

ORDINANCE NO. 99-04

AN ORDINANCE AMENDING CHAPTER 2, SECTIONS 2-29, 2-31 AND 2-32, HERNANDO COUNTY CODE OF ORDINANCES, MAKING PRONOUN REFERENCES GENDER-NEUTRAL; PROVIDING FOR EMPLOYMENT OF DEPARTMENT HEADS BY THE COUNTY ADMINISTRATOR WITH CONFIRMATION BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SUSPENSION, DISCHARGE OR REMOVAL OF DEPARTMENT HEADS BY THE COUNTY ADMINISTRATOR PURSUANT TO PROCEDURES; PROVIDING FOR REPEAL OF HERNANDO COUNTY ORDINANCE NO. 83-16 ONLY TO THE EXTENT OF CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. Section 2-29, Chapter 2, Hernando County Code of Ordinances, **Qualifications**, is amended to read:

The county administrator shall be qualified by administrative and executive experience and ability to serve as the chief administrator of the county. He or she shall be appointed by an affirmative vote of not less than three (3) members of the board of county commissioners and may be removed at any time by an affirmative vote, upon notice, of not less than three (3) members of the board, after a hearing if such be requested by the county administrator. The administrator need not be a resident of the county at the time of appointment, but during his or her tenure in office he shall reside within the county.

Section 2. Section 2-31, Chapter 2, Hernando County Code of Ordinances, **Filling of Vacancy**, is amended to read:

The office of county administrator shall be deemed vacant if the incumbent moves his or her residence from the county or is, by death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as the original appointment. The board of county commissioners may appoint an acting administrator in the case of vacancy or temporary absence or disability until a successor has been appointed and qualified or the administrator returns.

Section 3. Section 2-32, Chapter 2, Hernando County Code of Ordinances, **Powers and Duties**, is amended to read:

(a) The administrator may be responsible for the administration of all departments

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responsible to the board of county commissioners and for the proper administration of all affairs under the jurisdiction of the board. To that end, the administrator may, by way of enumeration and not by way of limitation, have the following specific powers and duties to:

(1) Administer and carry out the directives and policies of the board of county commissioners and enforce all orders, resolutions, ordinances, and regulations of the board to assure that they are faithfully executed.

(2) Report to the board on action taken pursuant to any 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 administrator deems necessary for the improvement of the county and the welfare of its residents.

(3) Provide the board, or individual members thereof, upon request, with data or information concerning county government and to provide advice and recommendations on county government operations to the board.

(4) Prepare and submit to the board of county commissioners for its consideration and adoption an annual operating budget, a capital budget, and a capital program.

(5) Establish the schedules and procedures to be followed by all county departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process.

(6) 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 his or her recommendations.

(7) Supervise the care and custody of all county property.

(8) Recommend to the board a current position classification and pay plan for all positions in county service.

(9) Develop, install, and maintain centralized budgeting, personnel, legal, and purchasing procedures.

(10) Organize the work of county departments, subject to an administrative code developed by the administrator and adopted by the board, and review the departments, administration, and operation of the county and make recommendations pertaining thereto for reorganization by the board.

(11) Select, employ, and supervise all personnel and fill all vacancies, positions, or employment under the jurisdiction of the board. However, the employment of all department heads or business center leaders shall be require confirmation by the board of county commissioners.

(12) Suspend, discharge, or remove for good cause any employee under the jurisdiction of the board pursuant to procedures adopted by the board. ~~However, the suspension, discharge or removal of all department heads shall be by the board of county commissioners.~~

(13) Negotiate leases, contracts, and other agreements, including consultant services, for the county, subject to approval of the board, and make recommendations concerning the nature and location of county improvements.

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

(15) Order, upon advising the board, any agency under ~~his~~ the administrator's jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the county government to do so.

(16) Attend all meetings of the board with authority to participate in the discussion of any matter.

(17) Perform such other duties as may be required by the board of county commissioners.

(b) It is the intent of this division to 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 State Constitution and other provisions of general or special law. To that end, the above specifically enumerated powers are to be construed as administrative in nature, and in any exercise of governmental power the administrator shall only be performing the duty of advising the board of county commissioners in its role as the policy-setting governing body of the county.

Section 4. Repeal of prior ordinance provisions in conflict herewith.

Those portions of Hernando County Ordinance No. 83-16 which are in conflict with the specific amendments to the Hernando County Code of Ordinances provided for herein are hereby repealed, but only to the extent of such conflict.

Section 5. Severability

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Inclusion in the Code

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the work "ordinance" may be changed to "section", "article", or other appropriate designation.


Section 7. Effective Date

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 16th day of February, 1999, A.D.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.**

Attest:


KAREN NICOLAI
Clerk

By:


PAT NOVY
Chairman