

AGENDA
CITY OF VALPARAISO & Valparaiso Cable Authority Joint Meeting

465 Valparaiso Parkway
Valparaiso, Florida
850-729-5402

Workshop
September 11, 2023
5:00 PM

1. City Manager/City Administrator

ORDINANCE NO. XXXXXXXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VALPARAISO, FLORIDA, ESTABLISHING THE OFFICE OF THE CITY MANAGER OF VALPARAISO, FLORIDA; ESTABLISHING TERMS OF APPOINTMENT, REMOVAL, COMPENSATION, AND RESIDENCY REQUIREMENTS; ESTABLISHING AUTHORITY, DUTIES, AND QUALIFICATIONS FOR CITY MANAGER; PROVIDING FOR ABOLISHMENT OF THE OFFICE OF THE CITY MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Valparaiso, Florida is a duly constituted municipality having power and authority pursuant to the Florida Constitution and Chapter 166, Florida statutes; and

WHEREAS, the City of Valparaiso City Charter established a commission form of government which combines both executive and legislative powers in the governing board of the Valparaiso, Florida city commission; and

WHEREAS, Article IV, Section 2 of the Valparaiso City Charter provides in part that each commissioner shall appoint such person(s) necessary for carrying on the administration of the city government under their respective departments; and

WHEREAS, Article V, Section 5 allows the city commission to create such offices and appointment such additional officers and employees necessary for the good governance of the city; and

WHEREAS, the City Commission has determined that a hybrid form of government that would retain both executive and legislative powers with the commissioners, and establish the office of a city manager as an executive branch officer who will exercise those shared executive powers, authority, and duties as may be assigned, modified, or removed from time-to-time by the city commission; and

WHEREAS, the City Commission finds that the provisions of this ordinance would retain the commission form of government and allow for better and more efficient governance for the City of Valparaiso.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF VALPARAISO, FLORIDA:

SECTION 1. The “WHEREAS” clauses above are incorporated herein as the legislative findings of the City Commission.

SECTION 2. This Ordinance shall create the Office of the City Manager of Valparaiso, Florida, establish the terms of the appointment, removal, compensation, and residency requirement of the executive officer known as the Valparaiso City Manager; set forth qualifications for the City Manager; define the powers, authority, and duties of the City Manager; and set forth the terms under which this ordinance may be repealed and the Office of the City Manager be abolished, and accordingly, the Valparaiso City Code shall be amended to read as follows:

Sec. XX-XX. – Appointment; Removal; Compensation; and Residency for City Manager.

- (1) Appointment. The city commission shall be responsible for the appointment of a city manager. Such appointment of the city manager shall be by an affirmative vote of three (3) commissioners.
- (2) Removal. The city commission may remove the city manager by an affirmative vote of three (3) commissioners.
- (3) Compensation. Compensation for the city manager shall be established by the City Commission prior to appointment and may be adjusted from time to time at the discretion of the city commission.
- (4) The City Commission may require as a condition of employment the city manager shall reside in the City of Valparaiso, Florida.
- (5) The terms of any appointment, removal, compensation, and residency requirements for the city manager shall be reduced to a written contract prepared by the City Attorney and approved by the City Commission.

Sec. XX-XX. – Qualifications of City Manager

The City Manager shall possess the requisite knowledge and experience as the City Commission deems appropriate. Qualifications to consider shall include, but not be limited to:

- (a) Degrees or certifications earned from an accredited higher learning institution;
- (b) Managerial experience with a preference for management in local government administration;
- (c) A minimum of three (3) years of experience as a local government administrator or city manager with supervision of various local

- government departments;
- (d) Knowledge in some or all of the following employee relations, utilities, city maintenance, land use, planning, finance, public safety, parks and recreation;
 - (e) Working knowledge of state, regional, and federal programs that work with or award grants to municipalities;

Sec. XX-XX – Duties of City Manager

(1) The city manager shall attend all meetings of the city commission, with the right to participate and discuss affairs of the city.

(2) The city manager shall report to each commissioner as necessary, but no less than once a month to discuss the current conditions and status of any city department or function of the city.

(3) The city manager shall report the financial condition of the city and be required to develop a balanced annual city budget to include all departments of the city on or before August 31 of each year, and the city manager shall be responsible for proper administration of the annual budget and revisions upon adoption by the City Commission.

(4) The city manager shall present financial and activity reports as requested by the City Commission.

(5) The city manager shall be responsible for arranging a financial audit of the city's finances by a certified public accountant or accounting firm, the selection of whom shall be approved by the city commission.

(6) The city manager shall assist the auditors and the city clerk or finance director in the preparation of a comprehensive annual financial report in accordance with state law.

(7) The city manager shall prepare and maintain job descriptions for all employees of the City of Valparaiso (excluding any charter officers) and recommend salaries and salary adjustments in accordance with city personnel policies.

(8) The city manager shall, with the assistance of department heads or department supervisors, determine the work schedules of city personnel.

(9) The city manager, through the department heads or department supervisors, determine day-to-day work schedules of city personnel, to include all departments of the city. Employees of the city clerk's office and police department shall be included as city departments to the extent the city manager is aware of the work schedules of such employees as presented to the city

manager by the city clerk and chief of police. Any differences of opinion regarding city personnel between the city manager and clerk or chief of police shall be presented to the city commission.

(10) The city manager shall supervise the receipt, recording and responding to complaints related to city services, and develop solutions when possible to address such complaints. If the city manager is unable to resolve the complaint or outstanding issue, the complaint or issue shall be submitted to the city commission for consideration and action.

(11) The city manager shall develop and prepare a permanent file which shall include a complete description of all city properties and improvements located on such properties, and an annual inventory of all city personal property (i.e. furniture, fixtures, equipment, motor vehicles, etc.).

(12) The city manager shall coordinate maintenance and care of all city property, monitor the use of any city property by any other person, group or agency and report any issues to the city commission.

(13) The city manager shall confer with the city attorney on all legal matters involving the city including all leases, contracts, agreements, and potential matters that may result in or have resulted in litigation against the city and make recommendations pertaining thereto.

(14) The city manager shall be responsible for hiring employees of the city that are budgeted by the City Commission, except for any positions that report directly to the City Commission or are otherwise hired or appointed by a manner set forth in the City's Charter or city code. The hiring of city employees by the city manager shall follow all rules and regulations set forth in the city's personnel policies, along with any instructions voted on by the City Commission.

(15) The city manager shall have the power to:

(a) terminate any city employee that the city manager had the ability to hire, or any employee otherwise appointed or hired by the City when termination of that employee is not exclusively reserved to the City Commission. Any termination of an employee by the city manager shall be done in accordance with the City's personnel policies and upon the determination that said termination is necessary and appropriate; and

(b) suspend any city employee, with or without pay. Any suspension of an employee by the city manager shall be done in accordance with the City's personnel policies and upon the determination that said termination is necessary and appropriate.

Any termination or suspension of an employee made by the City Manager may be overturned by the City Commission upon a majority vote. This does not create a duty for the City Commission to take any action on or deliberate to take such

action to overturn a decision to terminate or suspend an employee made by the city manager.

(16) The city manager shall insure that all laws, ordinances, resolutions, policies and acts of the City Commission, subject to the city manager's discretion and supervision, are faithfully executed.

(17) The city manager shall sign and execute contracts on behalf of the city upon approval by the City Commission.

(18) The city manager shall hold meetings with department heads and supervisors on a monthly basis.

(19) The city manager shall perform such other duties as may from time to time be prescribed by the City Commission.

SECTION 3. CITY MANAGER SHALL HAVE THE SAME STATUS, AUTHORITY, POWER, AND DUTIES AS CITY ADMINISTRATOR

The City Manager shall have the same status, authority, power, and duties as the "city administrator" under the Valparaiso Code of Ordinances and the Land Development Code. Accordingly, those areas in the code of ordinance or land development code which refer to the city administrator will be handled by the city manager.

SECTION 4. ABOLISHING OFFICE OF THE CITY MANAGER

The City Commission upon a unanimous vote of five (5) to zero (0) may abolish the office of the city manager.

SECTION 5. SEVERABILITY

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph section or clause is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 6. CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. CODIFICATION.

The sections of the Ordinance are to be made a part of the City of Valparaiso's Code of Ordinances and may renumbered or re-lettered, and the word "ordinance" may be changed to "section" or "article" or any other appropriate word.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption.

ADOPTED IN SESSION THIS _____ DAY OF _____, 2023.

Hubert B. Smith, Mayor
City of Valparaiso, Florida

ATTEST:

Tammy Johnson, CMC
City Clerk