

TOWN OF CALLAHAN, FLORIDA  
ORDINANCE NO.: 2020-006

AN ORDINANCE OF THE TOWN OF CALLAHAN, FLORIDA TO AMEND THE CHARTER OF THE TOWN OF CALLAHAN BY AMENDING § C-5 OF THE CHARTER OF THE TOWN OF CALLAHAN SO THAT THE MAYOR SHALL BE APPOINTED FROM AMONG THE TOWN COUNCIL; AMENDING § C-6 TO PROVIDE THAT A HIRED TOWN MANAGER SHALL PERFORM THE GENERAL DUTIES FORMERLY PERFORMED BY THE MAYOR; DELETING §C-7; AMENDING § C-14 TO PROVIDE FOR AN EMPLOYEE-CLERK HIRED BY THE TOWN COUNCIL; PROVIDING FOR THE HOLDING OF A REFERENDUM FOR THE AMENDMENT OF CERTAIN PROVISIONS OF THE CHARTER; ESTABLISHING BALLOT SUMMARY AND BALLOT TITLES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Callahan was incorporated by special act of the Florida legislature in 1911, and the Town's Charter was approved by that Act;

WHEREAS, the Town Council has determined that replacing the elected mayor with an employee town manager and the elected clerk with an employee clerk will benefit the welfare of the residents of the Town of Callahan;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CALLAHAN, FLORIDA, AS FOLLOWS:

Section 1. At the next election to be held following the final passage of this Ordinance that allows for enough time for the Nassau County supervisor of elections to put the following referendum question on the ballot, the following language shall be placed on the ballot for referendum approval by the electors of the Town of Callahan with provisions for the electors to indicate "yes" or "no":

Should the Charter of the Town of Callahan be amended to make mayor an office held by a member of the Town Council who is chosen by the Town Council, with the chief administrative duties that the mayor used to perform being transferred to a Town Manager employed by the Town, along with the former mayor's veto power over ordinances being eliminated, with all changes happening when the current mayor's term ends?

Section 2. If a majority of the electors of the Town of Callahan voting on the referendum question in Section 1 vote "yes," then § C-7 of the Charter of the Town of Callahan shall be deleted in its entirety, and §§ C-5 and C-6 of the Charter of the Town of Callahan shall be amended as follows:

§ C-5 ~~Election~~ Appointment of Mayor.

The Mayor shall be ~~elected~~ appointed by the ~~qualified voters of said~~ Town Council from among the members of the Council for the a term of four years, and shall hold office until a successor is ~~elected and qualified.~~ appointed or the Mayor is removed and replaced by the Town Council ~~The Mayor's salary shall be set by ordinance~~

§ C-6 General Duties of ~~Mayor~~ Town Manager.

The ~~Mayor~~ Town Manager shall act as the chief executive and chief administrator of the Town; shall see that the ordinances of the Town are faithfully executed; and shall have and exercise all powers incident and usual to the due enforcement of the ~~Mayor's~~ jurisdiction of a chief executive and chief administrator of a Florida municipality. The ~~Mayor~~ Town Manager shall have general supervision over all Town affairs, officers, and employees except for the members of the Town Council. The ~~Mayor~~ Town Manager shall report to the Town Council any improper conduct on the part of any Town official or employee. The Town Manager shall be an employee of the Town, hired and discharged by the Town Council, and reporting to and supervised by the Town Council.

Section 3. If a majority of the electors of the Town of Callahan voting on the referendum question in § 2 vote “no,” then §§ C-5, C-6, and C-7 of the Charter shall not be affected in any way.

Section 7. The referendum question regarding §§ C-5, C-6, and C-7 of the Charter of the Town of Callahan shall be known by ballot title as “Choosing the Mayor from Among the Members of the Town Council.”

Section 8. At the next election to be held following the final passage of this Ordinance that allows for enough time for the Nassau County supervisor of elections to put the following referendum question on the ballot, the following language shall be placed on the ballot for referendum approval by the electors of the Town of Callahan with provisions for the electors to indicate “yes” or “no”:

Should the Charter of the Town of Callahan be amended to make the Town Clerk an employee of the Town instead of an elected official, with the change happening when the current clerk’s term ends?

Section 9. If a majority of the electors of the Town of Callahan voting on the referendum question in § 8 vote “yes,” then § C-14 of the Charter of the Town of Callahan shall be amended as follows:

§ C-14. ~~Town Clerk and Tax Collector.~~

~~There shall be one office of the Town Clerk and said officer shall be elected the electors of said Town for four years shall hold office until his successor is elected and qualified.~~ an employee of the Town, hired and discharged by the Town Council. The Clerk shall receive ~~reasonable~~ compensation set by the Town Council. The Clerk shall be known and sign all documents, rolls and papers as Town Clerk. ~~The Clerk shall give such bond as the Town Council may require.~~ The Clerk shall attend all regular and special meetings of the Town Council and shall keep a record of all the proceedings and acts of the Town Council and shall record in books to be kept for that purpose all ordinances and resolutions passed by the Town Council and shall perform all such other duties as usually to the office of Town Clerk and may be required by the Town Council or Town Manager.

Section 10. If a majority of the electors of the Town of Callahan voting on the referendum question in § 8 vote “no,” then § C-14 of the Charter shall not be affected in any way.

Section 11. The referendum question regarding § C-14 of the Charter of the Town of Callahan shall be known by ballot title as “Making the Town Clerk an Employee Instead of an Elected Official.”

Section 12. The Town’s code publishers shall re-number the Charter sections in consecutively numbered sections consistent with all amendments made by this Ordinance and shall correct any typographical errors.

Section 13. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 14. To the extent this Ordinance requires only the passage of an ordinance, it shall become effective upon its passage by the Town Council. To the extent this Ordinance requires the passage of a referendum, it shall become effective only upon referendum approval, provided, however, that under no circumstances will this ordinance shorten the terms of office for the current mayor and clerk.

ADOPTED THIS 18<sup>th</sup> DAY OF MAY, 2020.

TOWN OF CALLAHAN, FLORIDA

  
Ken Bass, Town Council President

ATTEST:

  
Stephanie Knagge, Town Clerk

APPROVED:

  
Martin Fontes, Mayor

Date of First Reading: April 20, 2020  
Dates of Publication: May 6, 2020  
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& Second Hearing:  
Date of Final Passage: May 18, 2020