



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

12/10/2019

Subject:

An Ordinance Amending the Personnel Code of Ordinances of Brevard County, Florida to Change the Personnel Council Term of Appointees from a one year term to a two year term.

Fiscal Impact:

There is no fiscal impact to the Ordinance which amends the Personnel Code of Ordinances of Brevard County, Florida for the Personnel Council term from a one year term to a two year term. However, the amendment to the Ordinance will provide greater administrative efficiencies within the County government.

Dept/Office:

County Manager

Requested Action:

It is requested that the Board of County Commissioners adopt an Ordinance to amend the Personnel Code of Ordinances of Brevard County, Florida to amend the term of the Personnel Council from a one year term to a two year term.

Summary Explanation and Background:

On September 5, 2019, the Board of County Commissioners identified several advisory committees/boards created by the County's Code of Ordinances where advisory board member appointment term was one year. Due to the administrative burden on the County, the Board approved changing these advisory committee/board members term from a one year term to a two year term. The Ordinance reflects the Personnel Council shall serve a term of two years and expiring after two years or with the term of the Commissioner making the appointment, whichever occurs first. A district appointee may continue to serve until reappointed or replaced.

Clerk to the Board Instructions:



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 13, 2019

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your corrected electronic copy of Brevard County Ordinance No. 2019-33, which was filed in this office on December 13, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Tammy.Rowe@brevardclerk.us

December 11, 2019

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item H.7., Ordinance Amending the Personnel Code of Ordinances of Brevard County, Florida to Change the Personnel Council Term of Appointees from a One Year Term to a Two Year Term

The Board of County Commissioners, in regular session on December 10, 2019, adopted Ordinance No. 19-33, amending the Personnel Code of Ordinances of Brevard County, Florida to amend the term of the Personnel Council from a one year term to a two year term. Enclosed is a fully-executed Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)

ORDINANCE 2019 - 33

AN ORDINANCE AMENDING CHAPTER 82, "PERSONNEL", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; SPECIFICALLY AMENDING SECTION 82-(6)(2), "PERSONNEL COUNCIL"; CHANGING THE TERM OF APPOINTEES FROM ONE YEAR REVIEW TO TWO YEARS REVIEW; PROVIDING FOR EXPIRATION OF TERM AFTER TWO YEARS, WITH TERM OF COMMISSIONER, OR UNTIL NEW APPOINTMENT; PROVIDING FOR CONFLICTING PROVISIONS, PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICATION IN UNINCORPORATED AREA OF COUNTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners desires to change the term of the Board's appointees to the Personnel Council from annual review to review every two years;

WHEREAS, the Board of County Commissioners, on September 5, 2019, directed staff to prepare an ordinance providing for the change in the term; and

WHEREAS, the Board of County Commissioners has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

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

SECTION 1. Chapter 82, Section 82-6(2), Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 82-6. - Personnel council.

Each commissioner of the board of county commissioners shall appoint one qualified individual to serve as a member of the personnel council subject to majority approval of the full board. In addition to the regular members of the personnel council, the board of county commissioners may appoint two at-large members to serve as alternates for the regular members. Subsequent vacancies shall be filled by reappointment or appointment of a new member in the same manner.

- (1) *Membership.* Members of the personnel council shall be persons with knowledge or experience in personnel administration, employee relations or related fields. No member of the personnel council shall be a county service employee nor shall such member hold any public office or be an officer or employee of any labor union organization which represents any county service employee.

Officially filed with the Secretary of State December 13, 2019

- (2) *Term of office.* Members of the personnel council shall serve a term of two years e beginning on January 1 of the year of appointment and expiring after the term of two years or with the term of the commissioner making the appointment, whichever occurs first. A district commissioner's appointee may continue to serve after the expiration of the district commissioner's term until he or she is reappointed or until a new appointment is made.
- (3) *Officers.* The personnel council shall select from its members a chairman and vice-chairman. The director of human resources shall serve as permanent secretary but shall not be eligible to vote.
- (4) *Meeting.* The personnel council shall meet at such times and places as designated by the chairman or upon the call of the director of human resources. Three members shall constitute a quorum. All meetings shall be open to the public.
- (5) *Duties.* The personnel council shall have the duties described as follows:
 - a. Suggest and recommend to the director of human resources personnel policies and procedures governing the appointment, promotion, transfer, separation, employee grievances and appeals, employee evaluation, development and personnel matters pertaining to county service personnel.
 - b. Advise and consult with the board of county commissioners, the county manager and the director of human resources on matters pertaining to the county's personnel programs.
 - c. Hear appeals, receive evidence and determine facts and affirm, modify, or reverse administrative action taken concerning employees in accordance with Section 82-13.
 - d. Conduct any inquiry or study on matters pertaining to county service personnel upon the request of the board of county commissioners, the county manager, or the director of human resources.
- (6) *Compensation.* Members of the personnel council shall be paid such compensation and actual expenses as provided by the board of county commissioners from time to time by resolution.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 10 day of December, 2019.

Attest:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Bryan Lober, Chair

As approved by the Board on 12/10/19

SEAL

Reviewed for legal form and content by: _____