

Sec. 39. - Appointment of city manager.

The commission shall appoint a city manager for an indefinite term and fix his compensation. He shall be chosen solely on the basis of his executive and administrative qualifications and need not be a resident of the city or state at the time of his appointment. No commissioner shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

Sec. 40. - Removal of city manager.

The city manager may be removed by the city commission at any time with or without cause.

Sec. 41. - Absence, disability, or suspension of city manager.

To perform his duties during his temporary absence or disability, the city manager may, with the approval of the commission, designate by letter filed with the city clerk a qualified administrative officer of the city. If the city manager fails to make such designation or if there is a vacancy in the office of city manager, the commission may designate by resolution a qualified person, or an employee of the city to perform the duties of city manager during his absence or disability or during said vacancy.

Sec. 42. - Powers and duties of city manager.

The city manager shall be the chief executive and administrative head of the municipal government and shall be responsible to the commission for the proper administration of all affairs of the city. He shall exercise general supervision and control over all city departments, except the office of city clerk, city attorney and city auditor. His powers and duties shall be:

- (a) To see that the laws and ordinances are enforced;
- (b) To supervise the operation of the merit system and to uphold and enforce the principles of merit and fitness in all personal actions affecting city officials and employees coming within his jurisdiction;
- (c) To appoint and, when necessary for the good of the service, to transfer, demote, remove or suspend all officers and employees of the city except as otherwise provided by this charter and except as he may authorize the head of a department or office to appoint, or suspend subordinates in such department or office;
- (d) To fix the number of employees in the city departments, determine their duties and conduct a comprehensive program of in-service training for city officials and employees to help them develop their talents and skills and increase their proficiency;
- (e) To prepare the annual budget and submit it to the commission not later than August 15 of each fiscal year and to be responsible for its execution after adoption by the commission;
- (f)

To keep the commission fully informed of the financial condition and future needs of the city and to make such recommendations as he may find desirable;

- (g) To prepare and submit to the commission as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
- (h) To attend all meetings of the commission with the right to take part in the discussion but without a vote;
- (i) To appoint[,] with the approval of the city commission, a finance director for the city, who shall be under the supervision and direction of the city manager;
- (j) To perform such other duties as may be prescribed by this charter or required of him by the commission, not inconsistent with this charter.

(Laws of Fla., Ch. 65-1552, § 6; Laws of Fla., Ch. 71-643, § 7)

#### Sec. 43. - Departmental organization.

There shall be a department of finance, a police department, an office of city auditor, an office of city clerk, an office of city attorney, a city prosecuting attorney, a personnel officer, a municipal court and such other departments and offices as provided in this act or may be established by the city commission by ordinance.

Each department as herein established, except the city auditor, city clerk, the city attorney, the municipal court, and the city prosecuting attorney, shall be administered by an officer designated by, and subject under this charter to the direction and supervision of the city manager. With the consent of the city commission, the city manager may serve as the head of one or more departments; provided, however the city manager shall not serve as personnel officer or director of finance, or auditor; provided further that the director of finance shall not serve as city clerk or auditor.

(Laws of Fla., Ch. 65-1552, § 7)

**Editor's note**— This section was amended by Ord. No. G-356, § 2, adopted August 1, 1977 without referendum. As it appears that this section cannot be amended without a referendum (see F.S. §§ 166.021, 166.031), the section has been restored to read as amended by Laws of Fla. ch. 65-1552, § 7. References in the above section to the municipal court and city prosecuting attorney are obsolete.

#### Sec. 44. - City clerk.

The city commission shall appoint a city clerk for an indeterminate term and fix his compensation.

[Text deleted.]

(Laws of Fla., Ch. 65-1556, § 3; Laws of Fla., Ch. 67-1391, §§ 8, 9; Laws of Fla., Ch. 69-1065, § 5)

**Editor's note**— Pursuant to F.S. § 166.021, the provisions of section 44 (first sentence excepted) were either repealed as a limitation on power or assumed ordinance status. Such provisions have been included in the Code. See the code comparative table for the 1957 Charter for their location in the Code.

Sec. 45. - City attorney.

(a) The city commission shall appoint a city attorney for an indefinite term and fix his compensation.

[Text deleted.]

(Laws of Fla., Ch. 65-1552, § 8; Laws of Fla., Ch. 71-643, § 8; Ord. No. G-356, § 4, 8-1-1977)

**Editor's note**— Pursuant to F.S. § 166.021, the provisions of section 45 (first sentence excepted) were either repealed as a limitation on power or assumed ordinance status. Such provisions have not been included in the Code and are, therefore, repealed by the adoption of the Code.