

ARTICLE IV. BOARD OF COMMISSIONERS

Section 4.1 General powers.

The Commissioners of the City of Madeira Beach shall have and exercise all powers conferred by general law, upon municipal officers, not inconsistent with the terms of this Charter.

State law reference(s)—Municipal home rule powers, Florida Statutes ch. 166.

Section 4.2 Oath of office.

All officers of the City of Madeira Beach, before entering upon the duties of their office, shall by oath or affirmation subscribed to faithfully perform the duties of their office and the Constitution of the laws of the State of Florida and the United States of America.

State law reference(s)—Oath, Florida Statutes § 876.05.

Section 4.3 Mayor.

The Mayor shall preside at meetings of the Board of Commissioners, shall have voice and vote in the proceedings of the Commission, shall be recognized as the official head of the City of Madeira Beach, Florida, government for all ceremonial purposes, for service of process, and as the City of Madeira Beach, Florida, official designated to represent the City of Madeira Beach, Florida, in all agreements with other entities or certifications to other government entities, but shall have no administrative duties except as required to carry out the responsibilities herein.

(Ord. No. 1001, 12-14-2004/3-8-2005)

Editor's note(s)—Ord. No. 1001, adopted December 14, 2004, amended § 4.3 in its entirety to read as herein set out. Formerly, § 4.3 pertained to the mayor-commissioner and derived from original codification.

Section 4.4 Vice-Mayor.

The Board of Commissioners shall appoint a Vice-Mayor at its first regular meeting following the election. The term of Vice-Mayor shall be for one (1) year. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor. Should the Vice-Mayor be required to act as Mayor for a period in excess of thirty (30) days, he/she shall receive the compensation of the Mayor retroactive to the date upon which he/she assumed the Mayoral duties.

(Ord. No. 979, § 2, 1-28-2003; Ord. No. 1001, 12-14-2004/3-8-2005)

Section 4.5 Rules of procedure; quorum; meetings.

- (A) *Meetings.* The Board of Commissioners shall meet regularly at such times and places as determined by the Board of Commissioners. The Board of Commissioners may schedule other regular meetings as it deems necessary in accordance with its established rules of procedure. Special meetings may be held at the call of the Mayor, by a majority of the Commission members, with no less than twenty-four (24) hours' notice in

writing to each member and the public. Any such notice shall state the subject to be considered at the special meeting which shall be restricted to the items specified in the notice.

- (B) *Rules.* The Board of Commissioners shall determine its own rules and order of business, within 90 days following each election.
- (C) *Voting.* Unless otherwise expressly provided by this Charter, Ordinances, Resolutions, and other actions requiring a vote of the Board of Commissioners shall require three (3) affirmative votes for passage, and shall be by roll call vote upon request of any member of the Board of Commissioners. A super-majority vote of four members of the Board of Commissioners for any Planned Development Rezoning or Special Area Plan shall be required for approval. The City Clerk shall record all votes of all Commission members in the journal. A simple majority of the Board of Commissioners shall constitute a quorum, and a quorum shall be necessary to conduct the business of the Board of Commissioners.

(Ord. No. 1003, 12-9-03; Ord. No. 2018-09 , § 1, 8-20-2018; Ord. No. 2018-16 , § 1, 1-8-2019)

Section 4.6 Prohibitions.

- (A) *Holding other office.* Except where authorized by law, no Commission member shall hold any other City office or City employment during the Commissioner member's term, and no former Commission member shall hold any compensated appointive City office or employment until one year after the expiration of the term for which he/she was elected to the Board of Commissioners.
- (B) *Appointments and removals.* Neither the Board of Commissioners nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employees whom the City Manager or any of his/her subordinates are empowered to appoint, but the Board of Commissioners may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (C) *Interference with administration.* Except for the purpose of inquiries and investigation, the Board of Commissioners or its members shall deal with the City officers and its employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Board of Commissioners or its members shall give orders to any such officers or employee, neither publicly nor privately, except as provided under the emergency powers section of this Charter. The Board of Commissioners or any of its committees or members, individually or collectively, shall not direct or request the appointment of any person or his/her removal from, office by the City Manager or any of his/her subordinates or in any manner, directly or indirectly, take part in the appointment or removal of any officers or employees or members of Boards in the Administrative Service of the City of Madeira Beach, Florida. The Board of Commissioners nor any member thereof shall give orders to any subordinate or Officer of said City, either publicly or privately, directly or indirectly.
- (D) *Nepotism prohibited.* The Board of Commissioners or the City Manager, or City Clerk or City Treasurer shall not employ nor contract with any member of the Board of Commissioners or with the City Manager or the City Clerk, or City Treasurer nor with any relative of any member of the Board of Commissioners or City Manager, or the City Clerk or City Treasurer thereof. Nothing contained above shall limit the Board of Commissioners from contracting with the City Manager or City Clerk or City Treasurer for services rendered in connection with their office. As defined in Florida Code of Ethics for Public Officials and Employees (Florida Statutes § 112.312), "Relative," means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out

as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

(Ord. No. 1004, 12-14-2004/3-8-2005; Ord. No. 2018-09 , § 1, 8-20-2018)

State law reference(s)—Code of ethics, Florida Statutes § 112.311 et seq.

Section 4.7 Creation of new departments.

The Board of Commissioners by ordinance may create, change, and abolish offices, departments and agencies established by this Charter. The Board of Commissioners by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency an function or duty assigned by this Charter to a particular office, department or agency.

Section 4.8 Induction of Board of Commissioners into office; meetings.

The first meeting of each newly elected member of the Board of Commissioners for induction into office shall be at a Board of Commissioners meeting to be held on or before the last day of the month in which the election was held. The Board of Commissioners may hold such meetings at such times as they may prescribe, but not less frequently than once each month. Meetings of the Board of Commissioners shall be open to the public in accordance with the Florida Statutes.

(Ord. No. 979, § 2, 1-28-03; Ord. No. 1005, 12-9-03; Ord. No. 2018-16 , § 1, 1-8-2019; Ord. No. 2022-15 , § 2, 7-13-2022)

State law reference(s)—Meetings to be open to the public, Florida Statutes § 286.011.

Section 4.9 Investigations.

The Board of Commissioners may make investigations into the affairs of the City by appointing a Charter Officer to investigate internal affairs of the City and report their findings to the Board of Commissioners.

(Ord. No. 2018-16 , § 1, 1-8-2019)

Section 4.10 Independent audit.

The Board of Commissioners shall provide for an independent annual audit of all City accounts and may provide for a more comprehensive audit as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers.

(Ord. No. 2018-09 , § 1(Exh. A), 8-20-2018; Ord. No. 2020-17 , § 1, 8-19-2020)

State law reference(s)—Independent fiscal audit required, Florida Statutes §§ 166.241, 218.32.

Section 4.11 Compensation; expenses.

The Board of Commissioners may determine the annual salary of Commissioners by Ordinance, but no Ordinance increasing such salary shall become effective until the date of commencement of the terms of

Commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months.

All members of the Board of Commissioners, may be reimbursed for any ordinary travel and other expenses incurred in connection with their official duties inside and outside the limits of Pinellas County and shall account therefore in accordance with Florida Statutes.

Salary rates of six hundred (\$600.00) dollars per month for the Mayor and four hundred (\$400.00) dollars per month for District Commissioners shall be paid until amended by ordinance as hereinabove provided.

Changes in the salaries of the Board of Commission members shall be established by Ordinance.

(Ord. No. 722, 9-6-1988/4-4-1989; Ord. No. 1007, 12-14-2004/3-8-2005; Ord. No. 2018-09 , § 1(Exh. A), 8-20-2018)

Section 4.12 Recall.

The Recall of elected officials shall be governed by Florida Statutes § 100.361, as may be amended from time to time.

(Ord. No. 2018-16 , § 1, 1-8-2019)