
Section 5.4 City Manager.

The Board of Commissioners shall appoint a City Manager and fix compensation. The Manager shall be appointed on the basis of executive, professional, and administrative qualifications, with special reference to actual experience in, or knowledge in respect to the duties of the office.

The City Manager must be a member, and maintain membership in good standing, of the International City/County Management Association (ICMA) and Florida City and County Managers Association (FCCMA).

The City Manager will be hired by the Board of Commissioners under a written employment contract.

While it may be preferable that the City Manager live within the City of Madeira Beach, it is not mandatory.

- A. *Removal.* The Commission may remove the Manager from office only after a due process name clearing hearing in accordance with the following procedures:
1. The Board of Commissioners shall adopt by affirmative vote of a majority of all its members a preliminary charging document resolution, which must state with particularity the reasons for removal and may suspend the Manager from duty for a period of time not to exceed forty-five (45) days if good and probable cause is shown.
 - a. If the Board of Commissioners determines immediate suspension is in the best interest of the City and the Board of Commissioners shall appoint an Acting City Manager within 48 hours of suspension.
 - b. If the Board of Commissioners determines immediate suspension is in the best interest of the City, the City Manager may continue to serve until the due process hearing if no good and probable cause is shown for immediate suspension or if immediate suspension is not in the best interest of the City.
 - c. A copy of the resolution shall be delivered promptly to the Manager.
 2. Within five (5) business days after a copy of the preliminary charging document resolution is delivered to the Manager, the City Manager may resign or file with the Board of Commissioners a written request for a public hearing. This hearing shall be held at a Board of Commissioners meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Board of Commissioners a written reply to the preliminary charging document resolution for removal not later than five (5) days before the hearing.
 3. The Board of Commissioners may accept a resignation or adopt a final resolution of removal, upon the affirmative vote of a majority of all of its members at a noticed hearing any time after five (5) business days from the date when a copy of the preliminary charging document resolution was delivered to the Manager, if the City Manager has resigned or not requested a public hearing, or at any time after the conclusion of the public hearing if the City Manager has requested a due process name clearing hearing.
 4. The Manager shall continue to receive salary and all benefits until the effective date of resignation or final resolution of removal or as specified in the City Manager's contract. In no event shall any severance exceed that which is allowed by Florida Statutes, as may be amended from time to time. The action of the Board of Commissioners in suspending or removing the Manager shall be subject to review by a Court or agency as set forth under state or federal law.
- B. *Acting City Manager.* By letter filed with the City Clerk, the City Manager shall designate, subject to approval of the Board of Commissioners, a qualified City administrative officer to exercise the powers and perform the administrative duties of Manager during an extended temporary absence or debilitating disability. In the event the City Manager fails, or is unable, to make such a designation, the

Board of Commissioners by resolution may appoint a qualified City administrative officer to serve in the extended absence or incapacity of the City Manager. The Board of Commissioners may revoke the City Manager's designation at any time and appoint another officer of the City to serve until the City Manager shall return to duty.

C. *Powers and duties.* The City Manager shall:

Be the chief administrative officer of the City.

Be responsible to the Board of Commissioners for the administration of all City affairs placed in their charge by or under this Charter.

Have the following powers and duties to:

1. Appoint and, when deemed necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for or under this Charter that the City Manager is empowered to appoint, except as otherwise provided by law, this Charter, contract or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer who is subject to the City Manager's direction and supervision to exercise those powers with respect to subordinates in that officer's department, office or agency.
2. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided in this Charter or by law.
3. Attend all Board of Commissioners meetings and shall have the right to take part in discussions but may not vote.
4. See that all laws, provisions of this Charter and directives of the Board of Commissioners, subject to enforcement by him/her or by officers' subject to the City Manager's direction and supervision, are faithfully executed.
5. Recommend to the Board of Commissioners for adoption such measures as he/she may deem necessary or expedient in the interest of the City.
6. Prepare and submit the annual budget and capital program to the Board of Commissioners.
7. Make such other reports as the Board of Commissioners may require concerning the operations of the City departments, offices and agencies subject to direction and supervision.
8. Keep the Board of Commissioners fully advised as to the financial condition and future need of the City and make such recommendations to the Board of Commissioners concerning the financial affairs of the City as the City Manager deems necessary.
9. See that all terms and conditions imposed in favor of the City or its residents in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, the City Manager shall call the same to the attention of the City Attorney and the Board of Commissioners.
10. Be the purchasing agent of the City, by whom all purchases of supplies shall be made. In the capacity of purchasing agent the City Manager shall also conduct all sales of personal property. The Board of Commissioners shall, by ordinance, establish regulations governing the purchasing and sales criteria of the City Manager. The Board of Commissioners may from time to time prescribe amendments to the purchasing and sales criteria ordinance.
11. Perform such other duties as are specified in the Charter or may be required by the Board of Commissioners.

(Ord. No. 2018-09, § 1, 8-20-2018)

