

**ORDINANCE NO. 2020-15**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF COLUMBIA COUNTY, FLORIDA FOR REVIEW OF THE COUNTY MANAGER; AMENDING ARTICLE 2, SECTION 2.8 RELATING TO POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING ARTICLE 3, SECTION 3.3 RELATING TO POWERS AND DUTIES OF THE COUNTY MANAGER; 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. Amendment to Article 2**

Article 2, Section 2.8 of the Home Rule Charter of Columbia County, Florida, is hereby amended by adding the underlined words and phrases and deleting any stricken words or phrases:

**2.8 Powers and Duties**

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 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.

(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) On or before the first day of April of each calendar year, each Commissioner shall subject the County Manager to a performance review for the preceding calendar year. Performance grading shall be on a scale from 1 to 5 with 1 being unsatisfactory and 5 being exceptional. The County Manager's performance shall be reviewed as to each of the duties imposed by this Charter, as well as the County Manager's demonstrated interpersonal skills with citizens, employees, and Commissioners. At the Board's first regular meeting in the month of May of each calendar year the results of the Commissioners' review of the County Manager shall be presented to the public.

~~(7)~~(8) Exercise any power of the County not lodged in any other office by this Charter.

## **Section 2. Amendment to Article 3**

Article 3, Section 3.3 of the Home Rule Charter of Columbia County, Florida, is hereby amended by adding the underlined words and phrases and deleting any stricken words or phrases:

### **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) Ensure completion of all performance reviews of the County Manager by each member of the Board of County Commissioners on or before April 1 of each calendar year and set upon the Board's regular meeting agenda for the first regular meeting of May each year for presentation of the results of said performance reviews.

~~(14)~~ (13) Perform such other duties as may be required by the Board of County Commissioners.

**Section 3. 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 4. Ballot Question Form.**

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

**ANNUAL REVIEW OF COUNTY MANAGER**

**Question**

**Shall the Home Rule Charter of Columbia County, Florida be amended to require an annual review by the County Commissioners of the County Manager regarding his or her performance of duties set forth in the Charter and that the results of that review be presented to the public annually?**

**Yes for Approval** \_\_\_\_\_

**No for Rejection** \_\_\_\_\_

**Section 5. 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 6. 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 7. 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 24<sup>th</sup> day of July, 2020.

BOARD OF COUNTY COMMISSIONERS  
COLUMBIA COUNTY, FLORIDA

  
\_\_\_\_\_  
TOBY WITT, Chair

Approved as to form and legality:

  
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Joel F. Foreman, County Attorney

ATTEST:   
for P. DeWitt Cason, Clerk of Court