

ORDINANCE NO. 2020- 8

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2011-4 PERTAINING TO PROVIDING FOR THE SETTLEMENT AUTHORITY OF LIABILITY CLAIMS; THIS ORDINANCE AMENDS SECTION 1, ENTITLED "SETTLEMENT OF CERTAIN CLAIMS" AND SECTION 2, ENTITLED "REJECTION OF CLAIMS"; MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, efficiency in the St. Johns County ("County") government is desired and promoted by the Board of County Commissioners ("Board"); and

WHEREAS, from time to time liability claims against the County are presented to staff, including the County Administrator and County Attorney, which such claims are often time-sensitive and may require prompt, or even immediate, review and response; and

WHEREAS, with reasonable settlement authority, fewer claims would have to be presented to the Board of County Commissioners for review and disposition, thereby reducing administrative overhead and streamlining claims processing; and

WHEREAS, in 2011, the Board passed and enacted St. Johns County Ordinance No. 2011-4, authorizing the County Administrator, or his or her designee, to negotiate and settle any liability claim, including any associated fees and costs, up to an amount not to exceed \$10,000.00, upon concurrence of the County Attorney, which such settlement may be accompanied by any non-monetary conditions, including but not limited to releases, that are not against the public interest; and

WHEREAS, Ordinance No. 2011-4 also expressly authorized the County Administrator, or his or her designee, upon concurrence of the County Attorney, to reject any claim reasonably determined to be without sufficient merit; and

WHEREAS, other county and municipal governments in the State of Florida have adopted the same or similar policies authorizing the settlement of claims by the County Administrator, including for amounts in excess of that currently authorized by the Ordinance No. 2011-4; and

WHEREAS, while the passing and enactment of Ordinance No. 2011-4 has resulted in the intended reduction of administrative and litigation costs, by, among other things, restricting claimants to a shorter time period in which to file lawsuits and encouraging more expedient discovery, the Board has determined that the goals of Ordinance No. 2011-04 and the public interest would nevertheless be further served by providing the County Administrator, or his or her designee, with specific factors for consideration in determining, with the advice of the County Attorney, whether a specific settlement or compromise is in the best interest of the County.

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

Section 1. Section 1 of St. Johns County Ordinance No. 2011-04 is hereby amended to read as follows:

Section 1. Settlement or Compromise of Certain Claims and Suits. The Board of County Commissioners authorizes the County Administrator, or his or her designee, with the advice of the County Attorney, to negotiate and settle or compromise any liability claim or suit against the County, including any associated fees and costs, up to a County cost of an amount not to exceed \$10,000.00 (Ten Thousand and No/100 Dollars), if the County Administrator determines that said settlement or compromise is in the best interest of the County after considering the legal liability of the County, the amount of damages claimed, the potential litigation expenses, the potential financial exposure of the County, the precedential effect of any potential litigation, and the effect of the claim or suit upon County policies and practices. Any such settlement or compromise may be accompanied by non-monetary conditions, including but not limited to releases, that are not against the public interest.

Section 2. Section 2 of St. Johns County Ordinance No. 2011-4 is hereby amended to read as follows:

Section 2. Rejection of Claims. The County Administrator, or his or her designee, is expressly authorized, with the advice of the County Attorney, to reject any claim reasonably determined to be without sufficient merit.

Section 3. Findings of Fact. The recitals set forth above are true and correct and incorporated by reference into the body of this Ordinance and adopted as findings of fact.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance, or the application thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall be severable and shall not affect the constitutionality or validity of any other section, sentence, clause, or phrase of this Ordinance. All ordinances or parts of ordinances, which are inconsistent with any provisions of this Ordinance, are hereby repealed as to the extent of such inconsistencies.

Section 5. Effective Date. This Ordinance shall become effective upon filing with the Secretary of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 3RD day of March, 2020.

ATTEST: Brandon Patty, Clerk of Courts

By: Yvonne King
Deputy Clerk

Effective Date: MAR 05 2020

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Jeb S. Smith
Jeb S. Smith, Chairman

Rendition Date: MAR 05 2020



THE ST. AUGUSTINE RECORD
Affidavit of Publication

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW

SAINT AUGUSTINE, FL 32084

ACCT: 15634
AD# 0003261899-01
PO# 0003261899

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

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee 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 HEARING in the matter of 030320 SETTLEMENT AUTH ORD was published in said newspaper on 02/21/2020.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has 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 preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this _____ day of FEB 21 2020

by _____ who is personally known to me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)

NOTICE OF PUBLIC HEARING OF 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 to consider adoption of the following ordinance at a regular meeting on Tuesday, March 3, 2020, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2011-4 PERTAINING TO PROVIDING FOR THE SETTLEMENT AUTHORITY OF LIABILITY CLAIMS; THIS ORDINANCE AMENDS SECTION 1, ENTITLED "SETTLEMENT OF CERTAIN CLAIMS" AND SECTION 2, ENTITLED "REJECTION OF CLAIMS"; MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

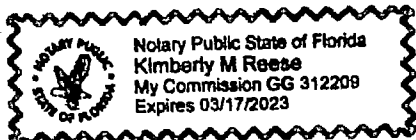
The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by interested parties prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to hearing or adoption. 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 with respect to any matter considered at the hearing, such person 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 the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
BRANDON PATTY, ITS CLERK
By: Yvonne King, Deputy Clerk

0003261899 February 21, 2020





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 5, 2020

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King

Dear Mr. Conrad:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2020-8, which was filed in this office on March 5, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FILED **MAR 05 2020**
ST. JOHNS COUNTY
CLERK OF COURT
BY: *Yvonne King*
DEPUTY CLERK