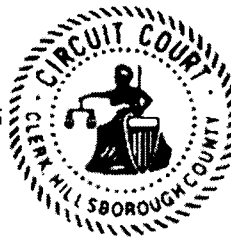


ORDINANCE

05-18

PAT FRANK

Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

November 10, 2005

Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027

Re: Ordinance #05-18
Restating the Hillsborough County Charter Provisions Related to the County
Attorney; Implementing the Office of the County Attorney

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #05-18 which was adopted by the Board of County Commissioners on November 2, 2005. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of November 7, 2005.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,

Gail M. Letzring,
Manager, BOCC Records

md

Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
Ellen Leonard, Legal Advisor, Sheriff's Office
Librarian, State Attorney's Office
Kenneth A. Tinkler, Senior Assistant County Attorney
George Haynie, Director, BOCC Accounting
Ajay Gajjar, Manager, BOCC Finance
Mary Wilson, Budget Manager, BOCC Finance
Sandra Davidson, County Attorney's Office



Agenda Item Cover Sheet

Agenda Item N^o. D-1

Meeting Date November 02, 2005

☐ Consent Section

☐ Regular Section

☒ Public Hearing

Subject:

Public Hearing on an Ordinance implementing Charter changes related to the Office of the County Attorney, pursuant to the revisions of the County Charter.

Department Name: County Attorney's Office

Contact Person: Renee Francis Lee

Contact Phone: 272-5670

Sign-Off Approvals:

<u>Renée Francis Lee</u>		<u>NA</u>
County Attorney	10/20/2005	Managing County Attorney
	Date	Date
<u>NA</u>		<u>NA</u>
Management and Budget – Approved as to Financial Impact Accuracy	10/20/2005	Joint Department Director
	Date	Date
<u>Kenneth Tinkler</u>		<u>10/20/2005</u>
Assistant County Attorney		Date

Staff's Recommended Board Motion:

Hold a public hearing and consider adoption of an Ordinance implementing the Office of the County Attorney.

Financial Impact Statement:

This activity is part of the currently adopted budget.

Background:

The Hillsborough County Board of County Commissioners gave the voters of Hillsborough County the opportunity to amend the Hillsborough County Charter during the 2004 General Election concerning the Office of the County Attorney. The voters of Hillsborough County approved the charter amendment during the last general election. Since the other charter officer positions of County Administrator and Internal Performance Auditor are implemented by a requisite County Ordinance and the BOCC has previously requested office policies be codified, an ordinance implementing the latest charter amendment has been prepared. The ordinance provides for the method of office organization, includes a limited delegation regarding use of outside counsel, and reauthorizes representation of the office's current clients.

List Attachments:

Draft ordinance

ORDINANCE NUMBER 05- 18

AN ORDINANCE IMPLEMENTING THE OFFICE OF THE COUNTY ATTORNEY; PROVIDING FOR DEFINITIONS, RESTATING THE HILLSBOROUGH COUNTY CHARTER PROVISIONS RELATED TO THE COUNTY ATTORNEY; PROVIDING FOR AUTHORIZATION OF REPRESENTATION; PROVIDING FOR OFFICE ORGANIZATION; PROVIDING FOR IMPLEMENTATION OF REMAINING REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Hillsborough County Board of County Commissioners gave the voters of Hillsborough County the opportunity to amend the Hillsborough County Charter during the 2004 General Election; and

WHEREAS, the contents of the amendment provided for the replacement of Section 6 of the County Charter concerning the Office of the County Attorney; and

WHEREAS, the voters of Hillsborough County approved the charter amendment during the 2004 General Election; and

WHEREAS, the other charter officer positions of County Administrator and Internal Performance Auditor are implemented by a requisite County Ordinance; and

WHEREAS, an ordinance implementing the latest charter amendment would serve to properly codify the changes implemented;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Hillsborough County, Florida, this 2nd day of November, 2005:

SECTION 1. TITLE, PURPOSE.

This ordinance, together with any and all amendments, shall be known as the "County Attorney's Office Implementation Framework." The purpose of this Framework is to organize the Office of the County Attorney. This ordinance shall be interpreted and construed to make it consistent with the Charter and the expressed intentions of the people, and shall be viewed as a continuing program to provide greater efficiency and economy in the operation of county government.

SECTION 2. DEFINITIONS.

Whenever in this ordinance the following terms are used they shall have the meanings indicated:

"Attorney" shall mean the County Attorney of Hillsborough County, Florida.

"Board" and "BOCC" shall mean the Board of County Commissioners of Hillsborough County, Florida.

"Charter" shall mean the Home Rule Charter of Hillsborough County, Florida.

"County" shall mean the political subdivision of Hillsborough County, Florida.

SECTION 3. HILLSBOROUGH COUNTY CHARTER

The following subsections are taken from the Hillsborough County Charter and are hereby incorporated:

SECTION 3(a). CHARTER STATEMENT OF OFFICE

The legal affairs of the County shall be assigned to and vested in the Office of the County Attorney. The office will consist of the County Attorney who shall be head of the office together with such chief assistants and other assistant county attorneys and legal support personnel as may from time to time be required subject only to budget determinations of the Board of County Commissioners. All attorneys and employees of the office shall serve at the pleasure of the County Attorney.

SECTION 3(b). CHARTER STATEMENT OF DUTIES

1. The County Attorney shall be responsible for representing, and is hereby authorized to represent, the Board as its County Attorney. The County Attorney shall provide legal services, including management and participation in all litigation and other such legal services, required to protect the interests of the County; and shall render legal advice and perform other legal and administrative responsibilities as described elsewhere herein to the Board and to all other departments and agencies of County government that the Board from time to time authorizes and directs.

2. The duties, responsibilities and authority of the County Attorney shall include, without limitation: (a) providing legal advice and counsel to, and legal representation of, the Board, the County Administrator and the departments, agencies and officers of the County on all matters pertaining to the business of the County or in connection with the duties of the department, agency or office; (b) coordinating with the County Administrator and various departments and offices under his jurisdiction regarding all matters affecting and implicating overall County administration, including, without limitation, budgetary, personnel and procurement matters; (c) advising and providing recommendations to the Board regarding the need for the selection of any special counsel to be retained to provide legal representation in specified matter; and (d) supervising, monitoring and coordinating, as appropriate, the representation services and work of outside attorneys employed pursuant to Subsection (c) above.

3. Upon direction of the Board and with the consent of the County Attorney, the County Attorney's Office may provide legal advice and counsel to and representation of one or more of the County officers created under Section 1(d) of Article VIII of The Florida Constitution or any other state or local governmental office, unit or entity serving the County's interest and welfare and as may be authorized by law or interlocal agreement.

At the request of the Board of County Commissioners, the County Attorney is hereby authorized to represent the Board of County Commissioners when it is acting as any other separate agency or legal entity consisting of the Hillsborough County Board of County Commissioners. The responsibility and authority of the County Attorney when serving as attorney in these matters shall include, but not be limited to, those duties and responsibilities as herein set out for the County Attorney.

4. Nothing herein contained shall be construed as requiring the attorney to render legal services in any particular circumstance where, in the professional discretion and judgment of the attorney, the rendering of such legal services would violate the provisions of the Code of Professional Responsibility of the Florida Bar or create a direct conflict of interest between the County and attorney.

**SECTION 3(c). CHARTER STATEMENT OF QUALIFICATIONS,
APPOINTMENT, AND COMPENSATION.**

1. The County Attorney shall be and remain a member of The Florida Bar and shall have had at least five (5) years experience in Local Government Law or equivalent and such other experience as determined by the Board. The County Attorney need not be a resident at the time of appointment but shall within a reasonable time become and remain a resident of the County and remain so while in office. The County Attorney shall be a full time employee of the County and shall not otherwise engage in the practice of law except as may be authorized by the Board. The County Attorney shall be appointed by an affirmative vote of not less than five (5) members of the Board of County Commissioners and may be removed at any time by an affirmative vote of not less than five (5) members of the Board or upon the affirmative vote of four (4) members at each of two (2) regular meetings not less than thirteen (13) days apart and no more than twenty-eight (28) days apart.

2. The compensation of the County Attorney, including severance pay and other benefits, shall be fixed by contract, ordinance or resolution as determined by the Board at a level commensurate with the requirements of the position.

3. The Office of the County Attorney shall be deemed vacant if the incumbent is removed, resigns, moves his residence from the County or is, by death, illness or other casualty, unable to continue in office. In the case of temporary vacancy or absence or disability, until a successor has been appointed or the County Attorney returns, the Chief Assistant County Attorney or other Assistant Attorney designated by the County Attorney shall serve as the County Attorney upon approval of the Board.

SECTION 4. OFFICE ORGANIZATION

The County Attorney shall organize the Office of County Attorney into divisions or sections to best serve the clients of the office. The County Attorney shall have the discretion to create job titles and classifications that best describe the service being provided. The County Attorney is authorized to reorganize the office at any point in the fiscal year, subject to the office's approved budget amount. Appointment of management level attorneys, comparable to the level of Deputy and Assistant County Administrators, shall be subject to the advice and consent of the Board of County Commissioners.

SECTION 5. AUTHORIZATION OF REPRESENTATION

The County Attorney is authorized to represent all aspects of the Charter Government as well as all Hillsborough County Constitutional Officers, at their request. The County Attorney is also

authorized to represent all boards, councils, and authorities either created by the BOCC or which include members of the BOCC. The County Attorney shall inform the BOCC when there is a change in any existing representation.

In the event that the County Attorney determines that the office cannot provide representation due to a conflict or other issue, the County Attorney is delegated the authority to employ outside counsel without prior approval up to a total contract amount of \$25,000. Any appointment of outside counsel at a cost over this amount shall be approved by the BOCC.

SECTION 6. REMAINING IMPLEMENTATION OF CHARTER REQUIREMENTS

Any remaining issues that must be implemented pursuant to Charter Section 4.10 shall be implemented by motion of the BOCC.

SECTION 7. SEVERABILITY.

If any section, sentence, clause, part or provision of this ordinance is held to be invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. CHARTER AMENDMENT

Should the Charter be amended in a manner that is inconsistent with this Ordinance, the sections rendered inconsistent shall be deemed repealed and replaced with the amended language.

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect upon receipt of official acknowledgment from the Department of State that it has been duly filed.

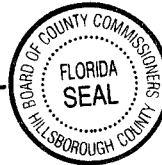
STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true copy of the Ordinance adopted by the Board in its regular meeting of November 2, 2005 as the same appears of record in Minute Book 354 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 4th day of November 2005.

PAT FRANK
CLERK OF THE CIRCUIT COURT

BY: Michael K. Ditt
Deputy Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature]
Assistant County Attorney



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

November 7, 2005

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601

Attention: Gail M. Letzring, Manager-BOCC Records

Dear Ms. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 4, 2005 and certified copy of Hillsborough County Ordinance No. 05-18, which was filed in this office on November 7, 2005.

Sincerely,

Liz Cloud
Program Administrator

RECEIVED
2005 NOV -9 PM 2:45
CLERK TO
THE BOARD (D)

THE TAMPA TRIBUNE

Published Daily

Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough } ss.

2005 OCT 31 PM 1:49

Before the undersigned authority personally appeared C. Offner, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE IN THE TAMPA TRIBUNE

in the matter of _____
NOTICE OF INTENT TO CONSIDER

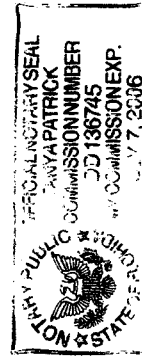
was published in said newspaper in the issues of

OCTOBER 23, 2005

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this
of **OCTOBER** 26, A.D. 20 05 day

Personally Known ☒ or Produced Identification _____
Type of Identification Produced _____



C. Offner

Sanya Patrick

NOTICE OF INTENT TO CONSIDER ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Board of County Commissioners of Hillsborough County, Florida, intends to consider the purpose of the ordinance at a meeting on **November 2, 2005 at 2:00 p.m.** in the Board of County Commissioners Center, South County Center, Second Floor, 601 East Kennedy Boulevard, Tampa, Florida.

AN ORDINANCE AMENDING THE CHARTER OF THE COUNTY OF HILLSBOROUGH, FLORIDA, FOR DEFINITIONS, RESTATING THE HILLSBOROUGH COUNTY CHARTER TO THE COUNTY ATTORNEY, PROVIDING AUTHORIZATION OF THE REPRESENTATION, PROVIDING FOR THE ORGANIZATION, IMPLEMENTATION OF NEW AGENCIES, REQUIREMENTS, PROVIDING SEVERABILITY, AND AN EFFECTIVE DATE.

ANY PERSON WHO MIGHT WISH TO APPEAL ANY DECISION MADE BY THE HILLSBOROUGH COUNTY BOARD OF COMMISSIONERS REGARDING ANY MATTER CONSIDERED AT THE FORTHCOMING PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT THEY WILL BE REQUIRED TO FILE SUCH PETITIONS AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH WILL INCLUDE AND SET FORTH ALL THE EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED. ALL INTERESTED PARTIES MAY APPEAR AT THE ABOVE REFERENCED HEARING AND FILE THE PROPOSED ORDINANCE. A COPY OF THE PROPOSED ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT THE CLERK'S OFFICE ON THE 12TH FLOOR OF THE COUNTY CENTER AT 601 E. KENNEDY BLVD., TAMPA, FL 33602.

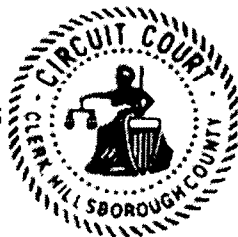
IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS CANNOT ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS, AND ALSO THOSE SEEKING AN INTERPRETER, SHOULD CONTACT THE CITIZEN ACTION CENTER AT 272-5900 NOT LATER THAN 48 HOURS PRIOR TO THE PROCEEDINGS.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS
Hillsborough County,
Florida

10/23/05

PAT FRANK

Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

November 4, 2005

MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #05-18
Implementing the Office of the County Attorney

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #05-18, adopted by the Board of County Commissioners on November 2, 2005. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

By Gail M. Letzring
Gail M. Letzring,
Manager, BOCC Records

md

Attachment

Federal Express AB# 8499 1032 2343

FedEx® *US Airbill*
Express

FedEx
Tracking
Number

8499 1032 2343

1 From Please print and press hard.
Date 11/4/05 Sender's FedEx
Account Number 1140-8846-3

Sender's
Name BOCC RECORDS PROCESSING
Company CLERK CIRCUIT COURT 12TH FL
601 EAST KENNEDY BLVD
Address TAMPA FL 33602
Phone (813) 276-8100
Dept./Floor/Suite/Room

City Tampa, FL State FL ZIP 33602-3503
2 Your Internal Billing Reference (130) Ord# 05-18
First 34 characters will appear on invoice.

3 To Recipient's
Name LIZ CLOUD CHIEF
BUREAU ADMINISTRATIVE CODE
FLORIDA DEPARTMENT OF STATE
500 S BRONOUGH ST RA GRAY BLDG
TALLAHASSEE FL 32399-0250
Dept./Floor/Suite/Room

City State ZIP
To request a package be held at a specific FedEx location, print FedEx address here.

Try online shipping at fedex.com

By using this Airbill you agree to the service conditions on the back of this Airbill
and to our current Service Guide, including terms that limit our liability.
Questions? Visit our Web site at fedex.com
or call 1.800.GoFedEx 1.800.463.3339.

0299208815

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.

Sender's Copy

4a Express Package Service
☒ FedEx Priority Overnight
Next business morning*
☐ FedEx Standard Overnight
Next business afternoon*
☐ FedEx 2Day
Second business day*
☐ FedEx Express Saver
Third business day*
FedEx Envelope rate not available. Minimum charge: One-pound rate.

4b Express Freight Service
☐ FedEx 1Day Freight*
Next business day**
☐ FedEx 2Day Freight
Second business day**
☐ FedEx 3Day Freight
Third business day**
*Call for Confirmation.

5 Packaging
☒ FedEx Envelope*
☐ FedEx Pak*
FedEx Large Pak and FedEx Sure Pak
☐ FedEx Box
☐ FedEx Tube
Other
*Declared value limit \$500

6 Special Handling
☐ SATURDAY Delivery
Available ONLY for
FedEx Priority Overnight, FedEx 2Day,
FedEx 1Day Freight and FedEx 2Day
Freight. All other codes
are not eligible.
Does this shipment contain dangerous goods?
☐ No ☐ Yes
Our box must be checked.
☐ Shipper's Declaration
Shipper's Declaration
Dangerous goods (including Dry Ice) cannot be shipped in FedEx packaging.
☐ CARGO AIRCRAFT ONLY
Include FedEx address in Section 3.
☐ HOLD Weekday
at FedEx Location
Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations.
☐ HOLD Saturday
at FedEx Location
Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations.

7 Payment Bill to:
☒ Sender
FedEx Acct. No. in Section
I will be billed.
☐ Recipient
☐ Third Party
☐ Credit Card
☐ Cash/Check
FedEx Acct. No.
Credit Card No.

Total Packages Total Weight Total Declared Value*
\$.00
FedEx Use Only
*Your liability is limited to \$100 unless you declare a higher value. See back for details.

8 Sign to Authorize Delivery Without a Signature

466