

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF COLUMBIA COUNTY, FLORIDA; AMENDING ARTICLE 2; ADOPTING SECTION 2.12 TO BE ENTITLED “SURPLUS YEAR-END FUNDS”; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE COLUMBIA COUNTY ELECTORATE AT THE GENERAL ELECTION ON NOVEMBER 3, 2020; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FURTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 8.4 of the Home Rule Charter for Columbia County, Florida (the “Charter”), provides that on or before July 1 every eight years a Charter Review Commission (“CRC”) shall be appointed to review the Charter, that the CRC shall report its recommendations for amendment within one year of its first meeting;

WHEREAS, pursuant to the Charter a CRC was timely appointed and its first meeting was July 29, 2019;

WHEREAS, section 8.4 further requires that 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”;

WHEREAS, the CRC conducted three public hearings concerning the referendum that is the subject of this Ordinance on June 17, July 1, and July 13 of 2020, approving the substance of this Ordinance at each such hearing; and

WHEREAS, section 8.4 provides that the Board of County Commissioners “shall schedule a referendum on the proposed charter amendments or revisions concurrent with the next general election”.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Columbia County, Florida, that:

Section 1. Article 2 of the Home Rule Charter of Columbia County, Florida, is hereby amended by adding:

2.12 Surplus Year-end Funds

With respect to any surplus arising from an excess of the estimated cash balance over the estimated amount of unpaid obligations to be carried over in a fund at the end of any fiscal year, all such surplus shall be transferred to any of the other funds of the county, and the amount so transferred shall be budgeted as a receipt to such other

funds. Said excess funds shall not be expended except as through such funds for those purposes approved through the annual budget process for the then-current fiscal year.

Section 2. Ballot Question to be Presented to Electorate.

This proposed amendment to the Home Rule Charter of Columbia County, Florida, shall be presented to the qualified Columbia County electorate by placing the question of whether to adopt same on the ballot at the General election to be held on November 3, 2020.

Section 3. Ballot Question Form.

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

USE OF SURPLUS YEAR-END FUNDS

Question

Shall the Home Rule Charter of Columbia County, Florida be amended to require that any excess or surplus money remaining at the end of a fiscal year not spent must be used according to the budget for the following fiscal year?

Yes for Approval _____

No for Rejection _____

Section 4. Further Authorization.

The Board of County Commissioners of Columbia County, Florida, is authorized to adopt all resolutions and take all actions necessary in order for this Charter amendment referendum to be properly placed on the ballot for the General election of November 3 2020. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

Section 5. Severability.

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

Section 6. Effective Date.

This ordinance shall have effect upon becoming law but shall be of no further force or effect if the Ballot Question set forth in Section 3 is not approved by a simple majority vote of the Columbia County Electorate at the November 3, 2020, General election. Amendments to the Home Rule Charter of Columbia County, Florida, as proposed by this Ordinance, shall become effective January 1, 2021, if approved by a Yes vote by a majority of Columbia County's

qualified electors voting on the question posed in Section 3 during the November 3, 2020, General election.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Columbia County, Florida, this 24th day of July, 2020.

BOARD OF COUNTY COMMISSIONERS
COLUMBIA COUNTY, FLORIDA




TOBY WITT, Chair

Approved as to form and legality:



Joel F. Foreman, County Attorney

ATTEST: 

for P. DeWitt Cason, Clerk of Court