

ORDINANCE NO. 980

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHIPLEY, FLORIDA AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III. OFFICERS AND EMPLOYEES; AND ARTICLE IV. FINANCES OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the City Council of the City of Chipley is vested with the authority to adopt this Ordinance; and

WHEREAS, the city has grown over the years and in order to continue with exceptional coverage and success in all areas of administration, there is a need to amend the current code to include additional staff to ensure the long-term success of the City's Administration.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHIPLEY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 2, Article III. Officers and Employees of the Code of the City of Chipley is hereby amended, as follows (additions are shown by underline and deletions are shown by strikethrough):

ARTICLE III. OFFICERS AND EMPLOYEES

Sec. 2-63. Officers enumerated.

Elected officers of the city are the five members of the city council. A mayor and a mayor pro tem are appointed from among its members by the city council on an annual basis. Appointed officers of the city are the city administrator, assistant city administrator, city clerk, finance director, chief of police, fire chief, public works director, recreation director, water utilities ~~department~~ director, and city attorney. The city council shall appoint the city administrator and city attorney. The city administrator shall nominate all other appointed officials for confirmation by the city council.

Sec. 2-64. City administrator.

There shall be a city administrator who shall be the chief administrative officer of the city. The administrator shall be appointed by a majority vote of the council and shall be responsible for the administration of all city affairs placed in the administrator's charge by the council. The city council shall have power to remove the city administrator pursuant to the personnel policies of the city at any time by a majority vote of the council, or, in the event of an employment agreement between the parties, removal shall occur pursuant to the terms of said agreement. The city administrator shall have the following responsibilities and duties:

- (1) Nominate for appointment and, when deemed necessary for the good of the service, suspend or remove all city department heads provided for by this article, subject to

the confirmation of the city council. Department heads shall then have the authority to appoint, remove, or suspend all employees in the department heads' respective departments pursuant to adopted personnel policies.

- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this article or by law.
- (3) Attend all city council meetings and have the right to take part in discussion, but may not vote.
- (4) See that all laws, provisions of this Code, and acts of the city council, subject to enforcement by the city administrator or by officers subject to the city administrator's direction and supervision, are faithfully executed.
- (5) Prepare and submit the annual budget and capital improvements program to the city council.
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (7) Make other such reports as the city council may require concerning the operations of all city departments, offices and agencies subject to the administrator's direction and supervision.
- (8) Keep the city council fully advised as to the status of overall personnel, operational, and financial activities of the city, and make such recommendations to the city council concerning the affairs of the city.
- (9) Perform such other duties as directed and required by the city council.

Sec. 2-65. Assistant city administrator.

The city administrator shall nominate an assistant city administrator for confirmation by the city council. In the absence of the city administrator, the assistant city administrator shall have the same responsibilities and duties as assigned by the city council to the city administrator. This position shall be a dual position with one of the other appointed officers of the city.

Sec. 2-66. City clerk.

The city administrator shall nominate a city clerk for confirmation by the city council. The clerk shall attend all meetings of the council, planning & zoning commission, code enforcement hearings, and recreation committee meetings, keep a correct record of all council proceedings, and shall record and attest all ordinances and resolutions for publication, ~~shall draw and sign vouchers upon the depositories, and keep a true and correct account of the same.~~ The city clerk shall serve as the ~~city treasurer, purchasing officer,~~ elections officer, custodian of public records, occupational licensing officer, and perform all other duties and functions as directed by the city administrator or by resolution of the city council. ~~The clerk shall provide such bond as the city council may fix for the faithful performance and discharge of duties.~~

Sec. 2-67. Finance director.

The finance director shall serve as the city chief financial officer, purchasing officer, business tax ~~occupational~~-licensing officer. The finance director shall draw and sign vouchers upon the depositories and keep a true and correct account of the same. The finance director monitors the City budget and administers payroll, accounts payable, accounts receivable, and grants accounting system. Assists in the preparation of the annual budget. Coordinates and assists auditors with investigation and verification of budget data and records.

Sec. 2-678. City attorney.

There shall be appointed by the council a city attorney. Compensation shall be as agreed upon between the attorney and the city council. In addition, the city attorney shall receive such additional fees for services rendered as agreed upon by the city council. The attorney shall:

- (1) Serve as the legal advisor for the city and all of its officers in all matters relating to the officers' official powers and duties.
- (2) Prepare and/or review all ordinances, resolutions, contracts, bonds and other written instruments in which the municipality is concerned and endorse on each the attorney's approval of the form, language, and execution thereof.
- (3) When requested by the council, prosecute or defend, for and on behalf of the city, all complaints, suits and controversies in which the city is a party, before any court or other legally constituted tribunal.
- (4) Attend all meetings of the city council.
- (5) Render opinions and/or reports on legal matters affecting the city as the council may direct.

Sec. 2-689. Personnel system.

All appointments and promotions of city officials and employees, except those specifically exempted by ordinance, shall be made pursuant to the city's adopted personnel classification system. The council may, from time to time, by ordinance or resolution, change the personnel policies and rules of the city.

Section 2. Chapter 2, Article IV. Finances of the Code of the City of Chipley is hereby amended, as follows (additions are shown by underline and deletions are shown by ~~strikethrough~~):

Article IV. Finances.

Sec. 2-95. Issuance of city checks.

All checks issued by the city in payment of claims, accounts, and obligations owed by the city shall be approved and signed by the city administrator, or in the city administrator's absence, shall be approved and signed by the assistant city administrator, finance director ~~city clerk~~ or the mayor. The approval of such checks by the city administrator may be indicated by the approval of the payroll journals or cash disbursement journals. Only the checks of the city so approved and executed shall be obligations of the city, provided that in the absence of

written notice by any official of the city to the depository of the city as to any particularly described check of the city to the effect that such check was not so approved and executed, no responsibility shall be charged to such depository with respect to whether or not any of the checks so issued and presented for payment were approved and executed in the manner required by this section.

Sec. 2-96. Disposition of revenues received.

All revenue received as proceeds from the sale of revenue certificates, or as rates, fees, rentals, and other revenues, shall be held and applied as provided by the state regulations. The city council may, in the resolution authorizing the issuance of certificates or in the trust indenture, provide for payment of the proceeds of the sale of the certificates and sufficient of the rates, revenues, rentals and other revenues received for the requirements of the sinking fund, to any individuals who or to any bank or trust company which shall act as trustees of such funds, and hold and apply the same to the purposes hereof, subject to such state regulations and as such resolution or trust indenture may provide.

Sec. 2-97. Contracts, general; validity.

No contract made by the mayor, city council, or any appointed city official shall be binding on the city unless the same is made in open session of the council at a regular or special meeting.

Sec. 2-98. When public bids are required.

No contract shall be made by the city for any material or the furnishing to the city of any work, labor, or services, when the amount to be paid thereof exceeds ~~\$15,000.00~~^{\$10,000.00} with city administrator approval or ~~\$35,000.00~~^{\$25,000.00} with city council approval, unless notice is first published in at least two weekly issues of a newspaper of general circulation within the city calling for bids for the sale or furnishing to the city of such material, work, labor, or services. In each case, the bid which is the lowest and/or most advantageous to the city will be accepted. This is not construed to mean that the lowest bid will be the most advantageous. All other requests for materials or the furnishing to the city of any work, labor, or services will be made pursuant to the purchasing policies adopted by resolution of the city council.

Sec. 2-99. Payment of claims; order required.

The finance director ~~city clerk~~ shall not be authorized to pay on any contract or debt made by the city or for any claim against the city unless an order is made for such payment by the city council in open session. Such order shall appear in the minutes of the meeting.

Sec. 2-100. Redevelopment trust fund.

The purpose of this section is to establish and fund a redevelopment trust fund according to the purposes and directives of the state statutes and with the overall redevelopment plan of the city. A trust fund is hereby created, established and funded according to the guidelines and regulations of the state statutes, which references are hereby adopted by the city.

Section 3. Severability. It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Conflicts. This action supersedes all codes and ordinances of the City, or parts of, in conflict with this ordinance, to the extent of the conflict. The provisions of the Code of Ordinances of the City of Chipley shall be amended to include the foregoing, with the Chapter and Section number as indicated above.

Section 5. Effective Date. This ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED on first reading in the City Council on December 12, 2023.

PASSED after second reading by the City Council on January 9, 2024.

CITY OF CHIPLEY, FLORIDA

ATTEST:

By its Mayor, Tracy Andrews

By the City Clerk, Patrice Tanner

APPROVED AS TO FORM:

Michelle Blankenship Jordan
City Attorney