

INTRODUCED BY:
MAYOR PRUETTE



ORDINANCE NO. 2015-08

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION; ARTICLE III, OFFICERS AND EMPLOYEES, DIVISION 2, CITY MANAGER; SECTION 2-82, QUALIFICATIONS; SECTION 2-83(a)(b) TERM OF APPOINTMENT; PROCEDURE FOR REMOVAL; SECTION 2-84(a)(b) DUTIES; SECTION 2-85(b)(c)(d)(f) POWERS; SECTION 2-86, COMPENSATION; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

Now, Therefore, be it ordained by the City Council of Neptune Beach, Florida:

Section 1. Chapter 2. Administration, Article III, Officers and Employees, Division 2, City Manager, Section 2-82. Qualifications shall be amended as follows:

Section 2-82. Qualifications

The city manager shall be appointed by the city council solely on the basis of ~~his~~ executive and administrative qualifications with special emphasis on ~~his~~ actual experience, education in, or knowledge of, administration and operation of local government management. The city manager shall be appointed without regard to ~~his~~ political beliefs and need not be a resident of the city or state at the time of ~~his~~ appointment, but during ~~his~~ the term of office the city manager ~~he or she~~ shall be a resident of the city. The city council may, upon request of the city manager, by majority vote, authorize the city manager to reside within ~~the areas~~ adjacent area to Neptune Beach. The city manager shall not be a member of the civil service system and no person elected to the office of mayor or councilmember shall be eligible for appointment as city manager until one (1) year has elapsed following the term for which he was elected.

Section 2. Chapter 2. Administration, Article III, Officers and Employees, Division 2, City Manager, Section 2-83(a)(b). Term of appointment; procedure for removal shall be amended as follows:

Section 2-83. Term of appointment; procedure for removal

- (a) The city manager shall be appointed by affirmative vote of a majority of all members of the council for ~~an indefinite term as specified by contract. , and may be removed by like vote of the council. Thirty (30) days before such removal may become effective the manager shall be furnished with a resolution passed by a majority of the members of the council setting forth the council's intention and grounds therefor. Upon request by the manager, the council shall fix a time for a public hearing upon the question of his removal and the final action resolution removing the manager shall not be adopted until after the public hearing. Upon adoption of the resolution setting forth the council's~~

~~intention to remove the manager, the council may suspend him, but his pay shall continue until his removal has been accomplished as herein prescribed.~~

- (b) In the absence or disability of the city manager, the council may designate another administrative officer of the city to perform the duties of the city manager during such disability or absence.

Section 3. Chapter 2. Administration, Article III, Officers and Employees, Division 2, City Manager, Section 2-84(a)(b). Duties shall be amended as follows:

Section 2-84. Duties

- (a) *Appointments, dismissals.* The city manager shall appoint competent, qualified officers and employees to the administrative service and shall have the power to dismiss, suspend and discipline, in accordance with the civil service, all officers and employees in the administrative service under ~~his~~ the city manager's control. ~~He~~ The city manager shall also have the power to authorize a department head or officer ~~responsible to him~~ to appoint and remove subordinates serving under that department head or officer.
- (b) *Vacancies in administration.* The city manager shall designate ~~himself~~ itself or some other officer or employee to perform the duties of any officer of any office or position in the administrative service under ~~his~~ the city manager's control which is vacant or which lacks administration due to the absence or disability of the incumbent.
- (c) *Annual report.* The city manager shall prepare and present to the city council an annual report of the city's affairs, including a summary of reports of department heads, and such other reports as the council shall require.
- (d) *Preparation of budget.* The city manager shall assemble estimates of the financial needs and resources of the city for each ensuing year, and shall prepare a program of activities within the financial power of the city, embodying in it a budget document with proper supporting schedules and analyses.

Section 4. Chapter 2. Administration, Article III, Officers and Employees, Division 2, City Manager, Section 2-85(b)(c)(d)(f). Powers shall be amended as follows:

Section 2-85. Powers.

- (a) *Assignments according to classification.* The city manager shall have the power to assign any employee of the city to any department or branch thereof requiring services appropriate to the personnel system classification of the employee so assigned.
- (b) *Administrative rules.* The city manager shall have the power to prescribe such rules and regulations as ~~he shall~~ deemed necessary or expedient for the conduct of administrative agencies subject to ~~his~~ the city manager's authority, and ~~he~~ shall have the power to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed.
- (c) *Investigations.* The city manager shall have the power itself or by designation, either by himself or by any officer or person designated for the purpose by him, ~~to~~ investigate and to examine or inquire into the affairs or operation of any department, division, bureau or

office; and when so authorized by the council, ~~he~~ shall have the power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries.

- (d) *Overrule of official.* The city manager shall have the power to set aside any action taken by a department head and may supersede ~~him~~ same in the functions of ~~his~~ that office.
- (e) *Delegation of duties.* The city manager shall have the power to direct any department, division or bureau to perform the work for any other department, division or bureau.
- (f) *Appointment of administrative committees.* The city manager shall have the power to designate from the administrative service such committees and the officers thereof as ~~he finds~~ necessary for the proper consideration of administrative problems. Such committees shall meet at the request of the city manager and shall make such recommendation on matters referred to them as they find necessary for the best interests of the city.
- (g) *Appearance before the council.* The city manager shall have the power to appear before and address the city council at any meeting.

Section 5. Chapter 2. Administration, Article III, Officers and Employees, Division 2, City Manager, Section 2-86. Compensation shall be amended as follows:

Section 2-86. Compensation.

The city manager shall be compensated at a salary and with such other benefits as provided by law and as ~~shall be~~ established by the city council and set forth in the annual budget of the city.

Section 6. This Ordinance shall become effective after passage by the City Council.

VOTE RESULTS OF FIRST READING:

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|---------------------------|--------|
| Mayor Harriet Pruette | Yes |
| Vice Mayor Richard Arthur | Yes |
| Councilor John Jolly | Absent |
| Councilor Kara Tucker | Yes |
| Councilor Scott Wiley | Yes |

Passed on First Reading this 4th day of May, 2015.

VOTE RESULTS OF SECOND AND FINAL READING:

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|---------------------------|-----|
| Mayor Harriet Pruette | Yes |
| Vice Mayor Richard Arthur | Yes |
| Councilor John Jolly | Yes |
| Councilor Kara Tucker | Yes |
| Councilor Scott Wiley | Yes |

Passed on Second and Final Reading this 1st day of June, 2015.

Harriet Pruette, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved as to form and correctness:

Patrick Krechowski, City Attorney