

ORDINANCE NO. 2023- \_\_\_\_\_

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 101.05 (THE COUNTY ADMINISTRATOR) OF CHAPTER 101 (GOVERNMENT ORGANIZATION) OF THE CODE OF INDIAN RIVER COUNTY IN ORDER TO REQUIRE THE COUNTY ADMINISTRATOR TO RESIDE IN INDIAN RIVER COUNTY DURING HIS OR HER TERM IN OFFICE; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners wishes to require the county administrator to reside in Indian River County during his or her tenure in office,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

**Section 1. Enactment Authority.**

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

**Section 2. Amendment of Section 101.05 (The county administrator).**

New language indicated by underline, and deleted language indicated by ~~strikethrough~~.

Section 101.05 (The county administrator) of Chapter 101 (Government Organization) of the Code of Indian River County, Florida is hereby amended to read as follows:

**CHAPTER 101 – GOVERNMENT ORGANIZATION**

\* \* \*

**Section 101.05. – The county administrator.**

1. The county administrator shall be qualified by education, professional public service, and administrative and managerial ability. The administrator shall be responsible for the administration of all departments of the county except constitutional officers and their employees and the county attorney and staff. The administrator shall also be responsible for the proper administration of all affairs under the jurisdiction of the county. The county administrator need not be a resident of the county at the time of appointment, but during his or her tenure in office shall reside within the county. The administrator's authority and duty shall include, but not be limited to, the following powers and duties for areas under his jurisdiction:

\* \* \*

**Section 3. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Severability.** If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

**Section 5. Codification.** It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the 27<sup>th</sup> day of January, 2023, for a public hearing to be held on the 7<sup>th</sup> day of February, 2023, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Joseph H. Earman	_____
Vice-Chairman Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Deryl Loar	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the ordinance duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

**BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY, FLORIDA**

By: \_\_\_\_\_  
Joseph H. Earman, Chairman

**ATTEST: Jeffrey R. Smith, Clerk  
and Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 2023