

SARASOTA COUNTY GOVERNMENT

County Administrator

INTEROFFICE MEMORANDUM

Date: December 11, 2001
To: - Board of County Commissioners
From: James L. Ley, County Administrator
Subject: Advertisement of a Public Hearing for At-Will Ordinance

RECOMMENDED ACTION:

1) To authorize advertisement of a Public Hearing on the attached Ordinance relating to the classification of designated County positions as at-will status 2) To authorize a waiver of the Economic Impact Statement.

BACKGROUND:

The voters passed a referendum to amend the Sarasota County Charter in March 2000, revising the "...designation of At-Will Employees." The attached Ordinance creates a new section of the Code of Ordinances entitled "Designation of At-Will Positions" as an extension of that referendum and in effect extends that classification to all management positions from the Deputy County Administrator to Manager. This change to at-will status will not include first line supervisors. A waiver of the Economic Impact Statement is requested because there is no economic impact resulting from the creation of at-will status.

It is in the best interest of the citizens of Sarasota County to have a system of personnel management, which ensures Sarasota County Government personal accountability for the delivery of high-quality performance in select management level positions by facilitating the County's ability to provide sufficient management flexibility to ensure that the workforce is responsive to County needs.

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AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO THE CLASSIFICATION OF DESIGNATED COUNTY POSITIONS AS AT-WILL, SECTION 2-100 OF THE CODE OF ORDINANCES OF SARASOTA COUNTY, FLORIDA; RELATING TO FINDINGS OF FACT; RELATING TO LEGISLATIVE DISCRETION; RELATING TO DESIGNATION OF AT-WILL POSITIONS; RELATING TO SUSPENSIONS, DISMISSALS, REDUCTIONS IN PAY, DEMOTIONS AND TRANSFERS; RELATING TO CONFLICT; RELATING TO SEVERABILITY; RELATING TO EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA.

Section 1. This Ordinance shall create a new section 2-100 of the Code of Ordinances of Sarasota County, Florida (the "Code"), entitled "Designation of At-Will Positions".

Section 2. Section 2-100(a) of the Code is hereby created to read as follows:

(a) Findings of fact.

- (1) As the local governing body of a home-rule charter county, the Board of County Commissioners of Sarasota County (the "Board") is vested with all the powers of local self-government, including the authority to enact county ordinances not inconsistent with general law.
- (2) Section 2.9F(5) of the Sarasota County Charter provides that the Board shall designate by County ordinance which County employee positions under the authority of the County Administrator shall be classified as at-will, and further provide that the County Administrator shall select, supervise, and determine compensation for, and suspend or dismiss at-will employees.
- (3) It is in the best interests of the citizens of Sarasota County to have a system of personnel management which ensures Sarasota County Government personal accountability for the delivery of high-quality performance in select management level positions by facilitating the County's ability to provide sufficient management

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flexibility to ensure that the workforce is responsive to County needs.

Section 3. Section 2-100(b) of the Code is hereby created to read as follows:

- (b) *Legislative discretion.* The Board, in its legislative discretion, shall determine and designate which management-level positions under the authority of the County Administrator shall be classified as at-will and thereby terminable at the will of the County Administrator without cause.

Section 4. Section 2-100(c) of the Code is hereby created to read as follows:

- (c) *Designation of at-will positions.* The following management level positions are hereby designated as at-will:
 - (1) Deputy County Administrator
 - (2) Executive Director
 - (3) Enterprise-wide Officer
reporting directly to the County Administrator
 - (4) General Manager
 - (5) Manager

Section 5. Section 2-100(d) of the Code is hereby created to read as follows:

- (d) *Suspensions, dismissals, reductions in pay, demotions and transfers.* Individuals appointed to the at-will positions enumerated in section 2-100(c), and any amendments thereto, shall serve at the pleasure of the County Administrator, shall receive those benefits designated to the management class, and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer or other personnel action at the discretion of the County Administrator or designee. Said positions are non-career service and exempt from Chapter XIII of the *Sarasota County Government Personnel Policies*, as amended from time to time.

Section 6. Section 2-100(e) of the Code is hereby created to read as follows:

- (e) *Conflict.* The provisions of this section shall prevail in the event of a conflict with the provisions of any other County ordinance, rule or regulation.

Section 7. Section 2-100(f) of the Code is hereby created to read as follows:

(f) *Severability.* It is declared to be the legislative intent that, if any portion of this section is held invalid, the remainder of this section shall not be affected.

Section 8. *Effective Date.* This Ordinance shall take effect upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, THIS 8th DAY OF January, 2002.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: Nora Patterson
Chairman

ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk
Of the Board of County Commissioners
Of Sarasota County, Florida

By: Candice J. Gavelle
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF SARASOTA)
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILES
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 1/15/02
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

By: Candice J. Gavelle
DEPUTY CLERK

RESOLUTION NO. 2002-007

BOARD RECORDS
FILED FOR RECORD

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
SARASOTA COUNTY, FLORIDA

2002 JAN 15 PM 2:21

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

RE: DESIGNATING POSITIONS ALLOCATED TO THE CLASSIFICATION OF Chief Information Officer; Executive Director, Environmental Services; Executive Director, Administrative Services; Executive Director, Public Works; Executive Director, Growth Management; Executive Director, Community Services; Executive Director, Emergency Services and Executive Director, Development Services to be included in the Senior Management Service Class of the Florida Retirement System.

WHEREAS, Sections 121.021 and 121.055, Florida Statutes, which define and govern membership within the Florida "Senior Management Service Class" of the Florida Retirement System, was amended during the 1994 legislative session to enable "local agency employers" to designate specified number of non-elected positions within their respective agencies for inclusion within the "Senior Management Service Class"; and

WHEREAS, Florida Statutes Section 121.055 (1) (b) 1.b. provides that 10 non-elective full-time positions may be designated and up to an additional 1 percent of the regularly established positions within a local agency may be designated as Senior Management Service Class positions, where the local agency has 100 or more regularly established positions; and

WHEREAS, Florida Statutes Section 121.055 (1) (b) 1.c. provides that each position which is designated by a local agency as being within the Senior Management Service Class must be a managerial or policy-making position, filled by an employee not subject to a continuing contract or given civil service protection; and who either heads an organizational unit or has responsibility to effect or recommend personnel, budget, expenditure or policy decisions in that employee's area of responsibility; and

WHEREAS, the Board of County Commissioners had determined that the positions of Chief Information Officer; Executive Director, Environmental Services; Executive Director, Administrative Services; Executive Director, Public Works; Executive Director, Growth Management; Executive Director, Community Services; Executive Director, Emergency Services and Executive Director, Development Services meets the requirements established by Section 121.055, Florida Statutes, for designation of positions within a local agency as being within the Senior Management Service Class; and

WHEREAS, the Board of County Commissioners has determined that it is a local agency employer under the terms of Section 121.021 (42) (a), Florida Statutes, and furthermore, has determined that it has 2201 Regularly-established positions within the agency;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, in public meeting assembled, that the positions of Chief Information Officer; Executive Director, Environmental Services; Executive Director, Administrative Services; Executive Director, Public Works; Executive Director, Growth Management; Executive Director, Community Services, Executive Director, Emergency Services and Executive Director, Development Services for and within Sarasota County Government is hereby designated, for the purposes of Section 121.055, Florida Statutes, as being within the Senior Management Service Class.

THIS RESOLUTION shall take effect immediately upon adoption. PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, THIS 8TH DAY OF JANUARY, 2002.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

BY: Nora Patterson
CHAIRMAN

ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk
Of the Board of County Commissioners
Of Sarasota County, Florida

BY: Candice J. Jacobs
Deputy Clerk