

**CONCEPT PAPER TWO:  
DUTIES AND ELECTION OF MAYOR**

**Charter Issue 5: Duties of Mayor**

**Current City Charter:**        **"Strong Mayor" Performing the Executive Power.**

**Summary:**    Currently the Mayor serves as the Chair of the Council and also as the chief executive officer of the City responsible for overseeing its administrative functions:

The duties specifically granted to the Mayor are set forth in Section 2.04 of the Charter, and include the following:

1. General administration of all city affairs granted to the Mayor under the Charter.
2. Overseeing the appointment, suspension, and termination of all city employees, except that department heads are to be appointed by the Mayor and ratified by the City Council. (These powers may be delegated by the Mayor to any administrative officer subject to the Mayor's supervision, with respect to subordinates in that officer's department, office, or agency). This includes appointment of the city clerk and city attorney, subject to City Council ratification (Section 3.01).
3. Directing and supervising the administration of all departments, offices, and agencies of the City.
4. Chairing and serving as a voting member of the City Council.
5. Ensuring that all laws of the City and provisions of the Charter subject to enforcement by the Mayor are faithfully executed.
6. Preparing and submitting the annual budget, budget message, and capital program to the City Council.

See Attachment A: Sections 2.01 and 2.04 of the City Charter.

**Alternative 1: "Administrative Mayor" Form - Significant Executive Power Performed by the Mayor.**

**Summary:** The administrative mayor form of government grants significant executive power to the mayor, but not to the extent provided to a strong mayor form of governance embodied in the City Charter.

**Example:** City of Tampa, Sections 2.01 and 4.01 of the City of Tampa Charter (Attachment B).

As with the City of Apopka, the City of Tampa's charter grants significant authority to the Mayor of Tampa, primarily due to the fact that the Mayor serves as the chief executive officer of the City. Unlike the strong mayor form of governance, however, the Mayor of Tampa does not serve as the Chair of the city council. Instead, the city council, pursuant to section 2.02 of the Charter, chooses its own chairman to preside at city council meetings.

The Mayor of Tampa is elected to serve as the "administrative head" of the City. Section 4.01 of the Tampa Charter provides as follows:

There shall be a mayor in whom all executive power of the city shall be vested and who shall be the administrative head of the municipal government. Responsibility for the proper administration of the city government shall be solely that of the mayor. . . .

§ 4.01, Tampa Charter. This section goes on to list a number of specific responsibilities of the mayor. In this manner, the Mayor serves the same functions as a city manager would under the "Ceremonial Mayor" and "City Manager" forms of governance discussed below.

**Alternative 2: "Ceremonial Mayor" Form - Executive Power Performed by City Manager:  
Elected Mayor.**

**Summary:** Under this form of governance, there is both a mayor who is one of the five members of the city commission and who also presides over the city council meetings, and a city manager, who oversees the executive or administrative functions of the city. However, the mayor is a separately elected official.

The charter identifies the powers and duties of the mayor. These duties and powers consist largely of presiding over meetings, voting on matters before the city commission in the same manner as any other commissioner, executing legal instruments of the city, and accepting service of process.

**Example:** City of Tallahassee - Sections 16 of 24 of City of Tallahassee Charter (Attachment C).

The duties of the city manager in the City of Tallahassee Charter include all of the executive and administrative functions served by the mayor under both the Strong Mayor and Administrative Mayor governance structures. These duties include providing for enforcement of the city's laws and ordinances, appointing non-charter city employees, overseeing city departments, attending city commission meetings and advising the commission on matters under its consideration, preparing and submitting an annual budget to the commission, overseeing city purchasing, and performing other duties prescribed by the city commission.

**Alternative 3: "City Manager" Form - All Executive Functions Performed by City Manager.**

**Summary:** A "City Manager" form of governance, also sometimes referred to as a "Council-Manager Government," is, like the Ceremonial Mayor form, in which the city council appoints a separate city manager who will be a charter officer and employee of the city responsible for performing the administrative and executive functions. However, under this form of governance, the mayor is not a position elected by the voters of the city, but rather the voters elect a city council, and the council votes to determine which member of the council will serve as mayor for a specified period of time, usually a year.

The mayor's primary duty consists of serving as the chair of the city council, but such role is largely ministerial and limited to conducting the council meetings, signing official documents upon approval of the council, and accepting service of process on behalf of the city.

**Example:** City of Vero Beach. Sections 2.04, 2.05 and 3.04 of City of Vero Beach Charter (Attachment D).

## ATTACHMENT A

### Selected Sections of the City of Apopka Charter

#### Section 2.01. - Composition of city council.

A mayor and four city commissioners shall constitute the city council of the city (the "city council").

#### Section 2.04. - Mayor.

The mayor shall be the chief executive officer of the city and shall be responsible to the electorate for the administration of all city affairs placed in his/her charge by or under this Charter. The mayor shall:

- (a) Appoint and, when the mayor deems it necessary for the good of the city, suspend or terminate all city employees and appointive administrative officers provided for by or under this Charter. Department heads shall be appointed by the mayor and ratified by the city council. The mayor may authorize any administrative officer who is subject to the mayor's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- (b) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law.
- (c) Chair and be a voting member of the city council.
- (d) See that all laws, provisions of this Charter and acts of the city council, subject to enforcement by the mayor or by officers subject to the direction and supervision of the mayor, are faithfully executed.
- (e) Prepare, or have prepared, and submit the annual budget, budget message and capital program to the city council as provided by law or ordinance.
- (f) The vice-mayor will be the senior commissioner and shall serve as chair of city council meetings in the absences of the mayor. In the event the senior commissioner declines the vice-mayor position, the city council will elect the vice-mayor from among the remaining members of the city council.

## ATTACHMENT B

### Administrative Mayor Form of Governance

#### Selected Sections of the City of Tampa Charter

##### Section 2.01. - City Council—Composition—Districts.

There shall be a city council in which all legislative power shall be vested. The city council shall be composed of seven members, each representing a district. The territory of districts 1 through 3 shall be identical and shall be composed of the entire territory of the city. The members of the city council representing each of districts 1 through 3 shall be elected at large. The territory of districts 4 through 7 shall be determined prior to each regular municipal election by dividing the territory of the city into four districts numbered 4 through 7 containing as nearly as possible equal population as provided by law. The members of the city council representing each of districts 4 through 7 shall be elected only by the electors within such district.

##### Section 4.01. - Mayor.

There shall be a mayor in whom all executive power of the city shall be vested and who shall be the administrative head of the municipal government. Responsibility for the proper administration of the city government shall be solely that of the mayor. The mayor shall be elected at large and shall have been a resident and elector of the city for one year immediately preceding the commencement of the term of office and shall continue to be a resident and elector of the city during the term of office. No person who has, or but for resignation would have, served as mayor for two consecutive, full terms shall be elected as mayor for the succeeding term. The mayor shall be responsible to the people of the city for the proper administration of the affairs of the city and to that end his powers and duties shall include, but shall not be limited to, (1) the administration and enforcement of all laws, ordinances, contracts, and franchises, (2) the negotiation of all contracts, franchises, acquisition, and disposition of property and, upon approval thereof by the council, the execution on behalf of the city of all agreements, leases, deeds, and other instruments in connection therewith, (3) the exercise of direct control and supervision over all departments and divisions of the municipal government, (4) except as herein otherwise expressly provided, the appointment and removal and the fixing of the compensation of all officers and employees of the city, the employment and compensation of whom are not otherwise provided for herein, all such appointments to be made upon merit and fitness alone and in accordance as nearly as possible with civil service requirements, (5) the general charge, management, control, and supervision of all property of the city, (6) the promulgation by executive order of such administrative directives, decisions, and codes and personnel rules and regulations as the mayor shall deem necessary and proper, all of which executive orders of a formal, general, and permanent nature shall be filed with the city clerk, (7) the representation of the city upon all public occasions where such representation shall be right and proper, (8) cognizance of the relation of the city to the county, state, federal, and other municipal governments, (9) periodically advising council as to the financial conditions and needs of the city, (10) furnishing to the council such available information, data, and advice pertaining to the affairs of the city as may be reasonably requested, (11) making such recommendations as the mayor may deem necessary or expedient in the interests of the city to the council relative to the

adoption of ordinances and resolutions; provided, however, that nothing herein contained shall prevent the city council in the exercise of its legislative functions and powers from calling into consultation the boards or departments and other officers and employees of the city wherever in the judgment of the council it may be necessary[,] but neither the council nor any member thereof shall interfere with the conduct of any department, officer, or employee in the discharge of his duty.

## ATTACHMENT C

### Ceremonial Mayor Form of Governance

#### Selected Sections of the City of Tallahassee Charter

##### Sec. 16. - Powers and duties of mayor.

The mayor shall preside at all meetings of the commission and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice and a vote in the proceedings of the commission, but no veto power. He may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so requires; but this shall not be considered as conferring upon him the administrative or judicial functions of a mayor under the general laws of the state. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the government in the exercise of military law, and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred upon him by the city commission in pursuance of the provisions of this Charter, and no others. In the absence of the mayor the other members of the city commission shall select one of their number to perform his duties.

##### Sec. 24. - Appointment; term; qualifications; assistant city manager; duties.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission. He shall hold office at the pleasure of the city commission. He shall be chosen solely on the basis of his executive and administrative qualifications, without regard to his political belief, and he need not be a resident of the city or state at the time of his appointment. The city manager shall have the power and authority to appoint an assistant city manager to serve during the pleasure of the city manager and under his direction and supervision, which assistant city manager shall have the power and authority in the name of the city manager to execute all powers and duties of the city manager as provided in this Charter.

## ATTACHMENT D

### City Manager Form of Governance

#### Selected Sections of the City of Vero Beach Charter

##### Section 2.04. - Mayor.

- (a) Selection. At the first meeting following the first Tuesday after the first Monday in November of each year the city council shall elect from the sitting councilmembers a mayor and vice-mayor.
- (b) Duties. The mayor shall preside at meetings of the council and shall be recognized as head of the city government for service of process, ceremonial matters, and execution of contracts, deeds, and other documents. The mayor shall have no administrative duties other than those necessary to accomplish these duties.
- (c) Absences. The vice-mayor shall act as mayor during the absence or disability of the mayor and if a vacancy occurs or exists in the office of mayor the vice-mayor shall become mayor for the completion of the unexpired term of the former mayor. In the temporary absence of the mayor and vice-mayor the remaining councilmembers shall select a mayor pro tempore. In the event that there is neither a mayor nor a vice-mayor sitting on the council, then the council shall select a mayor to serve in that capacity until the next election. A mayor or vice-mayor designate may refuse such office or once in office may resign from such office and remain on the council as a member.

##### Section 2.05. - General powers of city council.

All powers of the city shall be vested in the city council except those powers specifically given to the Charter officers or specifically reserved by this Charter to the electors of the city.

##### Section 3.04. - City manager—Powers and duties.

The city manager when necessary shall appoint, suspend, demote, or dismiss any city employee under his jurisdiction in accordance with law and the personnel rules, and may authorize any department head to exercise these powers with respect to subordinates in that department. The city manager shall direct and supervise the administration of all departments of the city except the offices of city clerk and city attorney and shall attend all council meetings unless excused by council and shall have the right to take part in discussions, but not vote. He shall see that all laws, Charter provisions, ordinances, resolutions, and other acts of the council subject to enforcement by him are faithfully executed, and he shall act as the city's director of emergency management with all of the authority of that position either granted by the city's emergency management plan, the city council, state law, city or county ordinance. The city manager shall also prepare and submit the annual budget, budget message, and capital program to the council, and shall keep the council fully advised as to the financial condition and future needs of the city, and shall make such recommendations to the council concerning the affairs of the city as he deems desirable. The city manager shall designate a qualified city employee to exercise the powers and perform the duties of city manager during any temporary absence or disability of the city manager. The council may revoke such designation at any time and appoint another eligible person, other than a currently sitting councilmember, to serve as acting city manager.