

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA ADOPTING PART III OF CHAPTER 125, FLORIDA STATUTES, "COUNTY ADMINISTRATION" WITH ADDITIONS AND MODIFICATIONS; PROVIDING A SHORT TITLE; REFERRING TO STATUTORY BASIS; PROVIDING PURPOSE; PROVIDING FOR APPOINTMENT, QUALIFICATION, AND COMPENSATION OF THE COUNTY ADMINISTRATOR; ESTABLISHING THE FUNCTIONS AND DUTIES OF THE COUNTY ADMINISTRATOR; PROVIDING FOR THE WORKING RELATIONSHIP BETWEEN COUNTY COMMISSIONERS AND COUNTY EMPLOYEES UNDER THE SUPERVISION OF THE COUNTY ADMINISTRATOR; PROHIBITING CERTAIN POLITICAL ACTIVITY BY THE COUNTY ADMINISTRATOR; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. SHORT TITLE: This Ordinance shall be known as and may be referred to as the ST. JOHNS COUNTY ADMINISTRATOR ORDINANCE.

Section 2. STATUTORY BASIS: Adoption of Part III Chapter 125 Florida Statutes; This Ordinance is enacted pursuant to Part III, Chapter 125, Florida Statutes. The Board of County Commissioners of St. Johns County, Florida hereby expressly adopts Part III Chapter 125, Florida Statutes, with additions and modifications as set forth herein.

Section 3. PURPOSE: The purpose of this Ordinance is to authorize a form of County administration that best assures the adequate and efficient provision of services to the citizens of St. Johns County, Florida; provide for coordinated administration of County departments to better protect the health, welfare, safety and quality of life of the residents of St. Johns County, Florida; and place in the hands of a County Administrator the multitude of details which must necessarily arise from the operation of the County as a unit of local government and thus, enable the Board of County Commissioners to perform, without unnecessary interruption, its fundamental intended purpose of making policies within the framework of law applicable to County government in this state. Further, the purpose of this Ordinance is to provide a structure for the economic and efficient conduct of County affairs by making the County Administrator responsible for handling all matters necessary to accomplish and bring to fruition the policies established by the Board of County Commissioners.

Section 4. COUNTY ADMINISTRATOR; APPOINTMENT, QUALIFICATIONS, AND COMPENSATION.

a) The County Administrator shall be the Administrative Head of the Board of County Commissioners of St. Johns County, Florida and shall be responsible for the administration of all Departments of County Government (with the exception of the Office of the County Attorney) which the Board of County Commissioners has authority to control pursuant to this Ordinance, the General Laws of Florida and other applicable legislation. (It is intended that the Office of the County Attorney report directly to the Board of County Commissioners.)

b) The County Administrator shall be appointed, and may be terminated with cause (after a hearing, if such be requested by the County Administrator), by a vote of a majority plus one of the membership of the Board of County Commissioners.

c) MINIMUM QUALIFICATIONS: The County Administrator shall, at a minimum, have earned a Bachelor's Degree in Public or Business Administration or related field from an accredited college or university and shall have at least five years of responsible administrative experience in City or County government. The County Administrator shall have experience in growth management, public utilities, economic development, financing and budgeting, and management of staff.

d) COMPENSATION: The compensation of the County Administrator shall be fixed by the Board of County Commissioners unless otherwise provided by law. The County Administrator shall be hired on an annual contract basis only which contract will be automatically renewed each year on the date in November on which the Board of County Commissioners reorganizes unless such renewal is opposed by a majority vote of the membership of the Board of County Commissioners prior to such Board of County Commission reorganization date.

Section 5. COUNTY ADMINISTRATOR FUNCTIONS AND DUTIES.

1) The County Administrator shall be responsible for the administration of all departments (except the legal department)

that are responsible to the Board of County Commissioners of St. Johns County, Florida and for the proper administration of all affairs (excluding the affairs of the legal department) under the jurisdiction of the Board of County Commissioners. To that end, the County Administrator shall, by way of enumeration and not by way of limitation, have the following specific powers and duties pertaining thereto:

a) Administer and carry out the directives and policies of the Board of County Commissioners of St. Johns County, Florida (hereafter, the "Board") and enforce all orders, resolutions, ordinances, and regulations of the Board to assure that they are faithfully executed.

b) Report to the Board on action taken pursuant to any Board 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 County Administrator deems necessary for the improvement of the County and the welfare of its residents.

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

d) Prepare and submit to the Board for its consideration and adoption an annual operating budget, a capital budget, and a capital program.

e) Establish the schedules and procedures to be followed by all County departments, offices, and agencies in connection with the Board's budget and supervise and administer all phases of the Board's budgetary process.

f) 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 recommendations.

g) Supervise the care and custody of all property that is under the control or ownership of the Board.

h) Recommend to the Board a current position classification and pay plan for all positions under the Board.

i) Develop, install, and maintain centralized budgeting, personnel, and purchasing procedures.

j) Organize the work of the departments and offices (other than the legal department) that are under the jurisdiction of the Board, subject to an administrative policy developed by the County Administrator and adopted by the Board, and review the departments, administration, and operation thereof and make recommendations pertaining thereto for reorganization by the Board.

k) Select, employ, and supervise all non-legal personnel and fill all non-legal vacancies, positions, or employment under the jurisdiction of the Board. The employment of all department heads shall require confirmation by the Board. As used in this ordinance, the term "non-legal" shall refer to County personnel or functions that are not part of the County legal department.

l) Suspend, discharge, or remove any non-legal employee under the jurisdiction of the Board pursuant to procedures adopted by the Board.

m) Negotiate leases, contracts, and other agreements, including consultant services, for the Board, subject to approval of the Board, and make recommendations concerning the nature and location of Board funded improvements.

n) See that all terms and conditions in all Board leases, contracts, and agreements are performed and notify the Board of any noted violation thereof.

o) Order, and promptly advise the Board thereof, any department or agency under the County Administrator's jurisdiction to undertake any task for any other department or agency on a temporary basis when the County Administrator deems it necessary for the proper and efficient administration of the County government to do so.

p) Attend all meetings of the Board with authority to participate in the discussion of any matter, and to make recommendations to the Board.

q) Propose a project priority list, revised, semi-annually, for confirmation or revision by the Board, and prepare and submit quarterly status reports on each project.

r) Prepare an agenda for all Board meetings.

s) Maintain a citizen complaint system to prevent possible deficiencies within Board Departments, Offices and activities.

t) Cooperate with other County officers in the performance of their duties.

u) Perform such other duties as may be required by the Board.

2. It is intended that this ordinance grant to the County Administrator only those powers and duties which are administrative or ministerial in nature and not to delegate any governmental power imbued in the Board of County Commissioners as the governing body of the County pursuant to s. 1(e), Art. VIII of the Florida Constitution. To that end, the above specifically enumerated powers shall be construed as administrative in nature, and in any exercise of governmental power the County Administrator shall only be performing the duty of advising the Board in its role as the policy-setting governing body of St. Johns County.

Section 6. COUNTY COMMISSIONERS WORKING RELATIONSHIPS TO EMPLOYEES UNDER THE SUPERVISION OF THE COUNTY ADMINISTRATOR: Board instruction or directives to non-legal employees of County government under the jurisdiction and control of the Board of County Commissioners shall be issued only through the County Administrator. A County Commissioner shall not give orders or instructions, publicly or privately, to any County official or employee who is subject to the direction and supervision of the County Administrator. If a majority of the Board of County Commissioners finds that a County

Commissioner has violated this section, the Board may declare the violation an act of misfeasance.

Section 7. The County Administrator shall not engage in political activity involving candidates for St. Johns County elective office other than casting his or her ballot at the polls.

Section 8. SEVERABILITY: It is declared to be the intent of the Board of County Commissioners of St. Johns County that 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 effect the validity of the remaining portion hereof.

Section 9. EFFECTIVE DATE: This ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

Passed and adopted by the Board of County Commissioners of St. Johns County, State of Florida this 27th day of February, 1990.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Craig A. Maguire
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl Bud Markel
Clerk

Adopted at a regular meeting February 13, 1990

Effective March 9, 1990



COPY OF ADVERTISEMENT

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

ANN JACKSON who on oath says that she is ACCOUNTING CLERK of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement, being a NOTICE OF INTENT

in the matter of RE: ENACTMENT OF ORDINANCE _____ in the _____ Court,

was published in said newspaper in the issues of FEBRUARY 2, 1990

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me [Signature] this 2nd day of FEBRUARY

A.D. 19 90

[Signature] Notary Public

8/22/93

\$30.04

NOTICE OF INTENT TO CONSIDER ENACTMENT OF ORDINANCE NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON TUESDAY, FEBRUARY 27, 1990, AT 10:15 O'CLOCK A.M., IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 400 LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA ADOPTING PART III OF CHAPTER 125, FLORIDA STATUTES, "COUNTY ADMINISTRATION" WITH ADDITIONS AND MODIFICATIONS; PROVIDING A SHORT TITLE; REFERRING TO STATUTORY BASIS; PROVIDING PURPOSE; PROVIDING FOR APPOINTMENT, QUALIFICATION, AND COMPENSATION OF THE COUNTY ADMINISTRATOR; ESTABLISHING THE FUNCTIONS AND DUTIES OF THE COUNTY ADMINISTRATOR; PROVIDING FOR THE WORKING RELATIONSHIP BETWEEN COUNTY COMMISSIONERS AND COUNTY EMPLOYEES UNDER THE SUPERVISION OF THE COUNTY ADMINISTRATOR; PROHIBITING CERTAIN POLITICAL ACTIVITY BY THE COUNTY ADMINISTRATOR; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CARL "BUD" MARKEL, Its Clerk

By Connie E. McDaniel Deputy Clerk L316 Feb. 2, 1990



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS
Room 1802, The Capitol
Tallahassee, Florida 32399-0250
(904) 488-8427

RECEIVED
ST. JOHNS COUNTY

March 5, 1990

'90 MAR -9 11:06

Honorable Carl "Bud" Markel
Clerk of Circuit Court
St. Johns County Courthouse
Post Office Drawer 300
St. Augustine, Florida 32085

Carl Bud Markel
CLERK, COUNTY COMMISSION

Attention: Connie E. McDaniel, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of March 2, 1990 and certified copy of St. Johns County Ordinance No. 90-10, which was filed in this office on March 5, 1990.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb