

ARTICLE V. CHARTER OFFICERS, ADMINISTRATIVE DEPARTMENTS AND CIVIL SERVICE COMMISSION¹

Section 5.1 City Clerk, City Attorney, City Manager and City Treasurer; Charter Officers.

There shall be appointed a City Clerk, City Attorney, City Manager and City Treasurer who shall serve at the pleasure of the Board of Commissioners and said officers shall be considered "Charter Officers".

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.

¹Editor's note(s)—Ord. No. 2018-09, § 1, adopted Aug. 20, 2018, and at the direction of the city, repealed Art. V and renumbered Art. VI as Art. V and amended it in its entirety. Former Art. V pertained to city manager, which can now be found in § 5.4, and derived from Ord. No. 1009, adopted Dec. 9, 2003.

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.

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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)

Section 5.5 City Treasurer.

There shall be a director of finance who in turn shall also be the City Treasurer. The director of finance shall be appointed by the City Manager subject to Board of Commissioner's approval. The director of finance shall be accounting department head, responsible for personnel and equipment of finance, accounting, cashiering, licensing, billing and collecting sums due the City and related financial accounting and systems operations. The director of finance shall be personally responsible for maintaining current and accurate accounting records of City activities, in accordance with accepted municipal accounting practices and governing city laws. He shall issue monthly financial reports to the Board of Commissioners. All matters concerning the fiscal and financial conditions of the City shall be his responsibility and he shall assist in preparing the annual financial budget, the monthly financial reports, showing comparison of revenue and expenditures to anticipated revenues and appropriation expenditures. He shall be responsible for advising the City Manager and the Board of Commissioners as soon as possible concerning significant deviation. The director of finance shall be personally responsible for adequate safeguards for City assets, including cash, inventories, equipment and pertinent records concerning the same, as well as records of all receivables and liabilities of the City. Adequate safeguards shall include the proper internal control procedures and sufficient insurance concerning any theft, casualty and liability exposure. The director of finance shall be the custodian of all monies of the City and responsible for promptly depositing all receipts in designated bank accounts as well as responsible for prompt payment of current bills and obligations against the City, when approved.

The director of finance shall be properly and sufficiently bonded.

Section 5.6 Administrative departments.

- A. *Creation of departments.* The Board of Commissioners may establish or abolish departments of the City, offices or agencies pursuant to the authority granted by ARTICLE IV, BOARD OF COMMISSIONERS, Section 4.7, Creation of New Departments, of this Charter.
- B. *Direction by Manager.* All departments, offices and agencies shall be under the direction and supervision of the City Manager and shall be further administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Board of Commissioners, the Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

Section 5.7 Personnel systems; Civil Service Commission.

- A. *Merit principal.* All appointments and promotions of City employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- B. *Civil Service Commission; Membership.* There shall be a Civil Service Commission of the City of Madeira Beach, Florida, which Commission shall be composed of five citizens of said City. The Civil Service Commission shall be appointed by the Board of Commissioners of the City of Madeira Beach, Florida. The term of office for each member shall be three years and shall be staggered so that not more than two terms expire within any one year. Three Commissioners shall constitute a quorum. Members of the Civil Service Commission shall hold no remunerative office or employment under the City of Madeira Beach, Florida. The Board of Commissioners of the City of Madeira Beach, Florida, shall have the authority to remove for cause any and/or all Civil Service Commissioners.
- C. *Personnel Rules.* The Civil Service Commission shall prepare personnel rules. When concurred by the City Manager, the rules shall be proposed to the Board of Commissioners, and the Board of Commissioners may by Ordinance adopt them with or without amendment. These rules shall include, but are not limited to:
 - 1. The classification of all classified City positions, based upon the duties, authority and responsibility of each position, with adequate provisions for classification of any position whenever warranted by circumstances;
 - 2. A pay plan for all classified City positions;
 - 3. Methods for determining the merits and fitness of candidates for appointment or promotions;
 - 4. The policies and procedures regulating reduction in force, demotion, suspension and removal of employees;
 - 5. The hours of work, attendance regulation and provisions for sick and vacation leave;
 - 6. Grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee. In this respect the Civil Service Commission shall have the power to issue subpoenas to compel attendance by witnesses and to administer oaths;
 - 7. Other practices and procedures necessary to the administration of the City personnel system;
 - 8. In connection with the aforementioned personnel rules, the Civil Service Commission shall inquire into the implementation of such personnel rules as considered necessary to ensure compliance therewith.
- D. *Duties and powers of the Civil Service Commission.* All duties, powers, reservations of power, and funding for the Civil Service Commission may be provided for by Ordinance duly passed by the Board of Commissioners of the City of Madeira Beach, Florida.
- E. *Powers to collectively bargain recognized.* Nothing contained in this Charter shall limit the power of the Board of Commissioners of the City of Madeira Beach, Florida, acting through its Manager from entering into collective bargaining negotiations with any officers, employees, or group of employees for the purpose of establishing by contract conditions of employment, rules or compensation of said officers, employees, or groups of employees. For the purposes of this Charter, ARTICLE I, Section 6, of the Constitution of the State of Florida is specifically recognized.

(Ord. No. 446, 1-28-1975; Ord. No. 664, 8-14-1984/11-7-1984; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)