



BOARD OF COUNTY COMMISSIONERS

DATE: July 9, 2013
AGENDA ITEM NO. 6

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Recommendation to Adopt the Proposed Amendments to Chapter 34 of the Pinellas County Code Relating to the Order of Succession.

Department:

Safety & Emergency Services

Staff Member Responsible:

Sally Bishop, Director
Emergency Management

Recommended Action:

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS CONDUCT A PUBLIC HEARING TO ADOPT THE ATTACHED PROPOSED AMENDMENTS TO SECTIONS 34-26 AND 34-27 OF THE PINELLAS COUNTY CODE RELATING TO THE ORDER OF SUCCESSION DESIGNATED BY THE COUNTY ADMINISTRATOR FOR A STATE OF EMERGENCY.

Summary Explanation/Background:

Due to the recent reorganization of the County Administrator's Office, Sections 34-26 and 34-27 of the Pinellas County Code need to be amended. Section 34-26 of the Code provides the definition of the "official authority" in the event of an emergency. Section 34-27 of the Code addresses the line of succession to act as the "official authority" when a quorum of the Board is unable to meet and in the absence of the Board Chairman, Vice-Chairman, and the County Administrator.

Historically, the Code provided that the County Administrator identify, on an annual basis, the specific order of succession among the assistant county administrators in his/her absence. Because there will now only be one assistant county administrator, due to the recent reorganization, the Code does not allow for anyone else to be designated in the order of succession.

The proposed amendments allow the County Administrator flexibility to designate another county officer, official or employee in the order of succession.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments Attached:

Strike-Through Ordinance
Proposed Clean Version of Ordinance

ORDINANCE NO. 13-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA; AMENDING SECTIONS 34-26 AND 34-27 OF THE PINELLAS COUNTY CODE; AMENDING SECTION 34-26 BY ADDING OTHER DESIGNATED COUNTY OFFICER, OFFICIAL, OR EMPLOYEE TO THE DEFINITION OF OFFICIAL AUTHORITY; AMENDING SECTION 34-27 BY PROVIDING FOR THE DESIGNATION OF OTHER COUNTY OFFICER, OFFICIAL, OR EMPLOYEE IN THE SPECIFIC ORDER OF SUCCESSION AS THE OFFICIAL AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this _____ day of _____, 2013, that:

Section 1. Pinellas County Code Section 34-26 is amended by changing the definition of *official authority* in Section 34-26 to read as follows:

Sec. 34-26. - Definitions.

Unless the context otherwise requires, the following terms used herein shall have the meanings ascribed to them.

Board means the board of county commissioners of Pinellas County, Florida.

Emergency means any occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

Official authority means the chairman or vice-chairman, the County Administrator or Assistant County Administrator, or other designated County officer, official, or employee as provided herein. ~~of the board, or in the absence of both the chairman and the vice-chairman, the county administrator or assistant county administrator responsible for emergency management.~~

Policy group means the policy group of the emergency operations center described in Pinellas County Emergency Plans.

Section 2. Pinellas County Code Section 34-27 is amended to read as follows:

Sec. 34-27. - Designation of official authority.

When a quorum of the board is unable to meet, the chairman of the board or, in the absence of the chairman, the vice-chairman, or, in the absence of both the chairman and the vice-chairman, the county administrator, or, in the absence of the county administrator, the next available assistant county administrator, or the next available county officer, official or employee who has been identified in the order of succession as provided herein is hereby designated and

empowered as the official authority to declare a local state of emergency whenever the official authority determines that natural or manmade disaster or emergency has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action. The county administrator shall identify the specific order of succession ~~among the assistant county administrators~~ and shall advise the board of county commissioners of this succession on an annual basis and whenever any changes are made to the order of succession.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 4. Inclusion in the Pinellas County Code. The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

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Sec. 34-27. - Designation of official authority.

When a quorum of the board is unable to meet, the chairman of the board or, in the absence of the chairman, the vice-chairman, or, in the absence of both the chairman and the vice-chairman, the county administrator, or, in the absence of the county administrator, the next available assistant county administrator, or the next available county officer, official or employee who has been identified in the order of succession as provided herein is hereby designated and empowered as the official authority to declare a local state of emergency whenever the official

authority determines that natural or manmade disaster or emergency has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action. The county administrator shall identify the specific order of succession and shall advise the board of county commissioners of this succession on an annual basis and whenever any changes are made to the order of succession.

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APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By William Satter
Attorney