

MEMORANDUM

TO: Council Members

FROM: Harley Strickland, Mayor *for HS*

DATE: March 10, 2009

SUBJECT: Amendments to the City Code

PURPOSE

To begin discussions regarding inconsistencies in the City Code.

BACKGROUND

The subject of inconsistencies found in the Code has surfaced recently. One of those issues, providing a means for the Manager to be excused from a Council meeting, was corrected with the adoption of the new Charter.

Section 2-3 (k) of the Code requires the City Manager to "Respond in writing to any member of the public coming before the Council during citizen comments within 48 hours of their inquiry and advise the Council of the action taken at the next meeting in the Manager's report." This requirement was made a part of the code in 1993 and has not been followed for some time.

I would like for Council to address this issue in a discussion. Perhaps it is time for an overall review of Section 2 in its entirety to identify if there are additional issues which are not congruent with current practice. If a change is going to be made to this Section, it would make sense to address all issues at one time.

Section 2-6 in the Code was written in 1979 at a time when the Fire Department was located in the basement of Town Hall and it addresses public access to the Fire Department and equipment. This section is completely outdated.

RECOMMENDATION

I would like for us to engage in a discussion toward the purpose of providing staff with direction on resolving some of the inconsistencies in administrative areas of the Code.

ARTICLE I. IN GENERAL

Sec. 2-1. Form of government.

The City of Orange City shall have the council-manager form of government.

(Ord. No. 89-2-1, § 1, 2-28-89)

Charter references: Similar provisions, § 1.02.

Sec. 2-2. City manager--Position created; appointment; removal.

The position of city manager is hereby created. The city manager shall be appointed by resolution by a majority vote of the city council for an indefinite term. The appointing resolution shall set forth the terms and conditions of employment. The manager shall be chosen by the council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. The city council may remove or suspend the city manager at any time by a majority vote of its full membership with all members present. Said suspension or removal shall be based on written charges and an opportunity to be heard in accordance with due process of law.

(Ord. No. 89-2-1, § 1, 2-28-89)

Charter references: City manager required, § 3.01.B.

Sec. 2-3. Same--Powers and duties.

The city manager shall be the chief executive officer of the city. He shall be responsible to the city council for the administration of affairs of the city placed in his charge, and to that end he shall have the power and shall be required to:

- (a) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by the Charter or by law.
- (b) Appoint upon the basis of ability and competence and, when necessary, remove any employee of the city under his direction for cause.
- (c) Prepare and submit the annual budget, budget message and capital program to the council in a form provided by ordinance, and be responsible for the administration of the budget after its adoption.
- (d) Attend all meetings of the council, with the right to take part in discussion, but without having a vote.
- (e) See that all laws, provisions of the Charter and acts of the council, subject to enforcement by him or by employees subject to his direction and supervision, are faithfully executed.
- (f) Submit to the council and make available to the public a complete report of the finances and administrative activities of the city as of the end of each fiscal year.

- (g) Make such reports as the council may require concerning the operations of city departments subject to his direction and supervision.
- (h) Keep the council fully advised as to the financial condition and future needs of the city, and make such recommendations to the council concerning the business of the city as may seem to him desirable.
- (i) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances or approval by the council.
- (j) Execute, on behalf of the city, all instruments to which the city is a party pursuant to ordinance or motion adopted by the council.
- (k) Respond in writing to any member of the public coming before the council during citizen comments within 48 hours of their inquiry and advise the council of the action taken at the next meeting in the manager's report.
- (l) Perform such other duties as are specified in the Charter or which may be required of him by the council, provided they are not inconsistent with the Charter.

(Ord. No. 89-2-1, § 1, 2-28-89; Ord. No. 93-3-1, § 1, 4-13-93)

Charter references: Functions of manager, § 3.01.B.

Sec. 2-4. Personnel manual adopted.

The personnel manual of the city attached to Ordinance No. 92-5-1 as appendix A is hereby adopted and by reference incorporated herein with full force and effect as if fully set forth.

(Ord. No. 92-5-1, § 1, 5-26-92)

Sec. 2-5. Reserved.

Sec. 2-6. Limitation on use of or access to fire station areas of city hall.

- (a) No person shall use, come onto or have access to the fire station area of the city hall, except officers of the city, personnel of the city, city volunteer firemen and other persons authorized by the city.
- (b) The city manager shall have constructed signs to be posted on the doors which give access to the firefighting equipment of the city hall, which signs shall state the following: "Only Authorized Personnel Beyond This Point."
- (c) Any person violating any of the provisions of this section shall, upon conviction thereof in a court of competent jurisdiction, be punished by a fine not to exceed \$100.00 or by imprisonment not to exceed ten days or by both such fine and imprisonment.

(Ord. No. 79-6-1, §§ 3-5, 6-11-79)

Cross references: Fire protection and prevention, ch. 5.5.

State law references: Trespass in structure or conveyance, F.S. § 810.08.

Sec. 2-7. Background search on candidates for public office, elected and appointed officers, and employees.

- (a) The city manager shall conduct a background search on all candidates for public office in Orange City, all elected and appointed public officers and officials, and all employees, for the conviction of a felony.
- (b) All background searches made pursuant to subsection (a) hereof shall not be selective, but shall be made on all candidates, all elected or appointed public officials and officers, and all employees of the city.
- (c) The city manager, in conducting a background search as set forth in subsections (a) and (b) hereof, shall consider only conviction of a felony, the nature of the felony, and whether the individual convicted of the felony has had his civil rights restored.
- (d) The city manager, in conducting a background search, shall use only lawful means to do so and shall follow the guidelines set and prescribed by the department of law enforcement of the State of Florida and the Federal Bureau of Investigation of the United States.
- (e) The information obtained by the city manager shall consist of the following:
 - (1) The person's name upon whom the background search is being made;
 - (2) Whether or not that person has been convicted of a felony;
 - (3) If he has been convicted of a felony, the nature of the felony; and
 - (4) If convicted of a felony, whether or not his civil rights have been restored.

(Ord. No. 80-9-3, §§ 1--5, 9-23-80)

Secs. 2-8--2-15. Reserved.