

ORDINANCE NO. 25-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE MARION COUNTY CODE OF ORDINANCES, CHAPTER 2 ADMINISTRATION, ARTICLE III OFFICERS AND EMPLOYEES, DIVISION 2 COUNTY ADMINISTRATOR, SECTION 2-48 POWERS AND DUTIES PARAGRAPH (4), TO CLARIFY THE AUTHORITY OF THE COUNTY ADMINISTRATOR WITH RESPECT TO CONTRACTS, APPLICATIONS, AND AGREEMENTS; AMENDING ARTICLE VII PROCUREMENT CODE SECTION 2-237 AUTHORITY OF COUNTY ADMINISTRATOR OR HIS OR HER DESIGNEE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE: AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I of the Florida Constitution, and Chapter 125, Florida Statutes, the Board of County Commissioners of Marion County, Florida ("Board"), has all powers of local self-government to perform county and municipal functions and to render services in a manner not inconsistent with general law, and such power may be exercised by the enactment of county ordinances and resolutions; and

WHEREAS, Section 125.73, Florida Statutes, provides for the appointment of a County Administrator, who shall be the administrative head of the county and shall be responsible for the administration of all departments of the county government which the Board has authority to control; and

WHEREAS, the Board previously adopted Ordinance 21-10 to streamline the approval of events, permits, mortgage satisfactions, environmental reviews, agreements under \$50,000, estoppel certificates verifying compliance and satisfaction with contractual obligations and risk management claim settlements; and

WHEREAS, the County Administrator, in consultation with the Board, has identified a need to clarify and update provisions of the County Code of Ordinances describing the powers and duties of the County Administrator with respect to signature authority; and

WHEREAS, recent changes to Marion County's State Housing Initiatives Partnership Local Housing Assistance Plan 2025-2028, require an increase to the County Administrator's authority to execute documents that exceed the \$50,000 threshold; and

WHEREAS, it is in the best interest of the public health, safety and welfare of the County to amend Code Section 2-48 and 2-237 to modify the authority of the County Administrator as provided in this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. CODE AMENDMENT. The Marion County Code of Ordinances, Chapter 2 – Administration, Article III – Officers and Employees, Division 2 – County Administrator, Sec. 2-48 – Powers and Duties, paragraph (4) and Chapter 2 – Administration, Article VII –Procurement Code, Section 2-237 – Authority of county administrator or his or her designee is hereby amended as follows (deletions shown in ~~striketrough~~-type, and additions shown in underscore type):

Chapter 2 ADMINISTRATION

Article III – OFFICERS AND EMPLOYEES

Division 2 – County Administrator

Sec. 2-48. Powers and Duties

The County Administrator shall by way of enumeration and not by way of limitation have the following specific powers and duties:

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(4) To coordinate under the direction of the board of county commissioners' leases, contracts and other agreements for the county and to see that all terms and conditions of same are faithfully executed and performed and to notify the board of county commissioners of violations thereof and make recommendations concerning the nature and location of county improvements.

(a) The County Administrator or his designee, which may include an Assistant County Administrator, the Fire Chief, an Executive Director or a Director, is authorized to enter into and execute documents (i.e. agreements, permits, purchase orders and contracts) including County obligations not to exceed \$50,000, which may consist of event contracts, health department service agreements, maintenance agreements, risk management claim settlements as limited by the County Code of Ordinances, operational permits, bingo licenses, mortgage satisfactions, environmental reviews, deposit collection service agreements and as custodian for county facilities documents. Any such agreements and documents, when fully executed, shall be kept as Public Record per State Statutes.

(b) The County Administrator or Assistant County Administrator or Fire Chief or Executive Director or Director as designated by the County Administrator and in consultation with the Marion County Board of County Commissioners Chairman may only execute and submit grant applications to federal or state agencies, or not-for-profit organizations meeting one of the following criteria:

(i) Florida Department of Environmental Protection (FDEP), Florida Department of Transportation (FDOT), Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Florida Department of Economic Opportunity (DEO), United States Department of Agriculture (USDA) and Water Management District (WMD) Grant applications for projects in the County Capital Improvement Program (GIP) up to \$10,000,000.

(ii) Withlacoochee Regional Water Supply Authority (WRWSA) Grant applications for water conservation initiatives up to \$100,000.

(iii) Federal Emergency Management Agency (FEMA) and Hazard Mitigation Grant Program (HMGP) applications up to \$10,000,000.

(iv) Grant applications where there is no requirement or obligation for either matching funds or in-kind services from the County. However, an exception to this requirement is where the Board has set aside an appropriation for funds available for such matching funds in the current fiscal year budget, in which case, the grant may be applied for with a commitment for matching funds up to the budgeted amount.

(v) Grant applications where the matching amount is less than \$50,000 in any fiscal year.

(vi) Grant applications where a one-time matching amount is less than \$100,000.

(c) The County Administrator may execute contracts and agreements not to exceed \$100,000 for the Purchase Assistance; New Construction Home Ownership-Community Land Trust programs; and Homeowner Rehabilitation program specifically outlined in the State Housing Initiatives Partnership Local Housing Assistance Plan.

All executed applications shall be provided on a future Board agenda as a notation for the record. Notwithstanding that the above referenced documents meets one of the foregoing criteria of Sections 1 and 2, above, the documents shall not be submitted without advance Board approval, if it requires an assumption of unknown levels of liability (such as a contractual indemnification agreement) or undefined levels of long-term service commitments on the part of the County.

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Article VII – PROCUREMENT CODE

Sec. 2-237- Authority of county administrator or his or her designee.

Unless otherwise provided for in this article, the procurement of all goods and services shall be under the supervision and management of the county administrator or his/her designee. It shall be the duty, responsibility, and authority of the county administrator or his/her designee to:

- (1) Supervise the procurement of all goods and services except as otherwise provided for herein, required by the board of county commissioners and departments and agencies under its control, and for which payment is made from funds of the county.
- (2) In conjunction with using agencies, prepare and enforce standard specifications which shall apply to all goods and services purchased for the use of the county.
- (3) Maintain current files, or contract with a qualified agency for maintenance of current files, for sources of supply for goods and services required by the county
- .(4) Perform other related duties as may be assigned by the board of county commissioners.
- (5) Sign, duly issued purchase orders or assign said responsibility to a designee.
- (6) Take all reasonable steps to insure that the specifications for an item to be procured are developed to permit competition among businesses whenever practicable
- .(7) Oversee the procedures for the disposal of county property which becomes surplus to the county's needs

(8) Maintain a system of accountability and numbering of all contracts for purchase of goods and services under the jurisdiction of the board of county commissioners whether exempt from the procurement system or not. After review and approval by the county attorney office, county administrator shall have the authority to approve and execute all contracts under fifty thousand dollars (\$50,000), except for contracts and agreements related to the State Housing Initiatives Partnership Local Housing Assistance Plan. The county administrator shall have the authority to approve and execute all contracts and agreements not to exceed one hundred thousand dollars (\$100,000) for the Purchase Assistance; New Construction Home Ownership-Community Land Trust programs; and/or Homeowner Rehabilitation programs specifically outlined in the State Housing Initiatives Partnership Local Housing Assistance Plan.

(9) Recommend the rejection of all bids as may be in the best interest of the county where competitive sealed bids have been required for the procurement of goods and services and such rejection of bids is approved by the board of county commissioners.

SECTION 2. SEVERABILITY.

It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 3. REPEAL OF ORDINANCES.

All ordinances or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 4. INCLUSION IN COUNTY CODE.

It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE.

A certified copy of this Ordinance as enacted shall be filed by the Clerk of the Board with the Office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this Ordinance shall take effect in accordance with Section 125.66, Florida Statutes.

DULY ADOPTED in regular session this ____ day of June, 2025.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

KATHY BRYANT, CHAIRMAN

ATTEST:

GREGORY C. HARRELL, CLERK