

Part I ADMINISTRATION OF THE
GOVERNMENT

Title VI COUNTIES AND COUNTY
OFFICERS

Chapter COUNTY CHARTER PROCEDURES
34A

Section COUNTY MANAGER PLAN
18

Section 18. (A.) Form of Government.

(i) The form of government provided in this section shall be known as the "county manager plan," and shall, together with sections fifteen, sixteen and twenty of this chapter, govern any county whose voters have adopted it pursuant to this chapter.

(ii) Each county operating under this section shall be governed by an elected board of commissioners and an appointed county manager and by such other officers and employees as may be duly appointed pursuant to this section, the general laws, or ordinance.

(B.) County Manager.

(i) The county manager shall be qualified by administrative and executive experience and ability to serve as the chief executive of the county. The county manager shall be appointed by a majority vote of the commissioners and shall serve at the pleasure of the commissioners. The county manager may be removed by majority vote of the commissioners

subject to due notice and a public hearing. Such notice shall be in writing and shall be accompanied by a written bill of particular charges and complaints. The public hearing on these charges shall be held no less than 15 nor more than 30 days after personal service of notice and charges.

At the time of the county manager's appointment the manager need not be a resident of the county but must reside within the county after the manager's initial probationary period.

(ii) The position of a county manager may be a full or part-time position. The salary of the county manager shall be fixed by the commissioners, shall be reasonable and shall reflect whether the position is full or part-time.

(iii) The office of county manager shall be deemed vacant if: the incumbent moves his residence from the county without board permission; or he is by physical or mental illness or other casualty unable to continue to serve as county manager. Any vacancy in the office of county manager shall be filled in the manner prescribed by clause (i) of subsection (B) of this section. The commissioners may appoint the deputy manager or any department head to serve as acting county manager until a successor has been appointed. During the temporary absence or temporary disability of the county manager the deputy manager or a department head designated by the manager if there be no deputy manager, shall serve as acting county manager.

(iv) The executive power of county shall be exercised by the county manager. The county manager shall:

(a) Report annually to the commissioners, the advisory board on county expenditures and to the people, on the state of the county, the work of the previous year, and he shall also recommend to the board whatever action or programs he deems necessary for the improvement of the county and

the welfare of its residents. He may from time to time at his discretion recommend any course of action or programs he deems necessary or desirable for the county to undertake;

(b) Prepare and submit to the board for its consideration and adoption an annual operating budget, and a capital budget, establish the schedules and procedures to be followed by all county departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process.

(c) Enforce the county charter, the county's laws and all general laws applicable thereto;

(d) Supervise the care and custody of all county property, institutions and agencies;

(e) Through the county treasurer, have oversight on the collection of revenues, audit and control all disbursements and expenditures and shall prepare a complete account of all expenditures;

(f) Sign all contracts, bonds or other instruments requiring the consent of the county;

(g) Organize the work of county departments subject to the administrative code adopted by the board. He shall further review their administration and operation and make recommendations pertaining thereto to the board;

(h) Review, analyze and forecast trends of county services and finances and programs of all boards, commissions, agencies and other county bodies, and report and recommend thereon to the board;

(i) Develop, install and maintain centralized budgeting, personnel and purchasing procedures as may be authorized.

(j) Negotiate contracts for the county subject to board and where appropriate, advisory board approval and make recommendations

concerning the nature and location of county improvements and execute improvements determined by the board;

(k) Assure that all terms and conditions imposed in favor of the county or its inhabitants in any statute, franchise or other contract, are faithfully kept and performed;

(l) Serve, as ex-officio, nonvoting member of all appointive bodies in county government.

(v) The county manager:

(a) Shall supervise, direct and control all county administrative departments;

(b) Shall appoint the deputy manager, if that position is created by the board, the heads of all county departments and divisions created within such departments, and all other administrative officers and county personnel the manner of whose appointment is not prescribed elsewhere in this section;

(c) May, at his discretion, remove or suspend any official in the unclassified service of the county over whose office the county manager has power of appointment;

(d) May at his discretion, but subject to any pertinent provisions of the general laws and civil service regulations delegate any department head powers of appointment and removal of their departmental employees. If the county manager does not so delegate his power he may appoint and remove, subject to civil service regulations, all employees whose positions have been created.

(e) May require and examine the accounts, records and operations of any agency of county government; and

(f) May, at his discretion, order any agency under his jurisdiction to

undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration to do so.

(C.) Board of Commissioners.

(i) The legislative power of the county shall be vested in the board of commissioners. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

- (a) The establishment of a municipal advisory council;
- (b) The conduct of an inquiry or investigation;
- (c) The expression of disapproval of the suspension or dismissal of officers or employees;
- (d) The adoption of rules for the board;
- (e) The establishment of times and places for board meetings;
- (f) The establishment of the board as a committee of the whole and the delegation of any number of its members as an ad hoc committee.
- (g) The declaration of emergencies;
- (h) The identification of emergency situations;
- (i) The establishment of county personnel policies;
- (j) The election, appointment and removal of such officers and employees as the board is permitted by law;
- (k) Designation of newspapers; for required advertisements and notices.
- (l) Approval of contracts presented by the county manager;
- (m) Actions specified as resolutions; and
- (n) The expression of such board policies or opinions as require no formal board action.

(ii) At its organizational meeting each January the board shall select one of its members to serve as chairman and one to serve as vice-chairman of the year. The chairman shall preside over board meetings during his tenure, and in his absence the vice-chairman shall preside.

(iii) The county manager may be present at all board meetings and participate in all deliberations, without the right to vote.

(iv)(a) The board shall appoint a county manager under the provisions of this chapter and may create the office of deputy manager;

(b) Shall appoint a clerk to the board who shall serve at its pleasure and keep the records and minutes of the board, and who shall serve at the pleasure of the board or for such term, not to exceed three years, as may be provided by the commissioners; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October first of any year and January first of the succeeding year;

(c) Shall appoint a county counsel, who shall head the county's legal department, and who shall serve at the pleasure of the board or for such term, not to exceed three years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October first of any year and January first of the succeeding year. An administrative code may also establish a term, not to exceed three years, for the position of assistant county counsel;

(d) Shall appoint members of all boards and commissions and other bodies whose manner of appointment is not otherwise specified in this section;

(e) May pass a resolution of disapproval of a suspension or dismissal;

(f) Shall approve the annual operating and capital budgets; prior to presenting them for advisory board appropriation; and

(g) Shall pass in accordance with this chapter whenever ordinances and

resolutions it deems necessary and proper for the good governance of the county.

(D.) Deputy Manager.

(i) Subject to creation of such position the county manager may appoint a deputy manager who shall serve at his pleasure; the board may not prevent his suspension or dismissal by passage of a resolution of disapproval.

(ii) The deputy manager shall by education, experience and ability be qualified to perform the duties established for him.

He need not be a resident of the county at the time of his appointment, but during his tenure may live outside the county only with the permission of the manager.

(iii) The deputy manager shall be responsible only to the manager. He shall, under the direction and supervision of the manager, undertake to assist in the orderly and efficient administration of the county, performing whatever supervisory or administrative duties the manager deems necessary and proper.

Nothing in this section shall be deemed to prohibit the deputy manager's being appointed to head one or more departments on a temporary or permanent basis.