

RESOLUTION 2023 - 53

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA APPROVING A PRELIMINARY RESOLUTION TO TERMINATE CITY MANAGER, RODNEY D. LUCAS, WITH CAUSE, PURSUANT SECTION 3.03 OF THE CITY OF PAHOKEE'S CHARTER; TO PROVIDE REASONS FOR THE INTENDED REMOVAL OF THE CITY MANAGER AND OFFER THE CITY MANAGER AN OPPORTUNITY FOR A PUBLIC HEARING BEFORE THE COMMISSION ON THE MATTERS RAISED BY THE PRELIMINARY RESOLUTION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the City of Pahokee's Regular Commission Meeting of August 22, 2023, the City Commission passed a future agenda item requiring a Preliminary Resolution to be prepared for consideration on the termination of City Manager Rodney D. Lucas, with cause, pursuant to Section 3.03 of the City Charter; and

WHEREAS, pursuant to Section 3.03 of the City of Pahokee's Charter, "to remove a Charter officer, the city commission shall adopt a preliminary resolution stating reasons for the intended removal and shall offer the Charter officer an opportunity for public hearing before the commission on the matters raised by the resolution."; and

WHEREAS, Section 3.03 of the City Charter also allows for the suspension of the Charter officer from duty immediately with pay. The Charter officer must then accept the offer of public hearing or file a written response within ten (10) days of the adoption of the preliminary resolution or the resolution becomes final at the expiration of the ten-day period and the Charter officer is terminated on that date. If the public hearing is requested, it shall be held not earlier than twenty (20) days or later than thirty (30) days

after the adoption of the preliminary resolution. After such public hearing, or after consideration of any written response, the commission shall adopt a final resolution of removal or let the preliminary resolution lapse; and

WHEREAS, the City Commission desires to terminate the City Manager for misfeasance (wrongful exercise of a lawful authority) and nonfeasance (failure to perform an act that is required by law) for the following specific reasons set forth herein: _____

_____ ; and

WHEREAS, upon adoption of this resolution, the procedure set forth in Article III, Section 3.03 "Removal" of the City of Pahokee's Charter will commence.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. **Action.** The City Commission has voted to terminate the City Manager, Rodney D. Lucas, with cause, for the following reasons for the intended removal being: misfeasance (wrongful exercise of a lawful authority) and nonfeasance (failure to perform an act that is required by law) as specifically set forth below:

_____.

Section 2. **Notice.** This resolution will serve as the preliminary resolution required for a Charter Officer under Article III, Section 3.03 "Removal" of the City of Pahokee Code of Ordinances.

Section 3. **Adoption.** Upon adoption of this resolution, the procedure in Article III, Section 3.03 “Removal” of the City of Pahokee’s Charter will commence. Under Article III, Section 3.03 “Removal” of the City of Pahokee Code of Ordinances, the Charter Officer of City Manager will then have an opportunity for public hearing before the commission on the matters raised in this resolution. The Charter Officer of City Manager must accept the offer of public hearing or file a written response within ten (10) days of the adoption of the preliminary resolution or the resolution becomes final at the expiration of this ten-day period and the Charter officer is terminated on that date. If the public hearing is requested it shall be held not earlier than twenty (20) days or later than thirty (30) days after the adoption of the preliminary resolution. After such public hearing, or after consideration of any written response, the commission shall adopt a final resolution of removal or let the preliminary resolution lapse.

Section 4. **Preliminary Resolution.** This Resolution will serve as the preliminary resolution as required by Article III, Section 3.03 “Removal” of the City of Pahokee’s Charter.

Section 5. **Effective Date.** That this Resolution shall become effective immediately upon passage.

ATTESTED:

Tijauna Warner, City Clerk

Mayor Keith W. Babb, Jr.

APPROVED AS TO

Mayor Babb _____

LEGAL SUFFICIENCY:

Commissioner Boldin _____

Commissioner Gonzalez _____

By: _____

Commissioner Murvin _____

City Attorney

Commissioner Perez _____