

ARTICLE IV. - EXECUTIVE OFFICERS

Sec. 4.01. - Executive officers.

The mayor, the city manager, the city clerk, the director of finance and the city attorney are recognized as executive officers of the city and shall severally perform on behalf of the city the following duties:

- (a) The mayor, the city manager, the director of finance and city clerk shall sign all bonds issued by the city.
- (b) All contracts, agreements, leases or other instruments to which the city is a party and under which the city assumes any liability, shall be executed in the name of the city by the mayor and city manager, attested by the city clerk, and the form of any such instrument shall be previously approved by the city attorney or assistant city attorney, provided, however, that where by ordinance or resolution, the execution of short-term leases or other instruments is delegated to another person, such instrument may be executed in the manner provided by such ordinance or resolution.
- (c) All checks for the payment of money by the municipality shall be signed by the director of finance or by the holder of such other position as is authorized by resolution of the city commission. All persons authorized to sign checks shall be under fidelity bond in an amount recommended by the city manager and prescribed by resolution of the city commission.

(Ord. No. C-85-40, § 2, 5-7-85; Ord. No. C-18-47, § 4, 1-22-19)

Sec. 4.02. - Compensation of officers and employees.

The city commission of the City of Fort Lauderdale shall by resolution fix the compensation of commissioners, but any resolution increasing or reducing the compensation of commissioners shall not be adopted subsequent to July 31 of the year immediately preceding the year of the election and shall not be effective until the seating of the next commission following the next election. The city commission shall by resolution fix the compensation of the city manager, the city auditor, the city clerk, and the city attorney. All other officers and employees shall receive the compensation designated under the pay plan and rules and regulations of the civil service system or the applicable collective bargaining agreement.

Sec. 4.03. - Official bonds.

The city commission of the City of Fort Lauderdale shall by resolution fix the compensation of commissioners, but any resolution increasing or reducing the compensation of commissioners shall not be adopted subsequent to July 31 of the year immediately preceding the year of the election and shall not be effective until the seating of the next commission following the next election. The city commission shall by

resolution fix the compensation of the city manager, the city auditor, the city clerk, and the city attorney. All other officers and employees shall receive the compensation designated under the pay plan and rules and regulations of the civil service system or the applicable collective bargaining agreement.

(Ord. No. C-18-47, § 5, 1-22-19)

Sec. 4.04. - Functions and duties of mayor.

The mayor or, in his or her absence or disqualification, the vice-mayor, shall perform the following functions:

- (a) Preside at all meetings of the city commission, and maintain order and decorum. He or she shall have the right to limit the time a person shall be permitted to speak upon a given subject. He or she shall have the right to follow an order of business by written agenda, if desired. He or she shall have the right to expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order and decorum at the meeting, and upon direction of the presiding officer, the police department shall expel such person from the meeting.
- (b) He or she shall have a voice and vote in the proceedings of the city commission, but no veto power. He or she shall vote last upon the roll call of commissioners. He or she shall have the right to temporarily relinquish the chair to the vice-mayor or other commissioner in order to make a motion, or offer a resolution or ordinance.
- (c) He or she may use the title of mayor in any case in which the execution of legal instruments, writings, or other papers so require; but this shall not be considered as conferring upon him or her any of the administrative or judicial functions of a mayor under the general laws of the state, except as herein provided.
- (d) He or she shall be recognized as the official head of the city by the courts for the purposes of serving civil processes; by the government in the exercise of military law; and by the public in general for all ceremonial purposes.
- (e) He or she shall exercise all the power and duties of the mayor as may be conferred upon him or her by the city commission in pursuance of the provisions of this charter, and no others.

(Ord. No. C-18-47, §§ 6, 17, 1-22-19)

Sec. 4.05. - City manager; appointment; qualifications; compensation.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government answerable to and under the direction and supervision of the city commission, and he or she shall hold office at the pleasure of the city commission. He or she shall receive such compensation as the city commission may by resolution fix and determine, and shall furnish such bond as the city commission

may require. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications, without regard to his or her political belief, shall be over the age of twenty-one (21) years, shall reside in the city during his or her term of office, but he or she need not be a resident of the city or state at the time of his or her appointment. A city manager shall serve the city on a full-time basis. He or she shall not be or become engaged in any other occupation. He or she shall not serve on any committee, board, or as an officer of any enterprise, compensated or not, while in the city's service, except by approval of the city commission by resolution.

(Ord. No. C-18-47, § 17, 1-22-19)

Sec. 4.06. - Acting city manager upon resignation of or during absence or disability of city manager.

Upon the resignation of or during the absence or disability of the city manager, the city commission may by resolution designate some properly qualified person, either classified or exempt service, to temporarily execute the functions of his or her office. The person thus designated shall have the same powers and duties as the city manager, and shall be known while service as "acting city manager."

(Ord. No. C-18-47, § 17, 1-22-19)

Sec. 4.07. - Assistants to the city manager.

Upon the recommendation of the city manager, a deputy city manager may be appointed by resolution of the city commission. Assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be appointed by the city manager. The deputy city manager, assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be in the exempt service and may be suspended, demoted or removed by the city manager. The compensation of such members of the city manager's staff who are in the exempt service shall be established by the provisions of the city's pay plan.

Sec. 4.08. - Removal or discharge.

The city manager may be removed or discharged by resolution of the city commission at any time. In such resolution the commission shall designate an acting city manager to serve in the place of the removed city manager, and the removed city manager shall vacate the office upon adoption of the resolution. Within five (5) days after the adoption of resolution removing or discharging him or her, such removed city manager shall have the right to have served upon him or her written statement of specific reasons for his or her discharge, if he or she so desires, by filing a demand for same with the city clerk, and leaving sufficient copies with the city clerk for service upon members of the city commission. Such written statement of specific reasons, signed by a majority of the city commission shall be delivered to such removed officer within five (5) days after service of such demand as aforesaid, and a definite time and date fixed in such written statement for a public hearing before the commission within not less than five (5) days and not

more than ten (10) days after the service of such written statement. At the time and place specified the city commission shall convene as a body at a special meeting for the purpose of conducting a public hearing upon such charges. The removed city manager shall have the right to appear at such hearing to answer and rebut such charges or reasons, and he or she shall have the right to be represented by his or her own private counsel. At the conclusion of such hearing the commission shall adopt a resolution confirming such removal or reinstating such removed city manager. If reinstated he or she shall receive full pay for the period intervening between his or her removal and reinstatement.

An acting city manager may be removed at any time by resolution of the city commission, and such removed person shall not be entitled to a public hearing upon such removal.

(Ord. No. C-98-46, § 1, 9-1-98/11-3-98; Ord. No. C-18-47, § 17, 1-22-19)

Sec. 4.09. - Powers and duties.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city coming under his or her jurisdiction, and to that end he or she shall:

- (a) See that the laws and ordinances of the city are enforced.
- (b) Appoint, suspend, demote or remove any subordinate officers and employees under his or her jurisdiction, in accordance with the charter and applicable rules.
- (c) Exercise control, direct, and supervise all activities of the municipal government, except as otherwise provided in this charter.
- (d) See that all terms and conditions imposed in favor of the city or its inhabitants in all contracts including leases and public utility franchises are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the city attorney and the city commission, and it is hereby made the duty of the city attorney to take such legal steps as may be necessary to enforce the same when so directed by the city commission.
- (e) Attend all meetings of the city commission, with right to take part in the discussions, but without having a vote.
- (f) Recommend to the city commission for consideration such measures as he or she may deem necessary or expedient in the interests of the city.
- (g) Keep the city commission fully advised as to the financial conditions and needs of the city, and at such times and in such detail as may be specified submit to the city commission for its consideration an annual budget.
- (h) Advise and consult with all officers and official heads of the several departments of the city relative to the affairs of such departments, and to make recommendations to the city commission respecting such department.
- (i)

Investigate and determine whether purchases of current supplies and contractual services are made in accordance with regulations prescribed by charter and ordinance, and whether competitive conditions are maintained in a fair and impartial manner.

- (j) Permit no contract to be let for the construction of public improvements, unless same is approved by the city commission after public advertisement for bids, except emergency construction.
- (k) Sign all bonds, contracts and agreements of the City of Fort Lauderdale.
- (l) Perform such other duties as may be prescribed under this charter, or may be required of him or her by motion, direction, ordinance or resolution of the city commission.

(Ord. No. C-18-47, § 17, 1-22-19)

Sec. 4.10. - City attorney; appointment; qualifications; compensation.

The city commission shall appoint a city attorney who shall be employed under such terms and conditions as it may deem advisable. The city attorney shall be a lawyer of at least two (2) years' experience and practice in the courts of the State of Florida. The city attorney shall receive such compensation as the city commission may by resolution fix and designate. Neither the city attorney nor any of his or her assistants shall receive any compensation in connection with the performance of the duties of the office other than the amounts paid directly by the city for services rendered to the city. The city commission may, by resolution, authorize one (1) or more special counsel to be retained for the purpose of performing such legal duties as may be prescribed by said resolution. Each such resolution shall further prescribe the compensation to be paid the special counsel.

(Ord. No. C-18-47, § 17, 1-22-19)

Sec. 4.11. - Assistants to the city attorney.

Upon the recommendation of the city attorney, a deputy city attorney may be appointed by resolution of the city commission. Assistant city attorneys shall be appointed by the city attorney. The deputy city attorney and assistant city attorneys shall be in the exempt service and may be suspended, demoted or removed by the city attorney. The compensation of the deputy city attorney and assistant city attorneys shall be established by the provisions of the city's pay plan.

Sec. 4.12. - Duties.

The city attorney shall be the legal advisor to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties, and is further charged with the responsibility of prosecuting offenders against the ordinances of City of Fort Lauderdale, and to that end he or she or his or her delegated assistants shall:

- (a) Attend the meetings of the city commission and advise the city commission on all points of law and parliamentary procedure.
- (b) Prepare all ordinances and resolutions required by the city commission for adoption or enactment.
- (c) Prepare, and/or review, all contracts and other instruments in writing in which the municipality is concerned, and endorse on each his or her approval of the form and correctness thereof (except that municipal bonds need not be endorsed with the approval of the city attorney as to form and correctness thereof), and no formal contract with the municipality shall take effect until such approval is so endorsed thereon.
- (d) Protect and defend on behalf of the city all complaints, suits and controversies in which the city is a party, or, when required to do so by the city commission, file any action on behalf of the city.
- (e) Furnish the city commission or the city manager, when requested to do so, his or her opinion on questions of law relating to any legal matter or to the powers, duties, obligations, or liability of any officer or employee of the city.
- (f) Act as the legal advisor to any city board or department.
- (g) If required to do so, compile and codify the laws and ordinances of the City of Fort Lauderdale into a Code of Ordinances; but the city may contract for such work to be performed by other persons and may allow special compensation for such work.
- (h) Perform such other professional duties as may be required of him or her by this charter or by ordinance or resolution of the city commission.
- (i) The deputy city attorney and assistant city attorneys shall work under the supervision of the city attorney, and perform such duties as he or she shall require of them. In such cases they shall have the same powers as the city attorney.

(Ord. No. C-18-47, § 17, 1-22-19)

Sec. 4.13. - City clerk.

- (a) The city commission shall appoint a city clerk who shall be under the direction and supervision of the city commission and who shall hold office at the pleasure of the city commission. The duties of the city clerk shall be as set forth in section 2-83 of the city's Code of Ordinances.
- (b) The city clerk shall employ such other administrative, professional, expert and clerical assistance as is necessary to carry out the city clerk's required duties.

(Ord. No. C-96-50, § 2, 9-17-96; Ord. No. C-08-25, § 1, 6-17-08/11-4-08; Ord. No. C-18-47, § 7, 1-22-19)

Sec. 4.14. - City auditor; appointment; qualifications; compensation.

- (a) The city commission shall appoint a city auditor who shall be employed under such terms and conditions as the city commission may deem advisable. The city auditor shall receive such compensation as the city commission may by resolution fix and designate. The individual appointed to the position of city auditor shall be a person who holds and maintains an active license to practice public accounting pursuant to Chapter 473, Florida Statutes, as may be amended from time to time, and shall have sufficient experience in governmental accounting and auditing practices.
- (b) The city auditor shall follow governmental auditing standards, and shall review business practices, procedures, internal controls, and procurement practices which are used, employed and promulgated by the city government. The city auditor shall also be responsible for the performance of such other duties assigned by the city commission. To the degree necessary to fulfill the responsibilities of the office, the auditor shall have the power and authority to:
 - (1) Conduct financial and compliance, economy and efficiency, and performance audits of city government and city officials with written reports submitted to both city commission and the city manager.
 - (2) Have free and unrestricted access to government employees, officials, records, and reports; and where appropriate, require all branches, departments, and officials of city government to produce documents, files and other records.
- (c) The city auditor shall review any matter related to city business upon the request of a city commissioner or the city manager.
- (d) The city auditor has authority to remove, for further review and evaluation, an item from any city commission agenda and defer consideration on that item until the next regularly-scheduled meeting of the city commission. The item must relate to a transaction in which the city will either expend or receive funds, property, goods or services. The city commission may override the city auditor's decision to remove an item from the city commission agenda by a vote of one (1) more than that which would constitute a majority vote of the full city commission. This right of removal may only be exercised once for each agenda item removed.
- (e) The city auditor shall employ such other administrative, professional, expert and clerical assistance as is necessary to carry out the city auditor's required duties.

(Ord. No. C-04-37, § 1, 7-26-04)