

CHAPTER ONE

ADMINISTRATIVE ORGANIZATION

1.0 CHARTER GOVERNMENT ADMINISTRATIVE ORGANIZATION

As directed by the Home Rule Charter, Osceola County shall operate under an elected County Commission and appointed County Manager form of government with separation of legislative and executive functions. The Board of County Commissioners (Board), as a legislative branch, is responsible for setting policies, adopting ordinances, appropriating funds, approving the budget, and assessing the millage rate. The legislative responsibilities and powers of the County shall be assigned to and vested in the Board. The County Manager and County Attorney report to the Board.

1.1 BOARD OF COUNTY COMMISSIONERS

1.1-1 COMPOSITION

The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one Commissioner for each of the five (5) County Commission districts, and they shall be elected on a district basis by the electors of the County. During the term of office, each Commissioner shall reside in the district for which such Commissioner was elected, provided that any Commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

1.1-2 REDISTRICTING

Redistricting is the process by which the boundaries of elective districts are periodically redrawn to maintain equal representation on the basis of population. To ensure equitable voter representation, counties must redistrict for the election of Commissioners after each decennial census. The County shall comply with all redistricting requirements in accordance with State Statutes.

1.1-3 QUALIFICATIONS

County Commissioners shall be qualified electors of the County.

1.1-4 TERMS OF OFFICE

Each Commissioner shall be elected and serve staggered terms of four (4) years commencing on the second Tuesday following a general election. For Districts 1, 3, and 5, Commissioners are elected during a presidential election year; for Districts 2 and 4, Commissioners are elected during a gubernatorial election year.

1.1-5 SALARY AND OTHER BENEFITS

Salaries and other benefits of the County Commissioners shall be set by general law. Each Commissioner is entitled to the same benefits as Department Heads, with the exception of accrued leave and retirement percentage.

- A. Mobile Devices: The County will provide each Commissioner equipment and services, as deemed by the County Manager to be sufficient for each of them to perform their duties. Each Commissioner may elect to have a County-issued mobile device(s) at the County's expense, with monthly service as determined by the County Manager, or they may select an allowance amount allowing the Commissioner to pay for their own service. The allowance is determined each year within the annual budget, which will be approved annually by the Board. Each Commissioner needs to submit a request in writing to the County Manager requesting their choice of County-issued mobile device(s) or an allowance for using their personal cell phone. This request will be via the Commissioner Benefit Request Form.
- B. Other Benefits: Each Commissioner shall be issued the use of a computer with internet access, membership dues which are customary for their position, and reimbursement for Business Promotion Expenses, as defined in Chapter 7.
- C. Each Commissioner may receive mileage reimbursement for travel which is conducted in privately owned vehicles while in the performance of their official duties. At each member's option, reimbursement may be made on the basis of the mileage rate approved pursuant to section 112.061(14), Florida Statutes, or on the basis of the fixed monthly allowance rate approved pursuant to section 112.061(7)(f), Florida Statutes. Travel expenses will be reimbursed based upon Chapter 7.
- D. Travel and Expenses: Commissioners are eligible for travel and expenses incidental to training classes or events within and outside the County which are customary for their position, as defined in Chapter 7. The responsibility for the approval of their respective travel expenses is delegated to each Commissioner. Signature authority, when required, for Commissioner post-travel expenses is delegated to the Chair or Vice Chair.

1.1-6 VACANCIES AND SUSPENSIONS

A vacancy in the office of County Commissioner shall be defined and filled as provided by general law.

1.1-7 MEETINGS

The Board shall hold meetings for the purpose of conducting County business. A standard calendar with scheduled meetings shall be prepared by the County Manager and submitted to the Board. The meeting schedule may be suspended or modified, including emergency

declaration meetings, additional meetings, workshops and/or retreats that may occur, when in the best interests of the County and the safety and welfare of its citizens. When needed, the County Manager shall have posted a notice indicating the date, time, and location of the meeting in accordance with Florida Statutes Section 286.011.

1.1-8 NEW COMMISSIONERS

Commissioner terms commence on the second Tuesday following the General Election. Newly elected or re-elected Commissioners shall take the Oath of Office as required by law. Should said Commissioners request an Oath Administration Ceremony, the coordination of a swearing-in ceremony shall be the responsibility of the County Manager. The Chief Judge or designee may be invited to preside over the ceremony. In the event the Chief Judge or designee is unable to preside, a sitting judge may preside over the ceremony. The ceremonial oath of office may be administered by anyone of the Commissioners' choosing, as prescribed in the Constitution of the State of Florida.

1.1-9 ELECTION OF CHAIR/VICE CHAIR

Each year, the Chair and Vice Chair shall be elected at the first meeting in December unless the Board selects an alternative date by motion and approval of at least three (3) members of the Board. In the event the Chair and Vice Chair for the previous year both leave office following the General Election, the selection of the new Chair and Vice Chair shall be made at the first meeting following the commencement of the new term.

The Chief Judge or designee shall lead the meeting in which the selection is made. In the event the Chief Judge or designee is unable to lead the meeting, the Clerk of the Court or designee shall preside over the meeting.

Both the Chair and Vice Chair shall sit as such for a term extending from the meeting in which the selection is made through the meeting in which a new Chair and Vice Chair are selected. In the event the Chair leaves office or otherwise becomes permanently unable to fulfill his/her duties, the Vice Chair will take over the position of Chair. At that time, a new Vice Chair will be selected to fulfill the remainder of the term, in accordance with the voting procedures set forth below. Similarly, if the Vice Chair leaves office or otherwise becomes permanently unable to fulfill his/her duties, a new Vice Chair will be selected to fulfill the remainder of the term, in accordance with the voting procedures set forth below.

The Chair or Vice Chair may be removed, at any time, by a motion followed by a second and a subsequent majority vote. In the event of removal of the Chair, the Vice Chair will assume the position of Chair. At that time, a new Vice Chair will be selected to fulfill the remainder of the term, in accordance with the voting procedures set forth below. Similarly, upon removal of the Vice Chair, a new Vice Chair will be selected to fulfill the remainder of the term, in accordance with the voting procedures set forth below.

The following shall set forth the procedure by which the Chair and Vice Chair are selected for the Board:

- A. The Board shall make nominations to fill the position of Chair. A nomination does not require a second.
- B. In order to close nominations, a motion must be made, followed by a second and a subsequent majority vote.
- C. After nominations have been closed, each nominee will be voted upon separately in order of nomination. All Commissioners may cast one (1) vote including those who receive a nomination. The first nominee to receive a majority vote will become the new Chair.
- D. In the event more than one Commissioner is nominated and no one nominee receives a majority vote, the votes must be recast until such time as one of the nominees receives a majority vote.
- E. Following the selection of the Chair, the same voting procedure must be followed for the selection of the Vice Chair.

1.1-10 AGENDAS

It is the responsibility of the County Manager to prepare the agenda for Board Meetings and submit the agenda items to the Board for approval. The Board may amend the agenda by majority vote.

1.1-11 MINUTES

The Clerk of the Circuit Court shall fulfill its role as Recording Secretary for the Board of County Commissioners to include preparing the Minutes from the Board's meetings.

- A. **Action Minutes:** Action Minutes provide a concise summary of the actions of the Board to provide the public and County Departments with a record of the Board's action (approved, denied, continued, etc.) for each agenda item. Action Minutes should be compiled by the Clerk and submitted to the County Attorney for review within twenty-four (24) hours after the completion of the meeting. Barring extraordinary circumstances, the approved Action Minutes should be distributed no longer than forty-eight (48) hours following each meeting.
- B. **Official Minutes:** The Official Minutes include the Board's actions but also provides an overview of the discussion and a summary of the entire events of the meeting. The Official Minutes should be completed by the Clerk and presented to the Board for approval within ninety (90) days of each meeting.

1.1-12 ELECTRONIC RECORDS AND SIGNATURES

- A. Unless a provision of law specifically prohibits the use of an electronic record or signature for the specified purpose, the Board hereby authorizes the following:
1. Authorization for the Commissioner's assigned Senior Administrative Assistant to affix the signature of the Chair/Vice Chair with prior approval, and/or authorization for the Clerk of the Circuit Court to note the action of the Board on official documents having been approved by the Board in accordance with law.
 2. Acceptance and distribution of electronic records and electronic signatures to and from Board staff and other entities or persons.
 3. Board staff to create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.
- B. Pursuant to the applicable federal and state rules and regulations and in accordance with this Code, the County Manager is authorized to implement procedures regarding the above authority (Section A). After giving due consideration to security, the County Manager may specify the following:
1. The manner and format in which the electronic records must be created, generated, sent, communicated, received, stored and the systems established for those purposes.
 2. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.
 3. Control processes and procedures, as appropriate, to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
 4. Any other required attributes for electronic records which are specified for non-electronic records or reasonably necessary under the circumstances.

1.1-13 LIVING WAGE INCENTIVES (LWI) PROGRAM

The County desires to encourage the improvement to the quality of life of its citizens through the payment of an adequate wage that promotes stability and quality in the workforce, and does not perpetuate underemployment, while at the same time not creating unemployment. As such, the County will develop programs to support Living Wage Incentives (LWI) wherever possible.

1.2 COUNTY MANAGER

The County Manager is an office created by the Osceola County Home Rule Charter. Pursuant to the Charter and Florida State Statutes, the County Manager is the chief executive officer of the County, and all executive responsibilities and power is assigned to, and vested in, the County Manager. The County Manager is responsible for the day-to-day administration of the County which may include performance of duties delegated to the Board by a Constitutional Officer pursuant to an interagency agreement. The County Manager has the capacity to appoint staff sufficient to carry out his/her duties, including, but not limited to, Chief Operating Officer, Deputy County Managers, Assistant County Managers, Department Heads, and staff sufficient to assist him/her in the performance of their duties. The appointment of an individual Department Head shall be presented to the Board at the time of hire for advice and consent. The County Manager has the authority to organize the functions and duties of the government into a structure which the County Manager deems most appropriate for the performance of these duties. In addition to the various qualifications for office and duties assigned the County Manager in the Charter, the County Manager has the following powers and duties pursuant to section 125.85, Florida Statutes.

- A. Report annually, or more often if necessary, to the Board and to the citizens on the state of the County, the work of the previous year, recommendations for actions or programs for the improvement of the County and the welfare of its residents.
- B. Designate the County's budget officer and shall prepare and submit to the Board for its consideration and adoption, an annual operating budget, a capital budget, and a capital program; establish the schedules and procedures to be followed by all County departments, offices and agencies in connection therewith; and supervise and administer all phases of the budgetary process.
- C. Administer and carry out the directives and policies of the Board and enforce all orders, resolutions, ordinances, and regulations of the Board, the County Charter, and all applicable general law, to assure that they are faithfully executed.
- D. Supervise the care and custody of all County property, institutions, and agencies.
- E. Monitor the County's revenues, disbursements, and expenditures, report and recommend thereon to the Board, and preparation and submittal of the Annual Comprehensive Financial Report (ACFR).
- F. Review, analyze and forecast trends of County services, finances and programs of all boards, commissions, agencies and all other County bodies, and report and recommend thereon to the Board.
- G. Develop, install, and maintain centralized budgeting, personnel, legal and purchasing procedures as may be authorized by this Administrative Code.

- H. Negotiate contracts, bonds, or other instruments for the County subject to Board approval, make recommendations concerning nature and location of County improvements, and execute services determined by the Board.
- I. Assure that all terms and conditions imposed in favor of the County or its inhabitants in any statute, franchise, or other contract are faithfully kept and performed.
- J. Supervise, direct, and control all County departments.
- K. Appoint, with the advice and consent of the Board, Department Heads who shall serve at the County Manager's pleasure, and employ, pursuant to appropriation and this Administrative Code, such personnel as necessary to administer County functions and services.
- L. Order, at his/her discretion, any agency under this jurisdiction, as specified in this Administrative Code, to undertake any task for any other agency on a temporary basis if the County Manager deems it necessary for the proper and efficient administration of County government to do so.
- M. Present for Board approval an organizational chart delineating the functions and responsibilities of the staff and various departments under the County Manager's direction.
- N. Determine and set pay grades for all positions under the County Manager.
- O. Any other power or duty which may be assigned by the County Charter, ordinance, or resolution of the Board.

1.3 COUNTY ATTORNEY

The County Attorney shall be responsible for representing, and is hereby authorized to represent, the Board as its County Attorney. The Office of the County Attorney shall provide legal services to the Board, and such other County departments, boards, and agencies as specified by the Board. The duties, responsibilities, and authority of the County Attorney shall include, without limitation:

- A. Providing all legal advice and counsel and all legal representation of the Board, to County Administration, departments, agencies, officers, and employees on matters pertaining to the business of the County, or in connection with the duties of the Board, department, agency, officer, or employee.
- B. Representing the County in all litigation, administrative hearings, mediation, appeals, and judicial proceedings in which the County or the Board, or a County department or agency

under the jurisdiction of the Board, is a party.

The County Attorney shall not be required to represent any County official or employee in respect to their private or personal affairs or actions.

- C. Preparing, or reviewing and approving as to form and legal sufficiency, all County ordinances, resolutions, deeds, contract documents, and other legal instruments, including drafting legislation affecting or pertaining to the County, or in which the County is a party. A resolution that has no legal or binding effect on the County is not required to have review or approval from the County Attorney's Office.
- D. Rendering written legal opinions on matters relating to County government and the interpretation, construction, and meaning of the constitutional amendment, charter, statutes, ordinances, resolutions, and contracts affecting or pertaining to the County government.
- E. Advising and providing recommendations to the Board regarding the need for the selection of any special counsel to be retained by the County to provide legal representation in specified matters, and supervising, monitoring, and coordinating the representation, services, and work of any special counsel proceedings authorized by the Board.
- F. Employing and managing all personnel of the County Attorney's Office, establishing the organizational framework of the office, and supervising the conduct of all employees of the Office of the County Attorney. The County Attorney has the authority to set salaries within the County's pay grades for employees of their office.
- G. The County Attorney or Designee shall attend and be present during all meetings of the Board.
- H. The County Attorney shall perform all duties and functions imposed by general or special laws upon County Attorneys; and shall perform such other legal duties as may be assigned by the Board.

1.4 CHIEF OPERATING OFFICER/DEPUTY COUNTY MANAGER/ASSISTANT COUNTY MANAGER

Due to the demands upon the County Manager, the Manager has the authority to establish and appoint a Chief Operating Officer, Deputy County Managers, and Assistant County Managers without the advice and consent of the Board. Such positions shall serve as support to the County Manager and perform duties as assigned including serving as the County Manager when the County Manager is temporarily unable to perform his/her duties.

1.5 DEPARTMENT HEADS

Because the County Manager cannot personally administer each and every program and policy adopted by the Board, or required by law, the County is organized into several departments, each of which reports to the County Manager. Each department is designed to implement a particular County purpose, policy, or program under the supervision of the County Administration. These Department Heads shall be designated by the County Manager, and may include such areas as Public Works, Corrections, Fire/Rescue, and Community Development.

The County Manager has the authority to appoint Department Heads with the advice and consent of the Board. The Board shall exercise its authority of advice and consent by approval at a board meeting, accepting and confirming the appointment by the County Manager. The County Manager shall have the sole authority to suspend or discharge any Department Head, with or without cause.

The County Manager has the authority to appoint administrative support staff, including, but not limited to, internal support functions such as Budgeting, Communications, Human Resources, Finance, Information Technology, and Procurement. These employees shall serve at the County Manager's pleasure, without the advice and consent of the Board. Administrative staff are responsible for supporting County Administration and Department Heads in their duties and functions.

1.6 CONFLICT

The Administrative Code supersedes any previous resolution or ordinance. Any resolution or ordinance in conflict with the Administrative Code is hereby repealed to the extent of such conflict.

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