADD TWO SEATS TO THE BOARD OF COUNTY COMMISSIONERS PROVIDING THAT SAID SEATS ARE ELECTED BY ALL OF THE VOTERS COUNTYWIDE AND SHALL ARTICLE 2, SECTION 2.4 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO PROVIDE FOR THE STAGGERING OF THE INITIAL TERMS OF OFFICE FOR THE NEW SEATS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2, Section 2.1 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketthrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.1 *Composition*

There shall be seven (7) county commissioner districts in Columbia County. Districts numbered one through five shall together cover the entire county and shall be as nearly equal in population as practicable. The County Commissioners for districts one through five shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner. Districts numbered six and seven shall be at-large districts and shall be nominated and elected by the qualified electors countywide.

~~There shall be five county commissioners' districts in Columbia County, which shall be numbered one to five, inclusive, the districts together covering the entire county and as nearly equal in population as practicable. Five County Commissioners shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner.~~

Article 2, Section 2.4 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketthrough~~.)

2.4 Redistricting

Each commissioner shall be elected for a term of four (4) years, beginning on the second Tuesday after election, and continuing after such term until his or her successor is elected and qualified. Terms shall be staggered so that one more or one less than half of the commissioners elected from residence areas are elected every two years. At-large terms shall be staggered so that one at-large commissioner is elected every two years. The first election for at-large commissioners shall be held in 2014. The initial term for district seven shall be two (2) years and the initial term for district six shall be four (4) years. Elections held thereafter shall be for four year terms.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Sections 2.1 and 2.4, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 2

ESTABLISHES CITIZEN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING REDISTRICTING.

Summary:

SHALL ARTICLE 2, SECTION 2.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO PROVIDE FOR THE CREATION OF A CITIZEN REDISTRICTING ADVISORY COMMITTEE COMPOSED OF REGISTERED VOTERS RESIDING IN COLUMBIA COUNTY TO ADVISE THE BOARD OF COUNTY COMMISSIONERS DURING THE REDISTRICTING PROCESS AND SETTING FORTH CRITICAL TIMEFRAMES FOR ACTION?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2, Section 2.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.2 *Redistricting*

In the first odd-numbered year after each decennial census, the Board of County Commissioners shall initiate the process to divide the county into districts of contiguous territory, following the existing boundaries of municipalities where possible and as nearly equal in population as possible. The Board of County Commissioners may initiate the process to ~~redive~~ the districts in any other odd-numbered year

Recommendations for redistricting shall be the responsibility of a citizens redistricting committee appointed by the Board of County Commissioners. The redistricting committee shall be funded by the Board of County Commissioners. The redistricting committee shall be composed of an odd number of not less than 11 and not more than 15 members. No elected officials nor employees of Columbia County shall be a member of the redistricting committee. All members of the redistricting committee shall be registered voters residing within Columbia County. Vacancies shall be filled within 30 days in the same manner as the original appointment. The redistricting committee shall have its first meeting before May 15 of the odd numbered year in which redistricting is required. The redistricting committee shall adopt rules of procedure to govern its actions and all meetings of the redistricting committee shall be open to the public and conducted in compliance with Florida's sunshine laws. The redistricting committee shall, to the extent practicable and consistent with the law, preserve the several municipalities and geographically cohesive racial or ethnic

minority communities from fragmentation. The redistricting committee shall present their recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting of September of that year. The Board of County Commissioners may approve the recommendation without amendment or reject the recommendation with written justification for the rejection provided to the redistricting committee. If the recommendation is rejected, the redistricting committee shall reconvene and consider the written justification for rejection presented by the Board of County Commissioners. The redistricting committee shall present their final recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting in October of that year. The Board of County Commissioners shall act upon the recommendation of the redistricting committee at that meeting by accepting, modifying or rejecting the redistricting committee's recommendation. If the Board of County Commissioners modifies or rejects the final recommendation of the redistricting committee, it shall adopt a final redistricting plan no later than the Board of County Commissioner's first regular meeting in December.

Whenever the boundaries of existing county commissioners' districts are changed by the Board of County Commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for four (4) consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the Board of County Commissioners. The publication of such copy shall be for information only and shall not be jurisdictional.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.2, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 3

PROVIDING ADDITIONAL METHOD FOR REMOVAL OF THE COUNTY MANAGER BY THE BOARD OF COUNTY COMMISSIONERS

Summary:

SHALL ARTICLE 2, SECTION 2.8(1) OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO REMOVE THE COUNTY MANAGER BY A MAJORITY PLUS ONE VOTE OF THE ENTIRE BOARD AT ONE MEETING, ALLOWING THE ONE MEETING TO BE A SPECIAL MEETING, IN ADDITION TO THE EXISTING OPTION OF BY A MAJORITY VOTE OF THE ENTIRE BOARD AT EACH OF TWO SUCCESSIVE REGULAR MEETINGS?

_____ yes

_____ no

Section 1 - Text of Amendment:

Article 2. Section 2.8(1) of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.8 Powers

2.8.1 Appoint and reappoint the County Manager by a vote of a majority of the entire Board of County Commissioners, and remove the County Manager during a contract term by either a majority vote of the entire Board of County Commissioners at each of two successive regular meetings or by a majority plus one vote of the entire Board of County Commissioners at one meeting of the Board of County Commissioners, which meeting may be a regular meeting or a special meeting.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.8, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 4

REMOVAL OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET

Summary:

SHALL ARTICLE 2, SECTION 2.11 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED, REMOVING OBLIGATION TO PROVIDE BOARD AGENDAS AND MATERIALS VIA THE INTERNET, REMOVING DETERMINATION OF NONFEASANCE IN OFFICE FOR FAILURE TO PROVIDE SUCH INFORMATION, REMOVING OBLIGATION TO PROVIDE NOTICE AND MATERIALS FOR SUBORDINATE BOARDS, AND PROVIDING THAT STATE LAW SHALL CONTROL PUBLIC NOTICE OF HEARINGS AND PROVISION OF MATERIALS FOR HEARINGS, EXCEPT AS MAY BE SUPPLEMENTED BY LOCAL ORDINANCE?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2. Section 2.11 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.11 *Notice for public hearing*

Notice for a public hearing and the provision of information to the public related to a public hearing shall be governed by Florida Law, except as supplemented by ordinance approved by the Board of County Commissioners. ~~In addition to any notice required by law, the Board of County Commissioners shall use the Internet, or any other widely available and economically feasible technology hereafter developed and specified in the Administrative Code, to provide the public with convenient and timely access to its regular and special (non-emergency and non-confidential) meeting agendas, including the information provided to the Board for its consideration. The failure of the Board to provide such information shall not invalidate any action as to which all statutorily required notice has been provided, but such failure may be deemed nonfeasance in office. The Board shall also adopt measures to ensure that such information is available for the meetings of any subordinate boards for which any notices in addition to those required by Section 286.011, Florida Statutes, are required to be published. [as amended November 7, 2006].~~

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.11, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 5

REMOVES A DEPARTMENT HEAD'S OPTION TO APPEAL TERMINATION BY COUNTY MANAGER TO THE COUNTY COMMISSION.

Summary:

SHALL ARTICLE 4, SECTION 4.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO REMOVE THE ABILITY OF A DEPARTMENT HEAD TO APPEAL HIS OR HER TERMINATION BY THE COUNTY MANAGER TO THE BOARD OF COUNTY COMMISSIONERS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 4, Section 4.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 4 **ADMINISTRATIVE DEPARTMENTS**

4.2 *Department Heads*

Department heads shall be appointed, supervised and terminated by the County Manager, and shall be employees at will and shall be responsible to the County Manager. The County Manager shall have the sole authority to terminate any department head with or without cause. ~~The decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners pursuant to policy adopted by the Board.~~

~~Option: Add provision continuing appeal right for any department head employed as of the effective date of the amendment.~~

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 4, Section 4.2, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 6

ABOLISHING ELECTED OFFICE OF COUNTY ATTORNEY; PROVIDING FOR APPOINTMENT OF QUALIFIED COUNTY ATTORNEY BY COMMISSION.

Summary:

SHALL ARTICLE 5, SECTION 5.2.1 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO SUPERCEDE LAWS OF FLORIDA CH. 27476, NO. 997 TO REMOVE THE ELECTED OFFICE OF COUNTY ATTORNEY; AMEND THE TITLE OF ARTICLE III; CREATE ARTICLE 3, SECTION 3.6 TO ESTABLISH THE OFFICE OF COUNTY ATTORNEY, PROVIDE AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS REGARDING THE HIRING AND FIRING, QUALIFICATIONS, POWERS, DUTIES AND TERMS OF EMPLOYMENT OF THE COUNTY ATTORNEY.

_____yes

_____no

Section 1 - Text of Amendment:

Article 5, Section 5.2.1 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 5 COUNTY OFFICERS

5.2 *Non-partisan election of county officers*

5.2.1 The County Commissioners, ~~the County Attorney~~, the Superintendent of Schools and the County Constitutional Officers shall be elected on a non-partisan basis.

The title of Article 3 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strike through~~.)

ARTICLE 3
ADMINISTRATIVE BRANCH:
COUNTY MANAGER AND COUNTY ATTORNEY

3.6 *County Attorney*

The Office of County Attorney. There shall be a County Attorney who shall be appointed by the Board of County Commissioners on the basis of professional training, experience and qualifications. The County Attorney shall serve at the direction and pleasure of the Board of County Commissioners. The County Attorney shall be licensed by The Florida Bar to practice law within the State of Florida and shall meet other such minimum qualifications that shall be established by County ordinance. The County Attorney shall be responsible directly to the Board of County Commissioners and shall provide legal services to the Board of County Commissioners, county departments, and county boards and agencies. The County Attorney shall provide for the prosecution and defense of legal causes on behalf of the County. The County Attorney shall prepare and submit an annual budget to the Board of County Commissioners for appropriations necessary for the Office of County Attorney to carry out the full and faithful performance of its responsibilities. Employees of the Office of County Attorney shall serve at the pleasure of the County Attorney. The Board of County Commissioners shall establish the compensation for the County Attorney at a level which is commensurate with the requirements of the position. The terms and conditions of compensation and employment of the County Attorney shall be set forth in a contract. The County Attorney may be terminated by a majority vote of the Board of County Commissioners. Notwithstanding the authority provided to the County Manager pursuant to Article 4 of the Home Rule Charter for Columbia County, authority to hire or terminate the County Attorney shall reside only with the Board of County Commissioners and the County Manager shall be without authority to hire or terminate the County Attorney or any employee of the Office of County Attorney. This section shall take effect upon the expiration of the current term of the elected County Attorney holding office as of the date this amendment is approved by the voters.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 5, Section 5.2, and Article 3, Section 3.6, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

CHARTER REVIEW COMMISSION

Minutes of
May 24, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Administration Office.

The meeting was called to order by Chairman Koby Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Bettye Lane, Ozell Graham, Audrey Bullard
District 2 Representatives: Zimmie Petty, David Morse, Rocky Ford (late)
District 3 Representatives: Walt Graham, Jack Berry, Koby Adams
District 4 Representatives: Kim Skinner, Sherree Vann, John Willis
District 5 Representatives: Nathan Morgan

Charter Commissioners Absent:

District 5 Representative: Ray Walker, Glynnell Presley

Others in Attendance:

Deputy Clerk Sandy Markham	Consultant Kurt Spitzer
Attorney Mark Watts	Asst. County Manager Lisa Roberts

Minutes of May 10, 2012

MOTION by J. Berry to approve. Second by B. Lane. The motion carried unanimously.

Draft of Final Report and a Draft of the Resolution Transmitting the Adopted Amendments

Mr. Spitzer addressed the preparation and transmittal process relating to these documents.

Term Limits Does Not Violate the Florida Constitution

Attorney Watts advised that on May 10, 2012, the Florida Supreme Court upheld term limits for Broward County commissioners. The court, in the case of William Telli vs. Broward County, affirmed a ruling by the Fourth District Court of Appeal, which held that voter-approved term limits for members of the county commission does not violate the Florida Constitution.

Invoices Submitted for Consideration

(a) Invoice Approval – Kurt Spitzer and Associates, Inc. - \$2,931.25

MOTION by J. Berry to approve. Second by S. Vann. The motion carried unanimously.

(b) Invoice Approval – Cobb Cole - \$1,144.78

MOTION by B. Lane to approve. Second by K. Skinner. The motion carried unanimously.

Public Hearing

The Chair declared the public hearing open.

4.) Proposed Amendment #4

Article 2, Section 2.11 – Removal of Supplementary Public Notice and Information Provision and Providing State Law Control Public Notice of Hearings and Provision of Materials for Hearings

Public Comment Offered by: Stewart Lilker, Barbara Lemley, and David Rountree. Each spoke in opposition. There were additional comments regarding this amendment at the conclusion of the meeting.

5.) Proposed Amendment # 5

Article 4, Section 4.2 – Removes a Department Head's Option to Appeal Termination by County Manager to the County Commission

Public Comments Offered by: E.P. Edlin who spoke in opposition.

6.) Proposed Amendment #6

Article 5, Section 5.2.1 – Abolishes Elected Office of County Attorney; Provides for Appointment of Qualified County Attorney by Commission

Public Comment Offered by: Stewart Lilker who was previously in favor of this amendment, but is now opposed.

There being no further comments from the public, the public hearing closed.

Public Comments

Stewart Liker suggested a future Charter Commission may want to consider an amendment that would abolish the Charter. He asked questions pertaining to comments made

earlier in the meeting by Consultant Spitzer regarding having the Charter Commissioner call him [Spitzer] with suggested changes relating to the amendments. Attorney Watts replied that individually speaking, the Sunshine Law does not prohibit a commissioner from contacting Mr. Spitzer with thoughts regarding recommended changes to the language, but any proposed changes would have to be discussed at the next meeting. He explained th Chair has the ability to tweak and make minor technical changes to an amendment as long as the substance of the amendment is not being changed.

Public Hearing

The third public hearing is scheduled for Tuesday, June 05, 2012 at 6:00 p.m. at the Columbia County School Board Administration Office

Proposed Amendment #4 Revisited for Commissioner's Clarification

Article 2, Section 2.11 – Removal of Supplementary Public Notice and Information Provision and Providing State Law Control Public Notice of Hearings and Provision of Materials for Hearings

R. Ford asked for additional clarification regarding the amendment. Clarification was provided by Consultant Spitzer and Attorney Watts. There was a brief discussion by the Commission.

Public Comment Offered By: Jeff Benson who also spoke in opposition. Stewart Lilker also revisited and remained opposed to the amendment.

Adjournment

The meeting adjourned at 6:45 p.m.

Attest:

Koby Adams, Chairman
Charter Review Board

P. DeWitt Cason
Clerk of Circuit Court

COLUMBIA COUNTY CHARTER REVIEW COMMISSION

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**372 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

JUNE 5, 2012

6:00 P.M.

I. CALL OT ORDER

II. INVOCATION

III. PLEDGE

IV. ROLL CALL

**V. APPROVAL OF MINUTES OF PREVIOUS MEETING
May 24, 2012 - Columbia County Charter Review Commission**

**VI. REPORT OF CHAIRPERSON
(a) Draft Report**

VII. REPORT OF COMMITTEES (IF ANY)

**VIII. UNFINISHED BUSINESS
FINAL PUBLIC HEARINGS:**

(1) Proposed Amendment #1

**Article 2, Section 2.1 - Adding Two At-Large Terms - Initial
Term for District Seven Shall be for Two Years and Initial Term
for District Six Shall be for Four(4) Years**

(2) Proposed Amendment #2

Article 2, Section 2.2 - Creation of a Citizen Redistricting Advisory Committee

(3) Proposed Amendment #3

Article 2, Section 2.8(1) - Amending Provisions for Removal of County Manager by the Board of County Commissioners

(4) Proposed Amendment #4

Article 2, Section 2.11 - Removal of Supplementary Public Notice and Information Provision and Providing State Law Control Public Notice of Hearings and Provision of Materials for Hearings

(5) Proposed Amendment #5

Article 4, Section 4.2 - Removes a Department Head's Option to Appeal Termination by County Manager to the County Commission

(6) Proposed Amendment #6

Article 5, Section 5.2.1 - Abolishes Elected Office of County Attorney; Provides for Appointment of Qualified County Attorney by Commission

IX. PUBLIC COMMENT

X. CLOSING OF FINAL PUBLIC HEARING AND CONSIDERATION OF FINAL ACTION ON PROPOSED AMENDMENTS

XI. DISCUSSION OF PUBLIC EDUCATION PROGRAM

XII. ADJOURNMENT UNTIL CALL OF THE CHAIR

CHARTER REVIEW COMMISSION

Minutes of
May 24, 2012

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Others in Attendance:

Deputy Clerk Sandy Markham	Consultant Kurt Spitzer
Attorney Mark Watts	Asst. County Manager Lisa Roberts

Minutes of May 10, 2012

MOTION by J. Berry to approve. Second by B. Lane. The motion carried unanimously.

Draft of Final Report and a Draft of the Resolution Transmitting the Adopted Amendments

Mr. Spitzer addressed the preparation and transmittal process relating to these documents.

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Public Hearing

The Chair declared the public hearing open.

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Public Hearing

The third public hearing is scheduled for Tuesday, June 05, 2012 at 6:00 p.m. at the Columbia County School Board Administration Office

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R. Ford asked for additional clarification regarding the amendment. Clarification was provided by Consultant Spitzer and Attorney Watts. There was a brief discussion by the Commission.

Public Comment Offered By: Jeff Benson who also spoke in opposition. Stewart Lilker also revisited and remained opposed to the amendment.

Adjournment

The meeting adjourned at 6:45 p.m.

Attest:

Koby Adams, Chairman
Charter Review Board

P. DeWitt Cason
Clerk of Circuit Court

Columbia County Charter Review Commission

PUBLIC HEARINGS on **Proposed Recommendations**

The Columbia County Charter was adopted by the county's voters in November of 2002. The Charter operates like a "constitution" for the people of Columbia County and establishes the structure, powers and duties of county government. The Charter also requires the Board of County Commissioners appoint a Charter Review Commission ("CRC") to review the Charter every eight years. Only the voters of Columbia County may adopt amendments to the Charter. If a CRC has proposed recommendations for changes to the Charter, it must conduct three public hearings for the purpose of receiving comments and input from the public on the recommendations. The hearings must be separated by at least 10 but not more than 20 days immediately prior to the transmittal of its recommendations for the consideration of the county voters on the November 2012 ballot.

The 2011-12 CRC has adopted six (6) proposed amendments to the Charter and has scheduled three public hearings as listed below.

**All hearings will begin at 6:00 PM and will be held at the
COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX
327 West Duval Street
Lake City, Florida**

Hearing #1	Thursday - May 10, 2012
Hearing #2	Thursday – May 24, 2012
Hearing #3	Tuesday – June 5, 2012

Columbia County Charter Review Commission

PUBLIC HEARINGS

PROPOSED RECOMMENDATIONS

Subject 1	Adding Two Commissioners Elected on a Countywide Basis to the Board of County Commissioners and Providing for Transition Plan	Amendment #
Title	ADDS TWO MEMBERS TO THE COUNTY COMMISSION FOR WHICH ALL ELECTORS COUNTYWIDE MAY VOTE.	
Subject 2	Creating a Citizen Redistricting Advisory Committee	Amendment #
Title	ESTABLISHES CITIZEN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING REDISTRICTING.	
Subject 3	Providing for an Additional Method for the Termination of the County Manager by the Board of County Commissioners	Amendment #
Title	PROVIDING ADDITIONAL METHOD FOR REMOVAL OF THE COUNTY MANAGER BY THE BOARD OF COUNTY COMMISSIONERS.	
Subject 4	Deleting the Charter's Requirements for Supplementary Public Notice using the Internet; Requiring the County to Follow Public Notice Policies as Provided in State Law and as Supplemented by County Ordinance	Amendment #
Title	REMOVAL OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET.	

Columbia County Charter Review Commission

PUBLIC HEARINGS

PROPOSED RECOMMENDATIONS

Subject 5	Deleting a Department Head's Option to Appeal His or Her Termination by County Manager to the County Commission	Amendment #
Title	REMOVES A DEPARTMENT HEAD'S OPTION TO APPEAL TERMINATION BY COUNTY MANAGER TO THE COUNTY COMMISSION.	
Subject 6	Abolishing the Elected Status of the County Attorney and Providing for the Appointment of a County Attorney by the County Commission based on Qualifications and Experience	Amendment #
Title	ABOLISHING ELECTED OFFICE OF COUNTY ATTORNEY; PROVIDING FOR APPOINTMENT OF QUALIFIED COUNTY ATTORNEY BY COMMISSION.	

AMENDMENT 1

ADDS TWO MEMBERS TO THE COUNTY COMMISSION FOR WHICH ALL ELECTORS COUNTYWIDE MAY VOTE.

Summary:

SHALL ARTICLE 2, SECTION 2.1 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO ADD TWO SEATS TO THE BOARD OF COUNTY COMMISSIONERS PROVIDING THAT SAID SEATS ARE ELECTED BY ALL OF THE VOTERS COUNTYWIDE AND SHALL ARTICLE 2, SECTION 2.4 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO PROVIDE FOR THE STAGGERING OF THE INITIAL TERMS OF OFFICE FOR THE NEW SEATS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2, Section 2.1 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.1 *Composition*

There shall be seven (7) county commissioner districts in Columbia County. Districts numbered one through five shall together cover the entire county and shall be as nearly equal in population as practicable. The County Commissioners for districts one through five shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner. Districts numbered six and seven shall be at-large districts and shall be nominated and elected by the qualified electors countywide.

~~There shall be five county commissioners' districts in Columbia County, which shall be numbered one to five, inclusive, the districts together covering the entire county and as nearly equal in population as practicable. Five County Commissioners shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner.~~

Article 2, Section 2.4 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

2.4 *Redistricting*

Each commissioner shall be elected for a term of four (4) years, beginning on the second Tuesday after election, and continuing after such term until his or her successor is elected and qualified. Terms shall be staggered so that one more or one less than half of the commissioners elected from residence areas are elected every two years. At-large terms shall be staggered so that one at-large commissioner is elected every two years. The first election for at-large commissioners shall be held in 2014. The initial term for district seven shall be two (2) years and the initial term for district six shall be four (4) years. Elections held thereafter shall be for four year terms.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Sections 2.1 and 2.4, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 2

ESTABLISHES CITIZEN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING REDISTRICTING.

Summary:

SHALL ARTICLE 2, SECTION 2.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO PROVIDE FOR THE CREATION OF A CITIZEN REDISTRICTING ADVISORY COMMITTEE COMPOSED OF REGISTERED VOTERS RESIDING IN COLUMBIA COUNTY TO ADVISE THE BOARD OF COUNTY COMMISSIONERS DURING THE REDISTRICTING PROCESS AND SETTING FORTH CRITICAL TIMEFRAMES FOR ACTION?

_____ yes

_____ no

Section 1 - Text of Amendment:

Article 2, Section 2.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.2 *Redistricting*

In the first odd-numbered year after each decennial census, the Board of County Commissioners shall initiate the process to divide the county into districts of contiguous territory, following the existing boundaries of municipalities where possible and as nearly equal in population as possible. The Board of County Commissioners may initiate the process to ~~redive~~ the districts in any other odd-numbered year

Recommendations for redistricting shall be the responsibility of a citizens redistricting committee appointed by the Board of County Commissioners. The redistricting committee shall be funded by the Board of County Commissioners. The redistricting committee shall be composed of an odd number of not less than 11 and not more than 15 members. No elected officials nor employees of Columbia County shall be a member of the redistricting committee. All members of the redistricting committee shall be registered voters residing within Columbia County. Vacancies shall be filled within 30 days in the same manner as the original appointment. The redistricting committee shall have its first meeting before May 15 of the odd numbered year in which redistricting is required. The redistricting committee shall adopt rules of procedure to govern its actions and all meetings of the redistricting committee shall be open to the public and conducted in compliance with Florida's sunshine laws. The redistricting committee shall, to the extent practicable and consistent with the law, preserve the several municipalities and geographically cohesive racial or ethnic

minority communities from fragmentation. The redistricting committee shall present their recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting of September of that year. The Board of County Commissioners may approve the recommendation without amendment or reject the recommendation with written justification for the rejection provided to the redistricting committee. If the recommendation is rejected, the redistricting committee shall reconvene and consider the written justification for rejection presented by the Board of County Commissioners. The redistricting committee shall present their final recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting in October of that year. The Board of County Commissioners shall act upon the recommendation of the redistricting committee at that meeting by accepting, modifying or rejecting the redistricting committee's recommendation. If the Board of County Commissioners modifies or rejects the final recommendation of the redistricting committee, it shall adopt a final redistricting plan no later than the Board of County Commissioner's first regular meeting in December.

Whenever the boundaries of existing county commissioners' districts are changed by the Board of County Commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for four (4) consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the Board of County Commissioners. The publication of such copy shall be for information only and shall not be jurisdictional.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.2, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 3

PROVIDING ADDITIONAL METHOD FOR REMOVAL OF THE COUNTY MANAGER BY THE BOARD OF COUNTY COMMISSIONERS

Summary:

SHALL ARTICLE 2, SECTION 2.8(1) OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO REMOVE THE COUNTY MANAGER BY A MAJORITY PLUS ONE VOTE OF THE ENTIRE BOARD AT ONE MEETING, ALLOWING THE ONE MEETING TO BE A SPECIAL MEETING, IN ADDITION TO THE EXISTING OPTION OF BY A MAJORITY VOTE OF THE ENTIRE BOARD AT EACH OF TWO SUCCESSIVE REGULAR MEETINGS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2. Section 2.8(1) of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.8 Powers

2.8.1 Appoint and reappoint the County Manager by a vote of a majority of the entire Board of County Commissioners, and remove the County Manager during a contract term by either a majority vote of the entire Board of County Commissioners at each of two successive regular meetings or by a majority plus one vote of the entire Board of County Commissioners at one meeting of the Board of County Commissioners, which meeting may be a regular meeting or a special meeting.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.8, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

.AMENDMENT 4

REMOVAL OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET

Summary:

SHALL ARTICLE 2, SECTION 2.11 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED, REMOVING OBLIGATION TO PROVIDE BOARD AGENDAS AND MATERIALS VIA THE INTERNET, REMOVING DETERMINATION OF NONFEASANCE IN OFFICE FOR FAILURE TO PROVIDE SUCH INFORMATION, REMOVING OBLIGATION TO PROVIDE NOTICE AND MATERIALS FOR SUBORDINATE BOARDS, AND PROVIDING THAT STATE LAW SHALL CONTROL PUBLIC NOTICE OF HEARINGS AND PROVISION OF MATERIALS FOR HEARINGS, EXCEPT AS MAY BE SUPPLEMENTED BY LOCAL ORDINANCE?

_____ yes

_____ no

Section 1 - Text of Amendment:

Article 2. Section 2.11 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.11 *Notice for public hearing*

Notice for a public hearing and the provision of information to the public related to a public hearing shall be governed by Florida Law, except as supplemented by ordinance approved by the Board of County Commissioners. ~~In addition to any notice required by law, the Board of County Commissioners shall use the Internet, or any other widely available and economically feasible technology hereafter developed and specified in the Administrative Code, to provide the public with convenient and timely access to its regular and special (non-emergency and non-confidential) meeting agendas, including the information provided to the Board for its consideration. The failure of the Board to provide such information shall not invalidate any action as to which all statutorily required notice has been provided, but such failure may be deemed nonfeasance in office. The Board shall also adopt measures to ensure that such information is available for the meetings of any subordinate boards for which any notices in addition to those required by Section 286.011, Florida Statutes, are required to be published.~~
[as amended November 7, 2006].

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.11, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 5

REMOVES A DEPARTMENT HEAD'S OPTION TO APPEAL TERMINATION BY COUNTY MANAGER TO THE COUNTY COMMISSION.

Summary:

SHALL ARTICLE 4, SECTION 4.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO REMOVE THE ABILITY OF A DEPARTMENT HEAD TO APPEAL HIS OR HER TERMINATION BY THE COUNTY MANAGER TO THE BOARD OF COUNTY COMMISSIONERS?

_____ yes _____ no

Section 1 - Text of Amendment:

Article 4, Section 4.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striethrough~~.)

ARTICLE 4 **ADMINISTRATIVE DEPARTMENTS**

4.2 *Department Heads*

Department heads shall be appointed, supervised and terminated by the County Manager, and shall be employees at will and shall be responsible to the County Manager. The County Manager shall have the sole authority to terminate any department head with or without cause. ~~The decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners pursuant to policy adopted by the Board.~~

~~Option: Add provision continuing appeal right for any department head employed as of the effective date of the amendment.~~

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 4, Section 4.2, as amended, shall remain in full force and effect.

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AMENDMENT 6

ABOLISHING ELECTED OFFICE OF COUNTY ATTORNEY; PROVIDING FOR APPOINTMENT OF QUALIFIED COUNTY ATTORNEY BY COMMISSION.

Summary:

SHALL ARTICLE 5, SECTION 5.2.1 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO SUPERCEDE LAWS OF FLORIDA CH. 27476, NO. 997 TO REMOVE THE ELECTED OFFICE OF COUNTY ATTORNEY; AMEND THE TITLE OF ARTICLE III; CREATE ARTICLE 3, SECTION 3.6 TO ESTABLISH THE OFFICE OF COUNTY ATTORNEY, PROVIDE AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS REGARDING THE HIRING AND FIRING, QUALIFICATIONS, POWERS, DUTIES AND TERMS OF EMPLOYMENT OF THE COUNTY ATTORNEY.

_____yes

_____no

Section 1 - Text of Amendment:

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ARTICLE 5 COUNTY OFFICERS

5.2 *Non-partisan election of county officers*

5.2.1 The County Commissioners, ~~the County Attorney~~, the Superintendent of Schools and the County Constitutional Officers shall be elected on a non-partisan basis.

The title of Article 3 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strikes through~~.)

ARTICLE 3

ADMINISTRATIVE BRANCH:

COUNTY MANAGER AND COUNTY ATTORNEY

3.6 *County Attorney*

The Office of County Attorney. There shall be a County Attorney who shall be appointed by the Board of County Commissioners on the basis of professional training, experience and qualifications. The County Attorney shall serve at the direction and pleasure of the Board of County Commissioners. The County Attorney shall be licensed by The Florida Bar to practice law within the State of Florida and shall meet other such minimum qualifications that shall be established by County ordinance. The County Attorney shall be responsible directly to the Board of County Commissioners and shall provide legal services to the Board of County Commissioners, county departments, and county boards and agencies. The County Attorney shall provide for the prosecution and defense of legal causes on behalf of the County. The County Attorney shall prepare and submit an annual budget to the Board of County Commissioners for appropriations necessary for the Office of County Attorney to carry out the full and faithful performance of its responsibilities. Employees of the Office of County Attorney shall serve at the pleasure of the County Attorney. The Board of County Commissioners shall establish the compensation for the County Attorney at a level which is commensurate with the requirements of the position. The terms and conditions of compensation and employment of the County Attorney shall be set forth in a contract. The County Attorney may be terminated by a majority vote of the Board of County Commissioners. Notwithstanding the authority provided to the County Manager pursuant to Article 4 of the Home Rule Charter for Columbia County, authority to hire or terminate the County Attorney shall reside only with the Board of County Commissioners and the County Manager shall be without authority to hire or terminate the County Attorney or any employee of the Office of County Attorney. This section shall take effect upon the expiration of the current term of the elected County Attorney holding office as of the date this amendment is approved by the voters.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 5, Section 5.2, and Article 3, Section 3.6, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

Via Electronic Mail

MEMORANDUM

TO: Columbia County Charter Review Commission

FROM: Kurt Spitzer

DATE: May 31, 2012

RE: June 5, 2012 Hearing – Final Amendments

Remember that the Hearing set for this coming Tuesday is scheduled to be your third and final Public Hearing. At the Hearing's conclusion, consideration of each proposed amendment is then available to the CRC.

Any part of any of the proposed amendments are subject to your revision after the final hearing, including rejection of the proposal itself; however, remember that amendments that significantly alter the intent or effect of a proposal may trigger the need to conduct a new series of three hearings before the proposal may be submitted to the County Commission for placement on the November ballot.

To simplify Tuesday evening's process, if you have revisions or amendments that you are planning to offer it would be best to share them with me in advance so that Mr. Watts and I can ensure that they are technically correct and in proper format.

Please contact me at 850-561-0904 or kurtspitzer@ksanet.net in that regard. As always, please feel free to contact me if you have any questions.

Penny Stanley

From: Mark Watts [Mark.Watts@cobbcole.com]
Sent: Thursday, May 31, 2012 2:13 PM
To: Lisa Roberts; Penny Stanley
Cc: 'koby adams' (kobyadams@yahoo.com); Kurt Spitzer; Sandra Largent; Jill N. Leo
Subject: CRC Resolution and Draft Amendments
Attachments: 01361787.PDF

All,

Attached please find a final draft of the CRC Resolution and currently proposed amendments for consideration at Tuesday's meeting. The Resolution was updated from the one distributed at the last CRC meeting. Specifically, paragraph 5 was revised to provide authority to the Chair to approve final expenses of the CRC for payment. In the event of a subsequent meeting, paragraph 6 was revised to provide that the full CRC could then review and ratify payment of final expenses.

The draft amendments remain the same as last distributed, with one exception. Amendment #2 was revised, in part, as follows:

"The Board of County Commissioners may approve the recommendation without amendment or reject the recommendation with written explanation ~~justification~~ for the rejection provided to the redistricting committee. If the recommendation is rejected, the redistricting committee shall reconvene and consider the written explanation ~~justification~~ for rejection presented by the Board of County Commissioners."

This change is consistent with the intent of the amendment, but makes the language more content neutral.

Please let me know if you have any comments or changes. Otherwise, I would appreciate it if copies can be made for the CRC and any public in attendance. Thank you.

A RESOLUTION OF THE CHARTER REVIEW COMMISSION OF COLUMBIA COUNTY, FLORIDA, PROPOSING CHARTER AMENDMENTS FOR COLUMBIA COUNTY, FLORIDA; PROVIDING FOR TRANSMISSION OF THE PROPOSED CHARTER AMENDMENTS TO THE BOARD OF COUNTY COMMISSIONERS FOR THE CALLING OF A REFERENDUM ON THE PROPOSED CHARTER AMENDMENTS; PROVIDING AN EXPLANATORY STATEMENT AND BALLOT TITLE FOR EACH AMENDMENT; AND AUTHORIZING MINOR CORRECTIONS BY THE CHAIR AND STAFF

WHEREAS, pursuant to the provisions of Section 8.4 of the Columbia County Charter, the Board of County Commissioners of Columbia County has appointed a Charter Review Commission; and

WHEREAS, the Charter Review Commission has received extensive public input and has deliberated and considered the desirability of certain amendments to the Columbia County Charter; and

WHEREAS, the Charter Review Commission has held not less than three public hearings at the times required by law and has thereupon approved all amendments it deems necessary or desirable;

NOW, THEREFORE, BE IT RESOLVED BY THE COLUMBIA COUNTY CHARTER REVIEW COMMISSION, AS FOLLOWS:

1. That the Charter Review Commission does hereby adopt and forward to the Board of County Commissioners proposed Charter Amendments for Columbia County in the form attached as Exhibit A.

2. The Board of County Commissioners is requested to call a special election pursuant to law, concurrent with the next general election, for purposes of a referendum on the proposed Amendments.

3. The ballot title for each Amendment to the Columbia County Charter shall be as set forth in the said Exhibit A.

4. The substance of each proposed Charter Amendment to appear on the ballot shall be as set forth in the said Exhibit A.

5. The Chair, consultant and counsel to the Charter Commission are authorized and directed to make such minor modifications and changes to the ballot title and statement of substance approved herein as may be necessary or desirable under the Constitution and laws of the State of Florida, so long as such changes do not alter the substance of this Resolution or of any Amendment; and they are further authorized to present to the Board of County Commissioners, and to make public, a report of the proposed Charter Amendments; and

otherwise to take all actions necessary and desirable to cause the proposed Charter Amendment to be subject to referendum approval. The Chair is further authorized to approve final expenses of the Charter Commission for payment.

6. The Charter Review Commission may reconvene at the call of the Chair or a majority of its members, at any time prior to its dissolution, for the purposes of planning and holding educational sessions concerning the proposed Charter Amendments, and ratifying final expenses approved for payment by the Chair, or for the conduct of any other lawful business.

APPROVED by the Columbia County Charter Review Commission this ____ day of June, 2012.

CHAIR

ATTEST:

VICE CHAIR

EXHIBIT A

PROPOSED CHARTER AMENDMENTS FOR REFERENDUM

**(CHANGES TO EXISTING CHARTER ARE SHOWN BY ~~DELETION~~ AND
ADDITION)**

AMENDMENT 1

ADDS TWO MEMBERS TO THE COUNTY COMMISSION FOR WHICH ALL ELECTORS COUNTYWIDE MAY VOTE.

Summary:

SHALL ARTICLE 2, SECTION 2.1 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO ADD TWO SEATS TO THE BOARD OF COUNTY COMMISSIONERS PROVIDING THAT SAID SEATS ARE ELECTED BY ALL OF THE VOTERS COUNTYWIDE AND SHALL ARTICLE 2, SECTION 2.4 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO PROVIDE FOR THE STAGGERING OF THE INITIAL TERMS OF OFFICE FOR THE NEW SEATS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2, Section 2.1 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strikethrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.1 Composition

There shall be seven (7) county commissioner districts in Columbia County. Districts numbered one through five shall together cover the entire county and shall be as nearly equal in population as practicable. The County Commissioners for districts one through five shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner. Districts numbered six and seven shall be at-large districts and shall be nominated and elected by the qualified electors countywide.

~~There shall be five county commissioners' districts in Columbia County, which shall be numbered one to five, inclusive, the districts together covering the entire county and as nearly equal in population as practicable. Five County Commissioners shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner.~~

Article 2, Section 2.4 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strikethrough~~.)

2.4 Redistricting

Each commissioner shall be elected for a term of four (4) years, beginning on the second Tuesday after election, and continuing after such term until his or her successor is elected and qualified. Terms shall be staggered so that one more or one less than half of the commissioners elected from residence areas are elected every two years. At-large terms shall be staggered so that one at-large commissioner is elected every two years. The first election for at-large commissioners shall be held in 2014. The initial term for district seven shall be two (2) years and the initial term for district six shall be four (4) years. Elections held thereafter shall be for four year terms.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Sections 2.1 and 2.4, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 2

ESTABLISHES CITIZEN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING REDISTRICTING.

Summary:

SHALL ARTICLE 2, SECTION 2.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO PROVIDE FOR THE CREATION OF A CITIZEN REDISTRICTING ADVISORY COMMITTEE COMPOSED OF REGISTERED VOTERS RESIDING IN COLUMBIA COUNTY TO ADVISE THE BOARD OF COUNTY COMMISSIONERS DURING THE REDISTRICTING PROCESS AND SETTING FORTH CRITICAL TIMEFRAMES FOR ACTION?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2, Section 2.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.2 *Redistricting*

In the first odd-numbered year after each decennial census, the Board of County Commissioners shall initiate the process to divide the county into districts of contiguous territory, following the existing boundaries of municipalities where possible and as nearly equal in population as possible. The Board of County Commissioners may initiate the process to redive the districts in any other odd-numbered year

Recommendations for redistricting shall be the responsibility of a citizens redistricting committee appointed by the Board of County Commissioners. The redistricting committee shall be funded by the Board of County Commissioners. The redistricting committee shall be composed of an odd number of not less than 11 and not more than 15 members. No elected officials nor employees of Columbia County shall be a member of the redistricting committee. All members of the redistricting committee shall be registered voters residing within Columbia County. Vacancies shall be filled within 30 days in the same manner as the original appointment. The redistricting committee shall have its first meeting before May 15 of the odd numbered year in which redistricting is required. The redistricting committee shall adopt rules of procedure to govern its actions and all meetings of the redistricting committee shall be open to the public and conducted in compliance with Florida's sunshine laws. The redistricting committee shall, to the extent practicable and consistent with the law, preserve the several municipalities and geographically cohesive racial or ethnic minority communities from

fragmentation. The redistricting committee shall present their recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting of September of that year. The Board of County Commissioners may approve the recommendation without amendment or reject the recommendation with written explanation for the rejection provided to the redistricting committee. If the recommendation is rejected, the redistricting committee shall reconvene and consider the written explanation for rejection presented by the Board of County Commissioners. The redistricting committee shall present their final recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting in October of that year. The Board of County Commissioners shall act upon the recommendation of the redistricting committee at that meeting by accepting, modifying or rejecting the redistricting committee's recommendation. If the Board of County Commissioners modifies or rejects the final recommendation of the redistricting committee, it shall adopt a final redistricting plan no later than the Board of County Commissioner's first regular meeting in December.

Whenever the boundaries of existing county commissioners' districts are changed by the Board of County Commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for four (4) consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the Board of County Commissioners. The publication of such copy shall be for information only and shall not be jurisdictional.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.2, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 3

PROVIDING ADDITIONAL METHOD FOR REMOVAL OF THE COUNTY MANAGER BY THE BOARD OF COUNTY COMMISSIONERS

Summary:

SHALL ARTICLE 2, SECTION 2.8(1) OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO REMOVE THE COUNTY MANAGER BY A MAJORITY PLUS ONE VOTE OF THE ENTIRE BOARD AT ONE MEETING, ALLOWING THE ONE MEETING TO BE A SPECIAL MEETING, IN ADDITION TO THE EXISTING OPTION OF BY A MAJORITY VOTE OF THE ENTIRE BOARD AT EACH OF TWO SUCCESSIVE REGULAR MEETINGS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2. Section 2.8(1) of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined.)

ARTICLE 2

LEGISLATIVE BRANCH: BOARD OF COUNTY COMMISSIONERS

2.8 Powers

2.8.1 Appoint and reappoint the County Manager by a vote of a majority of the entire Board of County Commissioners, and remove the County Manager during a contract term by either a majority vote of the entire Board of County Commissioners at each of two successive regular meetings or by a majority plus one vote of the entire Board of County Commissioners at one meeting of the Board of County Commissioners, which meeting may be a regular meeting or a special meeting.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.8, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 4

REMOVAL OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET

Summary:

SHALL ARTICLE 2, SECTION 2.11 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED, REMOVING OBLIGATION TO PROVIDE BOARD AGENDAS AND MATERIALS VIA THE INTERNET, REMOVING DETERMINATION OF NONFEASANCE IN OFFICE FOR FAILURE TO PROVIDE SUCH INFORMATION, REMOVING OBLIGATION TO PROVIDE NOTICE AND MATERIALS FOR SUBORDINATE BOARDS, AND PROVIDING THAT STATE LAW SHALL CONTROL PUBLIC NOTICE OF HEARINGS AND PROVISION OF MATERIALS FOR HEARINGS, EXCEPT AS MAY BE SUPPLEMENTED BY LOCAL ORDINANCE?

_____yes

_____no

Section 1 - Text of Amendment:

Article 2. Section 2.11 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketthrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.11 *Notice for public hearing*

Notice for a public hearing and the provision of information to the public related to a public hearing shall be governed by Florida Law, except as supplemented by ordinance approved by the Board of County Commissioners. ~~In addition to any notice required by law, the Board of County Commissioners shall use the Internet, or any other widely available and economically feasible technology hereafter developed and specified in the Administrative Code, to provide the public with convenient and timely access to its regular and special (non-emergency and non-confidential) meeting agendas, including the information provided to the Board for its consideration. The failure of the Board to provide such information shall not invalidate any action as to which all statutorily required notice has been provided, but such failure may be deemed nonfeasance in office. The Board shall also adopt measures to ensure that such information is available for the meetings of any subordinate boards for which any notices in addition to those required by Section 286.011, Florida Statutes, are required to be published.~~
~~[as amended November 7, 2006].~~

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.11, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 5

REMOVES A DEPARTMENT HEAD'S OPTION TO APPEAL TERMINATION BY COUNTY MANAGER TO THE COUNTY COMMISSION.

Summary:

SHALL ARTICLE 4, SECTION 4.2 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO REMOVE THE ABILITY OF A DEPARTMENT HEAD TO APPEAL HIS OR HER TERMINATION BY THE COUNTY MANAGER TO THE BOARD OF COUNTY COMMISSIONERS?

_____yes

_____no

Section 1 - Text of Amendment:

Article 4, Section 4.2 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strike through~~.)

ARTICLE 4

ADMINISTRATIVE DEPARTMENTS

4.2 *Department Heads*

Department heads shall be appointed, supervised and terminated by the County Manager, and shall be employees at will and shall be responsible to the County Manager. The County Manager shall have the sole authority to terminate any department head with or without cause. ~~The decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners pursuant to policy adopted by the Board.~~

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 4, Section 4.2, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

AMENDMENT 6

ABOLISHING ELECTED OFFICE OF COUNTY ATTORNEY; PROVIDING FOR APPOINTMENT OF QUALIFIED COUNTY ATTORNEY BY COMMISSION.

Summary:

SHALL ARTICLE 5, SECTION 5.2.1 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO SUPERCEDE LAWS OF FLORIDA CH. 27476, NO. 997 TO REMOVE THE ELECTED OFFICE OF COUNTY ATTORNEY; AMEND THE TITLE OF ARTICLE III; CREATE ARTICLE 3, SECTION 3.6 TO ESTABLISH THE OFFICE OF COUNTY ATTORNEY, PROVIDE AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS REGARDING THE HIRING AND FIRING, QUALIFICATIONS, POWERS, DUTIES AND TERMS OF EMPLOYMENT OF THE COUNTY ATTORNEY.

_____yes

_____no

Section 1 - Text of Amendment:

Article 5, Section 5.2.1 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 5 **COUNTY OFFICERS**

5.2 *Non-partisan election of county officers*

5.2.1 The County Commissioners, ~~the County Attorney~~, the Superintendent of Schools and the County Constitutional Officers shall be elected on a non-partisan basis.

The title of Article 3 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~striketrough~~.)

ARTICLE 3 **ADMINISTRATIVE BRANCH:** **COUNTY MANAGER AND COUNTY ATTORNEY**

3.6 *County Attorney*

The Office of County Attorney. There shall be a County Attorney who shall be appointed by the Board of County Commissioners on the basis of professional training, experience and qualifications. The County Attorney shall serve at the direction and pleasure of the Board of County Commissioners. The County Attorney shall be licensed by The Florida Bar to practice law within the State of Florida and shall meet other such minimum qualifications that shall be established by County ordinance. The County Attorney shall be responsible directly to

the Board of County Commissioners and shall provide legal services to the Board of County Commissioners, county departments, and county boards and agencies. The County Attorney shall provide for the prosecution and defense of legal causes on behalf of the County. The County Attorney shall prepare and submit an annual budget to the Board of County Commissioners for appropriations necessary for the Office of County Attorney to carry out the full and faithful performance of its responsibilities. Employees of the Office of County Attorney shall serve at the pleasure of the County Attorney. The Board of County Commissioners shall establish the compensation for the County Attorney at a level which is commensurate with the requirements of the position. The terms and conditions of compensation and employment of the County Attorney shall be set forth in a contract. The County Attorney may be terminated by a majority vote of the Board of County Commissioners. Notwithstanding the authority provided to the County Manager pursuant to Article 4 of the Home Rule Charter for Columbia County, authority to hire or terminate the County Attorney shall reside only with the Board of County Commissioners and the County Manager shall be without authority to hire or terminate the County Attorney or any employee of the Office of County Attorney. This section shall take effect upon the expiration of the current term of the elected County Attorney holding office as of the date this amendment is approved by the voters.

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 5, Section 5.2, and Article 3, Section 3.6, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

Penny Stanley

From: Mark Watts [Mark.Watts@cobbcole.com]
Sent: Monday, June 04, 2012 3:18 PM
To: Lisa Roberts; Penny Stanley
Cc: Kurt Spitzer; 'koby adams' (kobyadams@yahoo.com); Sandra Largent
Subject: Variations for Amendment #4
Attachments: 01362835.PDF

All,

Attached are potential variations for Amendment #4 with updated title and summaries reflecting the changes. Please let me know if you have any comments or questions. If not, please provide copies for the CRC members tomorrow night. Thank you.

AMENDMENT 4 - Optional Revision #1 - Deletes requirement to post backup material

MODIFICATION OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET

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Summary:

SHALL ARTICLE 2, SECTION 2.11 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO MAINTAIN THE OBLIGATION TO PROVIDE BOARD AGENDAS VIA THE INTERNET AND TO REMOVE THE OBLIGATION TO PUBLISH VIA THE INTERNET INFORMATION PROVIDED TO THE BOARD OR TO SUBORDINATE BOARDS REGARDING AGENDA ITEMS?

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Deleted: , AND PROVIDING THAT STATE LAW SHALL CONTROL PUBLIC NOTICE OF HEARINGS AND PROVISION OF MATERIALS FOR HEARINGS, EXCEPT AS MAY BE SUPPLEMENTED BY LOCAL ORDINANCE

_____ yes

_____ no

Section 1 - Text of Amendment:

Article 2. Section 2.11 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strikethrough~~.)

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.11 Notice for public hearing

In addition to any notice required by law, the Board of County Commissioners shall use the Internet, or any other widely available and economically feasible technology hereafter developed and specified in the Administrative Code, to provide the public with convenient and timely access to its regular and special (non-emergency and non-confidential) meeting agendas. The failure of the Board to provide such information shall not invalidate any action as to which all statutorily required notice has been provided, but such failure may be deemed nonfeasance in office. The Board shall also adopt measures to ensure that such information is available for the meetings of any subordinate boards for which any notices in addition to those required by Section 286.011, Florida Statutes, are required to be published. [as amended November 7, 2006].

Deleted: , including the information provided to the Board for its consideration

Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.11, as amended, shall remain in full force and effect.

Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

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AMENDMENT 4 - Optional Revision #2 - Provides more definite time for posting information to internet

MODIFICATION OF REQUIREMENT FOR PROVISION OF SUPPLEMENTARY PUBLIC NOTICE AND INFORMATION VIA THE INTERNET

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Summary:

SHALL ARTICLE 2, SECTION 2.11 OF THE HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA BE AMENDED TO MODIFY THE OBLIGATION TO PROVIDE BOARD AGENDAS AND MATERIALS VIA THE INTERNET BY PROVIDING A DEADLINE BY WHICH TIME MATERIALS PROVIDED TO THE BOARD OR TO SUBORDINATE BOARDS SHALL BE PROVIDED VIA THE INTERNET?

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_____ yes

_____ no

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Section 1 - Text of Amendment:

Article 2. Section 2.11 of the Home Rule Charter for Columbia County is amended to provide as follows: (New provisions are underlined and deletions are delineated by ~~strikethrough~~.)

ARTICLE 2
LEGISLATIVE BRANCH:
BOARD OF COUNTY COMMISSIONERS

2.11 Notice for public hearing

In addition to any notice required by law, the Board of County Commissioners shall use the Internet, or any other widely available and economically feasible technology hereafter developed and specified in the Administrative Code, to provide the public with convenient and timely access to its regular and special (non-emergency and non-confidential) meeting agendas, including the information provided to the Board for its consideration at the time meeting agendas are published via the Internet or future equivalent. The failure of the Board to provide such information shall not invalidate any action as to which all statutorily required notice has been provided, but such failure may be deemed nonfeasance in office. The Board shall also adopt measures to ensure that such information is available for the meetings of any subordinate boards for which any notices in addition to those required by Section 286.011, Florida Statutes, are required to be published.
[as amended November 7, 2006].

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Section 2 - If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Article 2, Section 2.11, as amended, shall remain in full force and effect.

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Section 3 - This Amendment shall take effect upon the approval of the electors of the County.

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CHARTER REVIEW COMMISSION

Minutes of
June 05, 2012

Note that the attached minutes have been reviewed by the CRC's Consultant and Attorney. However, as of the date of the printing of this Final Report, the CRC had not yet formally approved the minutes.

CHARTER REVIEW COMMISSION

Minutes of
June 05, 2012

The Charter Review Commission met in a regularly scheduled meeting in the auditorium of the Columbia County School Board Administration Office.

The meeting was called to order by Chairman Koby Adams at 6:00 p.m. The invocation and Pledge of Allegiance to the Flag of the United States of America followed. Deputy Clerk Sandy Markham called roll.

Charter Commissioners in Attendance:

District 1 Representatives: Bettye Lane, Ozell Graham, Audrey Bullard
District 2 Representatives: Zimmie Petty, David Morse (late)
District 3 Representatives: Walt Graham, Jack Berry, Koby Adams
District 4 Representatives: Kim Skinner, Sherree Vann, John Willis
District 5 Representatives: Nathan Morgan, Ray Walker, Glynnell Presley

Charter Commissioners Absent:

District 2 Representative: Rocky Ford

Others in Attendance:

Deputy Clerk Sandy Markham	Consultant Kurt Spitzer
Attorney Mark Watts	Asst. County Manager Lisa Roberts

Minutes of May 24, 2012

MOTION by B. Lane to approve the minutes subject to minutes being changed to reflect Audrey Bullard was in attendance and that Citizen Stew Liker opposed proposed Amendment #6. Second by R. Walker. The motion carried unanimously.

Presentation

Consultant Spitzer re-presented a PowerPoint presentation relating to forms of government, how Columbia County's Charter Form of government operates, and he briefly reviewed the proposed amendments. This was done as a courtesy for those who missed it previously.

Final Public Hearing

Chairman Adams declared the public hearing. The Charter Commission heard from the public on the proposed amendments prior to action being taken.

Amendment No. 1. Article 2, Section 2.1 would add two at-large commissioners to the current five.

Citizen Stewart Liker spoke in opposition.

Amendment No. 2. Article 2, Section 2.2 would create a Citizen Redistricting Advisory Committee.

Citizen Stewart Lilker voiced opposition. Citizen David Rountree asked questions for clarification.

Amendment No. 3. Article 2, Section 2.8(1) would amend provisions for removal of County Manager by the Board of County Commissioners.

Citizen Stewart Lilker spoke in opposition.

Amendment No. 4. Article 2, Section 2.11 would remove the requirements for supplementary public notice and information provision and providing state law control public notice of hearings and provision of materials for hearings.

Citizen David Rountree and Stewart Liker spoke in opposition.

Amendment No. 5. Article 4, Section 4.2 would remove a department head's option to appeal termination by County Manager to the County Commission.

Citizen Stewart Lilker spoke in opposition.

Amendment No. 6. Article 5, Section 5.2.1 would abolish the elected office of County Attorney and provide for the appointment of a County Attorney.

Citizen Stewart Lilker spoke in opposition.

The public hearing closed.

Action Taken on Proposed Amendments :

Proposed Amendment No. #1

MOTION by S. Vann to place the amendment on the ballot. Second by J. Berry. The motion failed with an 8-6 vote. Voting in opposition: O. Graham, A. Bullard, B. Lane, Z. Petty, N. Morgan, and G. Presley.

Proposed Amendment No. #2

MOTION by J. Berry to accept the proposed technical change (from “justification” to “explanation”). Second by John Willis. The motion carried with a 13-1 vote. Voting in opposition: O. Graham.

MOTION by J. Berry to place the amendment on the ballot. Second was recorded, but unidentified. The motion carried with an 12-2 vote. Voting in opposition: O. Graham and G. Presley.

Proposed Amendment No. #3

MOTION by J. Willis to place the amendment on the ballot. Second by J. Berry. The motion carried with a 10-4 vote. Voting in opposition: O. Graham, A. Bullard, Z. Petty, and G. Presley.

Proposed Amendment No. #4

Chairman Adams advised that he was withdrawing the amendments that he proposed for further discussion.

MOTION by O. Graham to place the amendment on the ballot. Second by J. Berry. The motion failed with a 5-9 vote. Voting in opposition: O. Graham, A. Bullard, Z. Petty, K. Adams, S. Vann, N. Morgan, R. Walker, G. Presley, and D. Morse.

Proposed Amendment No. #5

MOTION by J. Willis to place the amendment on the ballot. Second by D. Morse. The motion carried with a 10-4 vote. Voting in opposition: O. Graham, Z. Petty, K. Skinner, G. Presley.

Proposed Amendment No. #6

MOTION by J. Willis to place the amendment on the ballot. Second by N. Morgan. The motion carried unanimously.

Resolution

The Charter Commission considered a resolution transmitting the adopted amendments to the Board of County Commissioners. The adopted amendments being: #2, #3, #5, and #6.

MOTION by B. Lane to adopt the resolution. Second by D. Morse. The motion carried unanimously.

Public Education

There is a need to educate the public on the amendments. In 2006 the Charter Review Commission appointed a subcommittee to take up the issue of Public Education. The subcommittee recommended to the full Charter Review Commission a plan which included a publication of a display advertisement in the local newspaper and the printing and circulation of informational, bi-fold brochures.

The Chair appointed S. Vann, K. Skinner, O. Graham, D. Morse, and B. Lane to the Educational Subcommittee. This subcommittee will develop an educational plan to be presented and approved to the full Charter Review Commission in no more than 60 days. The Chairman asked B. Lane to serve as the subcommittee chairperson.

Approval of Invoices until the Charter Review Commission Meets Again

MOTION by J. Berry for invoices needing payment to be submitted to Vice Chairwoman Lane for review and signature, and then the invoices should be forwarded to Chairman Adams for review and signature. Second by N. Morgan. The motion carried unanimously.

Appreciation

Chairman Adams expressed appreciation for the Commissioner's willingness to volunteer on the Charter Review Commission. The Vice Chair thanked Attorney Watts and Consultant Spitzer for their help, and expressed appreciation to Chairman Adams for his professionalism while chairing the Commission. She too thanked the Commission for their work. O. Graham thanked the citizens who were interested enough to come out and be a part of the reviewing of the Charter.

Closing Remarks of Attorney Watts

He reminded the Commissioners that until the Charter Review Commission formally disbands that they continue to be subject to the Sunshine Law.

Adjournment

The meeting stands adjourned until the call of the Chair. The meeting concluded at 7:30 p.m.

Attest:

Koby Adams, Chairman
Charter Review Board

P. DeWitt Cason
Clerk of Circuit Court