

SECTION 14. COUNTY ATTORNEY

14.5 CREATION OF THE COUNTY ATTORNEY'S OFFICE

A. PURPOSE. At the General Election of November 8, 1994, voters approved amending Seminole County Home Rule Charter relating to the County Attorney thereby making the County Attorney the attorney to and for the County directly responsible to the Board of County Commissioners of Seminole County and not the County Manager, and provided that the employees of the County Attorney's Office are exempt from the County's civil service system and made, by Charter, "at will" employees serving at the pleasure of the County Attorney. The County Attorney's Office shall provide legal services for the benefit of the citizens of Seminole County which are ongoing in nature, funded by the Board of County Commissioners, and which require that certain administrative matters be implemented as a result of the amendment.

B. ADMINISTRATIVE MATTERS.* In order to effectuate the change in the Seminole County Home Rule Charter providing that the County Attorney and his/her office shall serve as legal counsel to the County and be directly responsible to the Board of County Commissioners as determined by the voters of Seminole County, the following administrative matters are hereby proclaimed and directed:

(1) The County Attorney and the County's legal department shall be referred to as the County Attorney and the County Attorney's Office and serve as legal counsel to the County and be directly responsible to the Board of County Commissioners.

(2) In light of the change in employment status of the employees of the County Attorney's Office from career service employees to "at will" employees, the following provisions apply:

(a) County Attorney has authority to enter into employment contracts with employees of the County Attorney's Office that include severance provisions relating to termination without cause that are not in conflict with adopted personnel policies applicable to the County Attorney's Office.

(3) The County Attorney's Office shall remain in place and functioning as currently configured and organized. Unless and until the Board of County Commissioners takes official action to modify any applicable ordinances, policies or procedures, the current personnel policies pertaining to employees of the County Manager shall be applicable to the employees of the County Attorney except that where the term "County Manager" is used and the context is consistent with the intent of this Resolution, the term "County Attorney" shall be interposed. Chapters 10, Appeals and Grievances of the County's Personnel Policies shall not be applicable to the Office of the County Attorney, but the purpose and effect of all other chapters shall be applicable to the extent that the terms and provisions of said chapters comport with the terms and intent of the Charter and this Resolution.**

(4) In general, the County Attorney shall have the same duties, responsibilities, powers and obligations relating to the legal matters of Seminole County as the County Manager has relative to the scope of authority invested in his/her office by Charter, Code, ordinance or policy provision. The County Attorney shall have all powers necessary to implement the legal programs of the Board of County Commissioners and meet the legal requirements and needs of the Board provided, however, that all actions must comply with the provisions of the Seminole County Home Rule Charter and State law.

(5) The County Manager and his/her staff including, but not limited to, the Manager of the County's Human Resources Division shall cooperate with the County Attorney in preparing amendments to the Administrative Code, Seminole County Organizational Chart and other Codes, Ordinances and policies of the County required to implement the provisions and intent of this Resolution and the amendment to the Seminole County Home Rule Charter in order to ensure that the Office of the County Attorney and the County Attorney are fully established as legal counsel directly responsible to the Board of County Commissioners.

(6) This section shall not be construed to create any right or privileges upon any employee of the County Attorney's Office that could form the basis of any legal claims or actions.

C. AUTHORITY. Resolution 94-R-316 adopted November 22, 1994
Resolution 2010-R-26 adopted January 26, 2010

- * 1. Temporary provisions of Resolution 94-R-316 have not been codified.
- ** 2. Effective March 29, 1999, the County Attorney was authorized to promulgate a separate Personnel Policy Manual applicable to the operation of the County Attorney's Office.