

**HOLMES COUNTY, FLORIDA  
ORDINANCE NO 06-12**

**AN ORDINANCE OF HOLMES COUNTY, FLORIDA CREATING THE POSITION OF COUNTY ADMINISTRATOR; PROVIDING FOR THE ADOPTION OF FLORIDA STATUTES 125.70, ET SEQ; PROVIDING FOR APPOINTMENT; PROVIDING FOR QUALIFICATIONS; PROVIDING FOR THE DELINEATION OF DUTIES; PROVIDING FOR POWERS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the Board of County Commissioners of Holmes County, Florida to form a County Administration that best assures an adequate and efficient provision for services to the citizens of this County, which provides coordinated administration of County departments to better protect the health, welfare, safety and quality of life of the residents of the County; and

**WHEREAS**, the Board of County Commissioners of Holmes County, Florida, desires to conduct the County affairs in an efficient manner through the appointment of a County Administrator of Holmes County who will be the administrative head and responsible for the administration of all departments of County government which the Board of County Commissioners has authority to control.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA**, as follows:

**SECTION 1. CREATION OF POSITION.** The position of County Administrator is hereby created and FL Statutes Section 125.70, et seq, cited as "COUNTY ADMINISTRATION LAW OF 1974", is adopted except as hereinafter modified.

**SECTION 2. APPOINTMENT.** The Board of County Commissioners of Holmes County, Florida shall appoint a County Administrator who shall be the administrative head of the County and shall be responsible for the administration of all departments of County Government which the Board of County Commissioners has the authority to control pursuant to this Act, the General Laws of Florida, or other applicable legislation.

**SECTION 3. QUALIFICATIONS OF COUNTY ADMINISTRATOR.** The County Administrator shall be qualified by administrative and executive experience and ability to serve as the chief administrator of the County. They 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 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 their appointment, but during their tenure in office they shall reside within the County.

**SECTION 4. COMPENSATION.** The compensation of the Administrator shall be fixed by the Board of County Commissioners unless otherwise provided by law.

**SECTION 5. VACANCY.** The office of County Administrator shall be deemed vacant if the incumbent moves their residence from the County or is, by death, illness, or other casualty, unable to continue in office. A vacancy in this 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 6. COUNTY ADMINISTRATOR; POWERS AND DUTIES.** The Administrator shall be responsible for the administration of all departments 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:

- (a) 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.
- (b) Report to 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 he deems necessary for the improvements 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 to provide advice and the recommendations on County Government operations to the Board.
- (d) 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.
- (e) 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.
- (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 his recommendations.
- (g) Supervise the care and custody of all County property.



- (h) Recommend to the Board a current position classification and pay plan for all positions in County service.
- (i) Develop, install and maintain centralized budgeting, personnel, legal and purchasing procedures.
- (j) 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 operations of the County and make recommendations pertaining thereto for reorganization by the Board.
- (k) Select, employ and supervise all personnel and fill all vacancies, positions, or employment under the jurisdiction of the Board.
- (l) Suspend, discharge or remove any 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 County, subject to approval of the Board, and made recommendations concerning the nature and location of County improvements.
- (n) See that all terms and conditions in all leases, contracts, and agreements are performed and notify the Board of any noted violation thereof.
- (o) Order, upon advising the Board, any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if they deem 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.
- (q) Perform such other duties as may be required of them by the Board of County Commissioners.

**SECTION 7. POWERS.** It is the intent of this Ordinance 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 FL CONST. art. VIII, Section 1 (c). 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 8. CODIFICATION.** It is the intention of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, Holmes County, Florida, and the sections of this ordinance may be renumbers to accomplish such intention.

**SECTION 9. SEVERABILITY.** In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

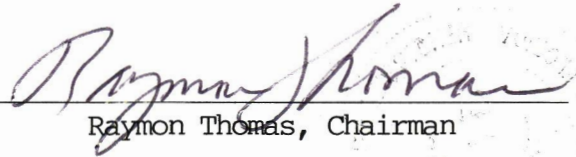
portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon receipt of official acknowledgement of the office of the Secretary of State of Florida that this Ordinance has been filed with said office.


**PASSED AND DULY ADOPTED IN REGULAR SESSION BY THE BOARD OF COUNTY COMMISSIONER OF HOLMES COUNTY, FLORIDA, THIS 28th DAY OF November, 2006.**

(OFFICIAL SEAL)

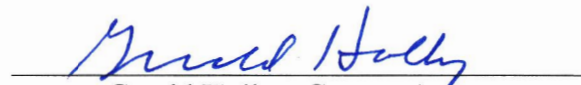
**THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA**

  
Raymon Thomas, Chairman

**ATTEST:**

  
Cody Taylor, Clerk

**APPROVED AS TO FORM:**

  
Gerald Holley, County Attorney