

CITY OF LAKE WALES CHARTER AMENDMENT – ORDINANCE 2011-01

AMENDMENT: 14

TITLE: ELIMINATING A PUBLIC HEARING FOR TERMINATION OF A CITY MANAGER

SUMMARY: The city commission will be able to terminate a city manager without the need for a public hearing on the matter.

TEXT: **Sec. 4.02. Removal.**

The commission may remove the manager from office in accordance with the following procedures:

- (1) The commission shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reason for removal and may suspend the manager from duty for a period not to exceed forty-five ~~(45)~~ days. A copy of the resolution shall be delivered promptly to the manager.
- (2) Within five ~~(5)~~ days after a copy of the resolution is delivered to the manager, ~~he the manager~~ may file with the commission a written request for a public hearing meeting, without a requirement for public comment on the matter, for the commission to reconsider termination. This hearing meeting shall be held ~~at a commission meeting~~ not earlier than fifteen ~~(15)~~ days nor later than thirty ~~(30)~~ days after the request is filed. The manager may file with the commission a written reply not later than five ~~(5)~~ days before the hearing meeting.
- (3) The commission may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five ~~(5)~~ days from the date when a copy of the preliminary resolution was delivered to the manager, if ~~he the manager~~ has not requested a public hearing meeting, or at any time after the public hearing meeting if ~~he one~~ has been requested one. The manager shall continue to receive his a salary until the effective date of the final resolution of removal. The action of the commission in suspending or removing the manager shall not be subject to review by any court or agency.
- (4) In the event that a manager is arrested for a felony or for a misdemeanor related to the duties of office, the commission shall immediately convene a special meeting and adopt a resolution to suspend the manager without pay or allowance and appoint an individual to serve as interim manager. If the manager is convicted of any of the charges for which he or she was suspended, the commission shall convene a special meeting and adopt a resolution terminating the manager. If the manager is acquitted or found not guilty or is otherwise cleared of the charges, the commission shall convene a special meeting and adopt a resolution to revoke the suspension and reinstate the manager, who shall be entitled to full back pay and allowance. The manager is thereafter subject to review as stated above.

[Words ~~stricken~~ are deletions; words underlined are additions.]