

ORDINANCE NO. 2003- 64

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CONSISTING OF THREE PARTS. **PART I** VESTS THE COUNTY ATTORNEY WITH AUTHORITY TO SELECT, HIRE, RETAIN AND DISMISS: ASSISTANT COUNTY ATTORNEYS, NON-ATTORNEY SUPPORT STAFF FOR THE COUNTY ATTORNEY'S OFFICE, AND PRIVATE ATTORNEYS PAID FROM FUNDS BUDGETED AND APPROPRIATED BY THE BOARD OF COUNTY COMMISSIONERS TO REPRESENT AND OR ADVISE PERSONS, ENTITIES, OR ORGANIZATIONS THAT CARRY OUT FUNCTIONS OR OPERATIONS OF THE COUNTY UNDER POLICIES SET BY THE BOARD OF COUNTY COMMISSIONERS; IT ALSO AUTHORIZES THE COUNTY ATTORNEY TO APPOINT A DEPUTY COUNTY ATTORNEY BUT RESERVES TO THE BOARD OF COUNTY COMMISSIONERS THE OPPORTUNITY TO APPROVE ANY SUCH APPOINTMENT FOR A PERIOD GREATER THAN TWO WEEKS; FURTHERMORE, IT VESTS THE COUNTY ATTORNEY, ASSISTANT COUNTY ATTORNEYS, AND OUTSIDE RETAINED COUNSELS WITH VARIOUS OTHER AUTHORITIES OF A TYPE COMMONLY CARRIED OUT BY ATTORNEYS FOR CLIENTS INCLUDING, BUT NOT LIMITED TO, NEGOTIATIONS OF DOCUMENTS WITHIN THE SCOPE OF THEIR REPRESENTATION OF THE COUNTY AND DRAFTING OF AGREEMENTS. **PART II** DEALS WITH COUNTY BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS. IT MAKES FINDINGS OF FACT; AUTHORIZES AND VESTS THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND OUTSIDE ISSUER COUNSEL, IF ANY, SELECTED BY THE COUNTY ATTORNEY WITH THE ABILITY AND AUTHORITY TO NEGOTIATE, DRAFT AND INITIALLY APPROVE ON BEHALF OF THE COUNTY THE FORMS OF ALL RESOLUTIONS, ORDINANCES, CONTRACTS AND OTHER DOCUMENTS, INCLUDING WITHOUT LIMITATION, BOND FORMS, PRELIMINARY OFFICIAL STATEMENTS AND OFFICIAL STATEMENTS THAT ARE NECESSARY OR APPROPRIATE FOR THE ISSUANCE OF ST. JOHNS COUNTY, FLORIDA BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; IT AUTHORIZES AND VESTS THE COUNTY ATTORNEY WITH THE ABILITY AND AUTHORITY TO SELECT AND RETAIN ON BEHALF OF THE COUNTY BOND COUNSEL, DISCLOSURE COUNSEL AND, AT THE DISCRETION OF THE COUNTY ATTORNEY, OUTSIDE ISSUER COUNSEL FOR BONDS, NOTES AND OTHER INSTRUMENTS OF

COUNTY INDEBTEDNESS; AND IT AUTHORIZES AND VESTS THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND OUTSIDE ISSUER COUNSEL, IF ANY, TO DO AND PERFORM ALL OTHER ACTS, OTHER THAN SELECT THE BOND PURCHASER, THE UNDERWRITER, THE REGISTRAR, AUTHENTICATING AGENT AND PAYING AGENT, THE RATING AGENCIES, AND/OR THE BOND INSURER THAT ARE NECESSARY OR APPROPRIATE FOR THE ISSUANCE AND SALE OF COUNTY BONDS, NOTES OR OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; **PROVIDED HOWEVER** THAT NO COUNTY BONDS, NOTES OR OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS SHALL BE ISSUED OR SOLD UNTIL AND UNLESS THE ISSUANCE AND SALE THEREOF PURSUANT TO AND IN THE MANNER SET FORTH IN THE DOCUMENTS THAT ARE PREPARED OR APPROVED BY THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND/OR BY OUTSIDE ISSUER COUNSEL ARE FIRST APPROVED, MODIFIED AND/OR AUTHORIZED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; ADDITIONALLY, THE BOARD HAS THE RIGHT TO REJECT, MODIFY, ADOPT AND/OR ENACT ALL RESOLUTIONS AND ORDINANCES THAT ARE PREPARED OR REVIEWED BY THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND/OR BY OUTSIDE ISSUER COUNSEL THAT ARE NECESSARY OR APPROPRIATE FOR THE ISSUANCE OF COUNTY BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; IN PERFORMING HIS OR HER DUTIES UNDER THIS ORDINANCE THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND/OR OUTSIDE ISSUER COUNSEL ARE VESTED WITH AUTHORITY TO CONSULT WITH SUCH FINANCIAL CONSULTANTS, COUNTY STAFF, OUTSIDE ATTORNEYS, AND OTHER PROFESSIONALS AS HE OR SHE SHALL DEEM ADVISABLE OR NECESSARY. **PART III** OF THIS ORDINANCE PROVIDES AN EFFECTIVE DATE.

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

PART I

Section 1. The County Attorney shall be the chief legal officer representing the Board of County Commissioners except as to those functions and operations that are assigned or appointed to other specific officers, attorneys, or agencies by the Constitution of the State of Florida or Florida Statutes.

Section 2. The County Attorney shall serve in said position under the terms of a contract between the Board of County Commissioners and the County Attorney and under provisions of applicable law.

Section 3. The County Attorney shall have sole responsibility to direct the office of the county attorney except that the County Attorney may appoint a Deputy County Attorney to act in his or her stead when appointed. If such appointment is made for a period greater than two weeks, it must be approved by the Board of County Commissioners.

Section 4. The County Attorney of St. Johns County shall have sole authority to select, hire and retain the following persons to the extent that is authorized in the applicable County Commission approved budget, and to dismiss any such persons so hired or retained:

- a. Assistant County Attorneys;
- b. Non-attorney support staff for the office of the county attorney;
- c. Private attorneys to represent or advise persons, entities, or organizations that carry out functions or operations of the County that are under policies set by the Board of County Commissioners.

Section 5. The County Attorney, the Deputy County Attorney, if any, each Assistant County Attorney and each outside counsel retained by the County Attorney is authorized, without limitation, to draft and negotiate contracts and other agreements on behalf of the County, to draft deeds, resolutions, orders and ordinances on behalf of the County and to offer legal advice to County staff, individual county commissioners and the board of county commissioners. Nothing in this Section 5 shall be deemed to limit the acts or actions of those attorneys when such other acts or actions are necessary or appropriate to benefit or protect the interests of the County.

PART II

WHEREAS, the market for county and municipal bonds, notes and other instruments of county and municipal indebtedness is traditionally volatile and the opportunities for county's and municipality's to take advantage of favorable market conditions can and does vary significantly with the passage of time; and

WHEREAS, when the need for County debt financing of County capital projects arises, it becomes a paramount public purpose that the County obtain and prepare appropriate bond, note and other County indebtedness documents as quickly as possible so that the County can take advantage of favorable market conditions while they are available, or as soon as they become available, in order that the County may obtain the best possible prices, interest rates and other terms for the County's bonds, notes and other forms of County indebtedness; and

WHEREAS, the formation of County committees and other groups to draft, review and approve the many documents that are necessary for the issuance of County bonds, notes and other instruments of County indebtedness causes inherent delays due to the scheduling of

meetings and in some instances may require advance public notice of the committee's meetings, thus causing further unproductive delays; and

WHEREAS, St. Johns County and most other Florida counties and municipalities have used their in house attorneys to negotiate, draft and/or initially approve the bond and note documents for municipal and county debt financing as part of their normal staff duties and functions; and

WHEREAS, it is appropriate that the Board of County Commissioners of St. Johns County, Florida (the "Board") affirm and formalize the duties and functions of the County Attorney, his or her designees and, when applicable, an outside attorney retained as issuer counsel with respect to the preliminary work that is necessary or appropriate for the Board's issuance of bonds, notes and other forms of County indebtedness; and

WHEREAS, the Board has not authorized the County Attorney (a) to select the underwriter or purchaser of the County's bonds, notes and other instruments of County indebtedness; or (b) to select the registrar, authenticating agent and paying agents, the rating agencies and the bond insurers that are necessary or appropriate for issuance of the County's bonds, notes and other instruments of County indebtedness; or (c) to approve or reject the issuance and execution of the County bonds, notes and other instruments of County indebtedness and their supporting documents.

Section 1. The Board of County Commissioners of St. Johns County, Florida (the "Board") hereby confirms the recitals that are in Part II above and incorporates them herein as findings of fact.

Section 2. The County Attorney for St. Johns County, Florida, his or her designees and/or outside issuer counsel are hereby authorized and vested with the ability and authority to negotiate, review, modify, draft and initially approve on behalf of the County the forms of all resolutions, ordinances, contracts and other documents, including without limitation, bond forms, preliminary official statements and official statements that are necessary or appropriate for the issuance of St. Johns County, Florida bonds, notes and other instruments of County indebtedness; the County Attorney is authorized and vested with the ability and authority to select and retain on behalf of the County bond counsel, disclosure counsel, and, in the discretion of the County Attorney, outside issuer counsel and other legal services related to bonds, notes and other instruments of County indebtedness; and the County Attorney, his or her designees and/or outside issuer counsel are authorized and vested with the ability and authority to do and perform all other acts that are necessary or appropriate for the issuance and sale of County bonds, notes or other instruments of County indebtedness. This section confirms and formalizes the staff functions of the Office of the County Attorney in the process of negotiating, reviewing, modifying, drafting and/or initially approving bond forms and all other documents necessary or appropriate for the issuance of County bonds, notes and other instruments of County indebtedness.

Section 3. Notwithstanding the provisions of Section 2 above, the Board does not authorize or vest the County Attorney, his or her designees or any outside issuer counsel with the authority to select persons or entities to serve as registrar, authenticating agent and paying agent; to serve as rating agencies; to serve as insurer; and/or to serve as underwriters or become purchasers of bonds, notes and other instruments of County indebtedness.

Section 4. No County bonds, notes or other instruments of County indebtedness shall be issued or sold until and unless the issuance and sale thereof are approved by the Board and the bond form and bond documents that are negotiated, prepared or initially approved by the County Attorney, his or her designees and/or by outside issuer counsel are approved by the Board or modified and approved by the Board. Additionally, the Board has the right to reject, modify, adopt and/or enact all resolutions and ordinances that are prepared, reviewed or initially approved by the County Attorney, his or her designees and/or by outside issuer counsel that are necessary or appropriate for the issuance of County bonds, notes and other instruments of County indebtedness.

Section 5. In performing his or her duties under this ordinance, as may be amended from time to time, the County Attorney, his or her designees and/or outside issuer counsel are authorized to consult with such financial consultants, County staff, outside attorneys, and other professionals as he or she shall deem advisable.

PART III

This ordinance shall take effect upon a certified copy being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 12th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Karen R. Stern
Karen R. Stern, Vice-Chair

ATTEST: Cheryl Strickland, Clerk of Court

RENDITION DATE 8/13/2003

By: Cheryl Strickland

Deputy Clerk

Effective Date: August 14, 2003



THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 **LINDA Y MURRAY**

who on oath says that she is an 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

NOTICE OF PUBLIC HEARING

In the matter of **ORDINANCE**

COUNTY ATTORNEY & COUNTY BONDS

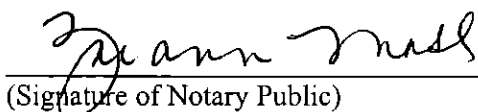
in the Court, was published in said newspaper in the issues of

AUGUST 1, 2003

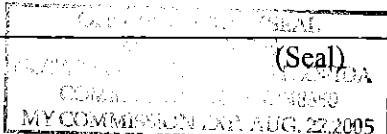
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the 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 this 6TH day of **AUGUST** 2003

by  who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.


(Signature of Notary Public)

Zoe Ann Moss



ORDINANCE BOOK 32 PAGE 155

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, August 12, 2003 at 1:30 p.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CONSISTING OF TWO PARTS. PART I VESTS THE COUNTY ATTORNEY WITH AUTHORITY TO SELECT, HIRE, RETAIN AND DISMISS: ASSISTANT COUNTY ATTORNEYS, NON-ATTORNEY SUPPORT STAFF FOR THE COUNTY ATTORNEY'S OFFICE, AND PRIVATE ATTORNEYS PAID FROM FUNDS BUDGETED AND APPROPRIATED BY THE BOARD OF COUNTY COMMISSIONERS TO REPRESENT AND OR ADVISE PERSONS, ENTITIES, OR ORGANIZATIONS THAT CARRY OUT FUNCTIONS OR OPERATIONS OF THE COUNTY DIRECTLY ADMINISTERED BY THE BOARD OF COUNTY COMMISSIONERS OR ITS APPOINTEES; IT ALSO AUTHORIZES THE COUNTY ATTORNEY TO APPOINT A DEPUTY COUNTY ATTORNEY BUT RESERVES TO THE BOARD OF COUNTY COMMISSIONERS THE OPPORTUNITY TO APPROVE ANY SUCH APPOINTMENT FOR A PERIOD GREATER THAN TWO WEEKS; FURTHERMORE, IT VESTS THE COUNTY ATTORNEY, ASSISTANT COUNTY ATTORNEYS, AND OUTSIDE RETAINED COUNSELS WITH VARIOUS OTHER ACTIVITIES OF A TYPE COMMONLY CARRIED OUT BY ATTORNEYS FOR CLIENTS INCLUDING, BUT NOT LIMITED TO: NEGOTIATIONS OF DOCUMENTS WITHIN THE SCOPE OF THEIR REPRESENTATION OF THE COUNTY AND DRAFTING OF AGREEMENTS. PART II DEALS WITH COUNTY BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS. IT MAKES FINDINGS OF FACT; AUTHORIZES AND VESTS THE COUNTY ATTORNEY OR HIS OR HER DESIGNEE OR OUTSIDE ISSUER COUNSEL WITH THE SOLE ABILITY AND AUTHORITY (A) TO NEGOTIATE, DRAFT AND APPROVE ON BEHALF OF THE COUNTY THE FORMS OF ALL RESOLUTIONS, ORDINANCES, CONTRACTS AND OTHER DOCUMENTS, INCLUDING WITHOUT LIMITATION, BOND FORMS, PRELIMINARY OFFICIAL STATEMENTS AND OFFICIAL STATEMENTS THAT ARE NECESSARY OR APPROPRIATE FOR THE ISSUANCE OF ST. JOHNS COUNTY, FLORIDA BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; (B) TO SELECT AND RETAIN ON BEHALF OF THE COUNTY BOND COUNSEL, DISCLOSURE COUNSEL, OUTSIDE ISSUER COUNSEL AND BANKS OR OTHER ENTITIES TO SERVE AS REGISTRAR, AUTHENTICATING AGENT AND PAYING AGENT FOR BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; (C) TO SELECT ON BEHALF OF THE COUNTY RATING AGENCIES AND OBTAIN RATINGS FOR PROPOSED BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; (D) TO SELECT ON BEHALF OF THE COUNTY BOND INSURERS FOR COUNTY BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS AND OBTAIN APPROPRIATE INSURANCE PERTAINING TO BONDS, BOND FUNDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; AND (E) TO DO AND PERFORM ALL OTHER ACTS, OTHER THAN SELECT THE BOND PURCHASER OR THE UNDERWRITER, THAT IS NECESSARY OR APPROPRIATE FOR THE ISSUANCE AND SALE OF COUNTY BONDS, NOTES OR OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; PROVIDED HOWEVER THAT THE COUNTY BONDS, NOTES OR OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS SHALL BE ISSUED OR SOLD UNTIL AND UNLESS THE ISSUANCE AND SALE THEREOF PURSUANT TO AND IN THE MANNER SET FORTH IN THE DOCUMENTS THAT ARE PREPARED OR APPROVED BY THE COUNTY ATTORNEY OR HIS OR HER DESIGNEE OR BY OUTSIDE ISSUER COUNSEL ARE FIRST APPROVED OR AUTHORIZED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; ADDITIONALLY, THE BOARD RETAINS THE SOLE RIGHT TO REJECT, ADOPT AND/OR ENACT ALL RESOLUTIONS AND ORDINANCES THAT ARE PREPARED OR REVIEWED BY THE COUNTY ATTORNEY OR HIS OR HER DESIGNEE OR BY OUTSIDE ISSUER COUNSEL THAT ARE NECESSARY OR APPROPRIATE FOR THE ISSUANCE OF COUNTY BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; IN PERFORMING HIS OR HER DUTIES UNDER THIS ORDINANCE THE COUNTY ATTORNEY OR HIS OR HER DESIGNEE OR OUTSIDE ISSUER COUNSEL IS VESTED WITH AUTHORITY TO CONSULT WITH SUCH FINANCIAL CONSULTANTS, COUNTY STAFF, OUTSIDE ATTORNEYS, AND OTHER PROFESSIONALS AS HE OR SHE SHALL DEEM ADVISABLE AND NECESSARY; THIS ORDINANCE ALSO PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk
L1663-3 Aug 1, 2003



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLEND A. HOOD
Secretary of State

August 19, 2003

Honorable Cheryl Strickland
Clerk to Board of Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

Aug 21
03 JUL 13 AM 8:07

FILED

Attention: Yvonne King
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 13, 2003 and certified copy of St. Johns County Ordinance No. 2003-64, which was filed in this office on August 14, 2003.

Sincerely,

Liz Cloud
Program Administrator

LC/mp

ORDINANCE BOOK 32 PAGE 156

BUREAU OF ADMINISTRATIVE CODE • DIVISION OF ELECTIONS
The Collins Building, Room L43 • 107 W. Gaines Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270 • Facsimile: (850) 245-6282 • WWW: <http://www.dos.state.fl.us>
E-Mail: DivElections@mail.dos.state.fl.us