

## ARTICLE III. - ADMINISTRATION

### Section 3.01. - ~~City manager~~Mayor.

~~The city manager~~mayor shall serve as the chief administrative officer and chief executive officer of the city and shall be responsible for the proper administration and conduct of the executive work and affairs of the city. The mayor shall be recognized as the official head of the city by the courts for the purpose of service of process and by the governor for the purpose of military law and for all ceremonial purposes. The city manager shall be appointed on the basis of administrative qualifications, experience, and training. The city manager need not be a resident of the city or state at the time of appointment, but shall establish and maintain residency within the city within one year after the appointment. The city manager shall be responsible to the council for all city administrative affairs. The mayor shall maintain an office in City Hall and shall devote full time to the duties of that office.

### Section 3.02. - ~~Appointment; removal~~Election and terms; absence; compensation.

(a) ~~*Appointment*~~ *Election and Terms.* ~~The council shall appoint a city manager by an affirmative vote of four council members. The city manager shall hold office at the pleasure of the council. The mayor shall be elected at large and shall be elected for a term of four years. The mayor shall be a qualified voter of the city and shall have continuously resided in the city for at least one year prior to submitting a petition for election. The mayor shall continue to be a resident and elector of the city during the term of office. No person who has, or but for resignation or forfeiture of office would have, served as mayor for two consecutive full terms shall serve as mayor or council member for the succeeding four-year term. Term limits shall be effective for the office of Mayor on the date of the next election for mayor after 2020.~~

(b) ~~*Removal.*~~ ~~The council may remove the city manager by an affirmative vote of four council members or a majority of the council members at two separate meetings held at least two weeks apart. Upon request by the city manager, a public hearing will be held prior to a vote to remove the city manager.~~

(c) ~~*Compensation.*~~ ~~The compensation of the city manager~~mayor shall be fixed by a majority of all the council members. **Survey attached**

(d) ~~*Acting city manager*~~ *Vacancy in office or unavailability of mayor.* ~~By letter filed with the council, the city manager shall designate one or more assistant city managers to exercise the powers and perform the duties of city manager during the city manager's temporary absence or disability. This designation shall be limited to a period of 60 days. At the expiration of this period, the council shall appoint an interim or new city manager in accordance with the provisions of this charter.~~ *During any temporary absence or*

disability of the mayor, the city administrator shall serve as acting mayor and shall exercise the powers and perform the duties of the mayor. During a temporary absence not due to disability, the mayor shall provide the city administrator, with a copy to the city clerk, a memo delineating the extent to which to the city administrator may act on the mayor's behalf. In case the office of mayor becomes permanently vacated by death, resignation or any other reason, the city administrator shall discharge the duties of the mayor as acting mayor. When the vacancy occurs within eight months of a regularly scheduled city election and prior to the beginning of the qualifying period for that election, an election for mayor shall be held as part of the election. The acting mayor shall serve until the newly elected mayor is sworn in. The newly elected mayor shall serve the unexpired term of the previous mayor if the election is one in which there would not normally be a mayoral race. If the vacancy occurs at any other time and would require the city administrator to serve as acting mayor for a period of greater than six months, then city council shall schedule a special election for mayor to be completed within five months of the occurrence of the vacancy. City council shall by ordinance provide for the dates of the elections and the length of the qualifying period, which qualifying period shall no event be less than one week. The individual elected in this manner shall take office the next business day following certification of the election and shall serve the remainder of the unexpired term.

Section 3.03. - Powers and duties of the ~~city manager~~mayor.

The ~~city manager~~ mayor shall:

- (a) Appoint, promote, and suspend, demote, or remove any city employees or appointive administrative officers under the ~~city manager's~~mayor's jurisdiction, except as may be otherwise provided by law. Such appointment, promotion, suspension, demotion, or removal shall be in compliance with the civil service law and other applicable rules and regulations.
- (b) Establish or discontinue any city department, division or board in the administrative affairs of the city, subject to council approval.
- (c) Attend council meetings upon request of city council and have the right to take part in discussion, but not to vote.
- (d) See to the faithful execution of all laws, provisions of this charter, and acts of the council subject to enforcement by the ~~city manager~~mayor or officers subject to the ~~city manager's~~ mayor's supervision.
- (e) Prepare, ~~and submit~~ and present to the council in the form provided by ordinance, the annual budget, a capital improvement budget, and a projected capital improvement program for a minimum five-year period.

- (f) Submit to the council at the first regular meeting in September of each year and make available to the public a comprehensive report on the financial condition and administrative activities of the city.
- (g) Make such other reports as the council may require concerning the operations of city departments, offices and agencies subject to the ~~city manager's~~ mayor's supervision.
- (h) Keep the council fully advised as to the financial condition and future needs of the city and make recommendations to the council concerning the affairs of the city.
- (i) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.
- (j) Develop and keep current an administrative code which sets forth the organizational and operational procedures of the city government.
- (k) Provide administrative assistance to the council in connection with their official duties, and perform such other duties as are specified in this charter or may be required by the council.

(l) Act as purchasing agent for the city.

(m) appoint and remove the members of boards, committees and commissions except those required by state law to be made by the city council as the governing body of the city. All mayoral appointments shall be submitted to council for confirmation. If council rejects the appointee, the mayor shall submit a new appointee within four weeks.

(n) the negotiation of all contracts, franchises, acquisition and disposition of property and, upon the approval of council, the execution on behalf of the city of all agreements, leases, deeds and other instruments in connection therewith; however, all limitations contained in section 2.01 (d) of this charter shall apply.

~~(Ord. No. 6375-99, § 2, 1-21-99/3-9-99)~~

#### Section 3.04 -Veto power.

The mayor may veto any ordinance passed by council, except an emergency ordinance and those ordinances passed as a result of quasi-judicial proceedings when such proceedings are mandated by law. The mayor may veto any line item in a budget or appropriation ordinance. The mayor must exercise veto power by 5 PM on the fifth

business day after the day the council adopts the ordinance. On the day the mayor vetoes an ordinance the mayor shall submit written objections to the council.

#### Section 3.04-05 - City clerk.

~~The city manager~~ mayor shall appoint a city clerk, which appointment must be confirmed by the council prior to becoming effective. The city clerk or the designee of the city clerk shall:

- (a) Be custodian of all records and the official seal of the city;
- (b) Attest all documents requiring attestation and agreements to which the city is a party;
- (c) Arrange for and supervise all city elections;
- (d) Attend all meetings of the council and keep minutes of its proceedings;
- (e) Give notice of council meetings to its members and the public;
- (f) Perform such other duties as directed or required by law.

#### Section 3.06 - City Administrator.

The mayor shall appoint a city administrator subject to confirmation by city council. The mayor shall have the authority to terminate the city administrator without consent of council. The city administrator shall have relevant management, executive or administrative experience. The city administrator need not be a resident of the city or state at the time of appointment but shall establish and maintain residency within the city within 1 year after the appointment.

#### Section 3.07 - Council confirmation

Subject to confirmation by city council, the mayor shall appoint the city attorney, fire chief and chief of police. The mayor shall have the authority to terminate the city attorney, fire chief and chief of police without consent of council.

#### Section 3.0508. - Personnel system.

Appointments and promotions of city officials and employees, except those specifically exempted by ordinance, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence as provided by law.

Comments on city administrator:

It is a bit unusual to have a charter required position with no duties or qualifications.

In the absence of those specifics it may be more appropriate to use the term chief of staff or alternatively have no requirement as to the mayor's staff.

The city administrator is a term of art in the municipal arena, there are certain qualifications and duties associated with the position that should be specified in the charter.

St. Pete's charter has the following language: the city administrator shall have relevant management executive or administrative experience in municipal government.

West Palm has the following language: the mayor shall appoint a city officer with the title city administrator. Such officer shall be chosen solely on the basis of executive and administrative qualifications and be subject to the immediate supervision of the mayor. The city administrator shall coordinate under the supervision of the mayor, the activities of all administrative departments, divisions and agencies, serve as liaison between the mayor, the city commission and all departments, divisions, boards and commissions and perform such administrative and executive duties as may from time to time be assigned by the mayor. The city administrator may be dismissed by the mayor without the approval of the city commission. The salary of the city administrator shall be set by the city commission upon the recommendation of the mayor.

The Model City Charter recommends the following language:

the city administrator shall be appointed solely on the basis of education and experience in the excepted competencies and practices of local government management. The city administrator need not be a resident of the city or state at the time of the appointment but may reside outside the city while in office only with the approval of the city council.

Article II, Council Powers will include the following language:

(e) Submission of ordinances to mayor. All ordinances approved by council shall be submitted to the mayor before becoming law; if he approves the ordinance he

shall sign it, if not he shall return it with his objections to the council and such objection shall be entered into the minutes. The council shall then reconsider the ordinance at its next regular meeting at which there is a quorum. If after reconsideration it passes by majority +1 vote of all council members it shall become law. If any ordinance shall not be returned to the council by 5 PM on the seventh day after council has adopted the ordinance shall it shall become effective without signature.