

WAKULLA COUNTY ORDINANCE NO. 2008-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA PROVIDING FOR ADOPTION OF A HOME RULE CHARTER; PROVIDING FOR A PREAMBLE; PROVIDING FOR CREATION AND GENERAL POWERS AND HOME RULE CHARTER GOVERNMENT; PROVIDING FOR BODY CORPORATE, NAME AND BOUNDARIES, PROVIDING FOR CONSTRUCTION; PROVIDING FOR SPECIAL POWERS AND DUTIES OF COUNTY; PROVIDING FOR A MUNICIPAL PURPOSES PROVISION; PROVIDING FOR TRANSFER OF POWERS; PROVIDING FOR SEPARATION OF POWERS AS RELATES TO STATE LAW; PROVIDING FOR CONFLICT OF COUNTY ORDINANCES WITH MUNICIPAL ORDINANCES; PROVIDING FOR A LEGISLATIVE BRANCH BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR COMPOSITION AND REDISTRICTING; PROVIDING FOR QUALIFICATIONS AND ELECTION AND TERMS OF OFFICE; PROVIDING FOR SALARY AND OTHER COMPENSATION; PROVIDING FOR VACANCIES AND SUSPENSIONS; PROVIDING FOR POWERS; PROVIDING FOR A CODE OF ORDINANCES AND AN ADMINISTRATIVE CODE; PROVIDING FOR ADMINISTRATIVE BRANCH COUNTY MANAGER; PROVIDING FOR COMPENSATION AND TERMS OF EMPLOYMENT, POWERS AND DUTIES; PROVIDING FOR NONINTERFERENCE BY BOARD OF COUNTY COMMISSIONERS AND FOR TEMPORARY ABSENCE OR INCAPACITY; PROVIDING FOR APPOINTMENT OF A COUNTY ATTORNEY; PROVIDING FOR A PROVISION REGARDING COUNTY CONSTITUTIONAL OFFICERS, PROVIDING FOR POWERS RESERVED TO THE PEOPLE; INITIATIVE AND RECALL; PROVIDING FOR A PROCEDURE FOR PETITION; CONSIDERATION BY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR LIMITATION ON ORDINANCES BY INITIATIVE AND RECALL; PROVIDING FOR EFFECTIVE DATE OF THE CHARTER AS LAW; PROVIDING FOR TRANSITION; PROVIDING FOR CONTINUATION OF LAWS, ORDINANCES AND CONTRACTS; PROVIDING FOR INITIAL COUNTY COMMISSIONERS AND INITIAL COUNTY MANAGER AND INITIAL COUNTY ATTORNEY; PROVIDING FOR EMPLOYEE CONTINUATION AND CONTINUATION OF AGENCIES AND ADVISORY BODIES; PROVIDING FOR OUTSTANDING BONDS, REVENUE CERTIFICATES AND OTHER FINANCIAL OBLIGATIONS; PROVIDING FOR CHARTER AMENDMENTS; PROVIDING FOR AMENDMENTS BY COUNTY COMMISSIONERS; PROVIDING FOR AMENDMENTS BY PETITION, AND AMENDMENTS BY REFERENDUM; PROVIDING FOR A CHARTER REVIEW COMMISSION; PROVIDING SEVERABILITY AND VALIDITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Wakulla County, Florida is presently a non-charter government as an established under Article VIII, Section 1 (f), Florida Constitution; and

WHEREAS, Article VIII, Sections 1(c) and 1(g), Florida Constitution, provide that a county government may be established by charter, which shall be adopted upon a majority vote of electors of the county; and

WHEREAS, Section 125.80, et seq., Florida Statutes, provides a method whereby a non-charter county may locally initiate a county home rule charter;

NOW THEREFORE, BE IT ORDAINED BY THE BAORD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, that:

SECTION 1. HOME RULE CHARTER.

The Board of County Commissioners of Wakulla County, Florida hereby proposes, by ordinance, the following Charter for the governance of Wakulla County.

The proposed Charter of Wakulla County, Florida, as stated and incorporated herein, reads as follows:

WAKULLA COUNTY HOME RULE CHARTER

PREAMBLE

WE, THE PEOPLE OF WAKULLA COUNTY, FLORIDA, by the grace of God free and independent, in order to attain greater self-determination while preserving the existing system of governance in Wakulla County, and to avail ourselves of the full Home Rule benefits afforded by the Florida Constitution to exercise greater control over our own destiny, do hereby ordain and establish this Home Rule Charter as our form of government for Wakulla County.

ARTICLE 1

**CREATION, POWERS AND ORDINANCES
OF HOME RULE CHARTER GOVERNMENT**

1.1 Creation and general powers of home rule charter government

Wakulla County shall be a home rule charter county, and, except as may be limited by this Home Rule Charter (“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

Wakulla County shall be a body corporate and politic. The corporate name shall be Wakulla 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 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 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.

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 Separation of powers

Wakulla County shall operate under an elected county commission and appointed county manager form of government with separation between the legislative and executive functions of the government in accordance with the provisions of this Charter. 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, hereinafter referred to as the County Administrator.

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

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. In the event a county ordinance and a municipal ordinance shall cover the same subject matter without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

ARTICLE 2

LEGISLATIVE BRANCH:

BOARD OF COUNTY COMMISSIONERS

2.1 Composition

There shall be five county commissioners' districts in Wakulla County, which shall be numbered one to five, inclusive, the districts being as nearly equal in population as practicable. There shall be one Commissioner for each of the five districts. County commissioners shall be elected on a countywide basis by all of the electors of the county.

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. The Board of County Commissioners may redivide the districts in any other odd-numbered year so as to keep them as nearly equal in population as practicable. 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 two (2) 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.

2.3 Qualifications and Election

County commissioners shall be qualified electors of the county. Commissioners shall reside one in each of the commission districts. During the term of office, each commissioner shall reside in the district for which he or she ran for office. 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 as provided in general law for the governing board of a non-charter county.

2.5 Salary and other compensation

Salary and other compensation of the county commissioners shall be set by ordinance and shall be the same as those set by general law for the county commissioners of non-charter counties, and shall not be lowered during a county commissioner's term of office.

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. Commissioners 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 Powers

The Board of County Commissioners shall have all legislative authority, jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution, laws of the State of Florida and this Charter.

2.8 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.

2.9 Administrative Code

The Board of County Commissioners shall adopt, and amend as necessary, an administrative code to govern the operation of the county.

ARTICLE 3
ADMINISTRATIVE BRANCH: COUNTY ADMINISTRATOR

3.1 County Administrator

There shall be a County Administrator 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 Administrator shall be chosen on the basis of his or her professional training, executive and administrative experience, and qualifications. The County Administrator 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 Administrator at a level that 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 Administrator shall be head of the executive branch of county government; shall have the executive powers and duties that are now and that hereafter may be granted to the County Administrator by the laws of the State of Florida and this Charter; and, shall be responsible to the Board of County Commissioners for the proper administration of all affairs of the county. The County Administrator shall attend all regular and special meetings of the Board and shall have the right to participate in its discussions. The County Administrator 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.

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 Administrator by giving said employees instructions 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 Administrator or County Attorney.

3.5 Temporary absence or incapacity

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

ARTICLE 4 **COUNTY ATTORNEY**

4.1 County Attorney

There shall be a County Attorney who shall be appointed and terminated by the board of county commissioners, and who shall serve at the pleasure of the board. The County Attorney shall be the head of the county attorney's office. 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 terms and conditions of compensation and employment of the County Attorney shall be set forth in a contract.

ARTICLE 5 **COUNTY OFFICERS**

5.1 County constitutional officers

The county 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.

ARTICLE 6 **POWERS RESERVED TO THE PEOPLE:** **INITIATIVE AND RECALL**

6.1 Initiative

The electors of Wakulla 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 eight percent of electors qualified to vote in

the last preceding general election; provided that the number shall contain at least eight percent of the qualified electors in at least three of the commission districts.

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 therefore. 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 are 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 by initiative shall not include ordinances or provisions relating to administrative or judicial functions; the county budget, debt obligations or capital improvement programs; salaries of county officers and employees; powers or duties of the county constitution officers; the assessment or collection of taxes; the zoning of land; or, matters inconsistent with the Charter, the general laws of Florida, or the Florida Constitution.

6.2 Recall

Members of the Board of County Commissioners shall be subject to recall as provided by general law.

ARTICLE 7 **MISCELLANEOUS PROVISIONS**

7.1 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 conjunction with the general election occurring on November 4, 2008 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, 2009, the effective date of this Charter.

7.2 Transition

7.2.1 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 Wakulla 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.

7.2.2 Initial county commissioners. The persons comprising the Wakulla 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.

7.2.3 Initial County Administrator and Initial County Attorney. The County Administrator and County Attorney serving on the effective date of this Charter shall serve as the initial County Administrator and initial County Attorney respectively.

7.2.4 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.

7.2.5 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.

7.2.6 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.

7.3 Charter amendment

7.3.1 Amendment by Board of County Commissioners. The Board of County Commissioners, upon the concurrence of not less than a majority plus one of its entire membership, shall have the authority to propose by ordinance amendments or revisions to this Charter not inconsistent with the State Constitution or with general law, and may also propose by ordinance the repeal of the charter.

7.3.2 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 thirty (30) percent of the number of electors qualified to vote in the last preceding general election; provided that the number shall contain at least thirty (30) percent of the number of such qualified electors in each of the 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 or capital improvement programs; the zoning of land; salaries of county officers and employees; the assessment or collection of taxes; or, matters inconsistent with the Constitution or general laws of Florida.

7.3.3 Amendment referendum. The Board of County Commissioners shall cause any Charter amendment proposed under section 7.3.1 or 7.3.2 to be submitted to the electors for their approval during the next general election scheduled more than ninety (90) days after the proposed amendment is validated. Notice of said referendum, together with the language of the proposed amendment, shall be published as provided by general law. Passage of proposed amendments, revisions or repeal shall require approval of a majority of electors voting in said election.

7.4 Charter Review Commission

Not later than July 1 of the year 2015 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 consist of 15 electors of Wakulla County, shall be funded by the Board of County Commissioners pursuant to a budget set by said Board and shall be known as the "Wakulla County Charter Review Commission." Elected officials and their employees, and employees of local governments in Wakulla County shall be prohibited from serving on the Charter Review Commission. The Charter Review Commission shall, within one (1) year from the date of its first meeting, present to the Board of County Commissioners its recommendations for amendment, revision or repeal of the Charter or its recommendation that no amendment, revision or repeal is appropriate. If amendment, revision or repeal of the charter is to be recommended, the Charter Review Commission shall conduct at least two (2) 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. Such recommendations shall be approved by an affirmative vote of not less than ten (10) members of the Charter Review Commission. The Board of County Commissioners shall schedule a referendum on the proposed charter amendments,

revisions or repeal concurrent with the next general election. After adoption of its recommendations, the Charter Review Commission may remain in existence until the general election for purposes of conducting and supervising public educational programs concerning the proposed amendments, revisions or repeal.

7.5 Severability and validity

If any part of this Charter is held invalid or unconstitutional, the remainder thereof shall remain in full force and effect.

SECTION 2. BALLOT QUESTION TO BE PRESENTED TO THE ELECTORATE.

The proposed Charter of Wakulla County, Florida, shall be presented to the qualified Wakulla County electorate by placing the question of whether to adopt the same on the ballot at the General Election to be held on November 4, 2008.

SECTION 3. BALLOT QUESTION FORM.

The question on the ballot shall be substantially in the following form as proposed by Wakulla County Ordinance No. 2008-____.

Ballot Title:

“Proposed Home Rule Charter for Wakulla County”

Question

“Shall there be a Home Rule Charter establishing the form and powers of Wakulla County government; preserving the elected county constitutional officers; providing for the recall of county commissioners from office by citizen referendum; authorizing the proposal and adoption of ordinances by voter initiative and referendum; preserving an appointed professional manager; preserving the legislative powers of a board of five commissioners elected countywide; and, providing methods for amendment only by vote of the electorate?”

Yes ___ For Approval

No ___ Against Approval

PASSED AND ADOPTED by the Board of County Commissioners of Wakulla County, Florida, by a vote of ___ to ___ , this _____ day of _____, 2008.

WAKULLA COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
EDWARD BRIMNER, Chairman

ATTEST:

BRENT X. THURMOND
Ex Officio Clerk to the Board

APPROVED AS TO FORM ONLY:

RONALD A. MOWREY
County Attorney