

ORDINANCE 2019-15

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE TOWN; AMENDING THE TITLE FOR THE TOWN ADMINISTRATOR IN ARTICLE IX; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

**Section 1:** Article IX of Chapter 2 of the Code of Ordinances of the Town is amended to replace the title Administrator to Manager as follows:

**Article IX. Town ~~Administrator~~.Manager**

Section 2-300. Office of Town ~~Administrator~~ Manager

- A. The Town Council, by majority vote, shall appoint a Town ~~Administrator~~ Manager for an indefinite term and shall establish his or her compensation of employment by a written contract. The Town ~~Administrator~~ Manager must be a resident of Brevard County.
- B. The Town ~~Administrator~~ shall serve at the will and pleasure of the council and may be removed by the affirmative vote of a majority of council.
- C. The Town ~~Administrator~~, subject to prior approval by the Town Council, shall designate by letter filed with the Town Clerk, an acting Town Administrator to perform his or her duties during any temporary absence or disability. If the Town Administrator fails to make such a designation, the Town Council may appoint an acting Town Administrator. The acting Town Administrator shall be selected from among Town employees.
- D. The Town ~~Administrator~~ shall be responsible to the Council for all the administration of Town affairs placed in his or her charge by this Ordinance for the Town Charter. The Town ~~Administrator~~ shall have the following powers and duties:
  - 1. To hire, and when he or she deems it necessary for the good of the Town, suspend or remove any Town employees or officers, except those appointment by the Council. He or she may authorize the head of any department under his or her direction or supervision to exercise such powers within the department, office or agency.
  - 2. Fix the compensation of Town Officers and employees within the pay schedules established by the Town Council.

3. Direct and supervise the administration of all Town departments, offices, and agencies, except as otherwise provided by this Charter, Ordinances or by law.
  4. Attend meetings of Town Council and participate in discussions, but with no right to vote.
  5. See that all laws, provisions of this Charter, Ordinances and acts of the Town Council subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
  6. Prepare and submit the annual budget, budget message, and capital program to the Council, together with such other reports concerning Town operations as the Town Council may require; and administer the adopted budget, review of work programs and allotments, make requests for appropriation transfer. He or she shall also perform all functions as purchasing agent or appoint such agent.
  7. Submit complete reports on the finances and administrative activities of the Town.
  8. Keep the Council fully advised of the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs to the Town as he or she deems desirable.
  9. Execute contracts on behalf of the Town unless the Council or Charter provide otherwise.
  10. Perform such other duties as are specified in the Charter or as may be required by the Council or as may be required by the Town's employee manual.
- E. The Town Council shall have the power to review any action of the Town ~~Administrator~~, Manager and may direct the Town ~~Administrator~~ Manager in any of his or her actions.
- F. The Town Council may enter into a written contract with the Town ~~Administrator~~ Manager so long as said contract is not in conflict with this Ordinance.

**Section 2.** There may be references throughout the Town's Code of Ordinances to the title 'Town Administrator' which such references are deemed changed to 'Town Manager'.

**Section 3.** Repeal. All Ordinances or Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed and all Ordinances or Resolutions or parts of Ordinances or Resolutions not in conflict herewith are hereby continued in full force and effect.

**Section 4.** Severability. Should any Section, Clause, or Provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions or parts of this Ordinance.

**Section 5.** Codification. It is the intention of the Town Council, Town of Malabar, Brevard County, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

**Section 6.** Effective Date. This Ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member White. The motion was seconded by Council Member Ball and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	Aye
Council Member Brian Vail	Aye
Council Member Steve Rivet	Aye
Council Member Dick Korn	Excused
Council Member Danny White	Aye

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this 4th day of November, 2019.

**Town of Malabar**

**By:**

original signed  
Mayor Patrick T. Reilly, Council Chair

First Reading: 10/7/19 Vote 5 to 0

Second Reading: 11/04/19

**ATTEST:**

By \_\_\_\_\_  
Debby Franklin, C.M.C., Town Clerk/Treasurer

Approved as to form and content:

\_\_\_\_\_  
Karl W. Bohne, Jr., Town Attorney