

**TEMPLE TERRACE CODE
CHAPTER 2 - ADMINISTRATION**

Section 2.200 CUSTODIAN OF PUBLIC RECORDS OF CITY.

(a) The City Clerk is hereby designated as the custodian of the public records of the City of Temple Terrace.

(b) "Public records" shall mean all documents referred to in Florida Statutes 119.011(1) insofar as said provision is applicable to the City of Temple Terrace.

(c) As custodian of the public records, the City Clerk shall have the duties and responsibilities set forth in Chapter 67-125, Session Laws of Florida, 1967. (*F.S. 119.011-119; Ord. No. 242, 1-19-71*)

Section 2.205 NOTICES; PUBLICATION; POSTING.

Wherever "publication" is required herein such publication shall be made by posting at a conspicuous place in the City Hall for the requisite period and published in a newspaper of general circulation in the City of Temple Terrace. (*Ord. No. 433, 4-6-82*)

Section 2.210 CITY OFFICERS NOT TO HAVE INTEREST IN CONCERNS CONTRACTING WITH CITY; PENALTY FOR VIOLATIONS.

No members of the Council or any officer or employee of the City shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract, or in the sale to the City, or to a contractor supplying the City, of any land or rights or interests in any land, material, supplies or service. Any willful violation of this Section shall constitute malfeasance in office and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this Section with the knowledge, express or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the Council. (*Ord. No. 433, 4-6-82*)

Section 2.215 BONDS OF CITY OFFICERS AND EMPLOYEES.

Such officers or employees as the Council may, by ordinance, require so to do, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the City. (*Ord. No. 433, 4-6-82*)

Section 2.220 MERIT SYSTEM OF EMPLOYMENT.

The City is hereby empowered to establish a merit system covering and embracing the employees of said City to the end that appointments and promotions in the administrative service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination. (*Ord. No. 433, 4-6-82*)

Section 2.225 OFFICE OF CITY CLERK; ESTABLISHED; POWERS AND DUTIES; ALTERNATE OFFICER TO PERFORM DUTIES OF CLERK; BOND.

(a) The office of City Clerk is hereby established.

The City Clerk shall be responsible to the City Council for the proper administration of all legislative affairs of the City and to that end shall have the following powers and duties:

- (1) Appointment of a Deputy City Clerk, who shall be exempt from the City employee merit system;
- (2) Preparation and submittal to the City Manager of the annual legislative budget;

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- (3) Maintenance of the journal of all City Council meetings and work sessions and of such other board and committee meetings as shall be required by City Council;
- (4) Authentication of all ordinances, resolutions and transcripts of legislative functions;
- (5) Service as deputy registrar for voter registration, and responsibility for the conduct of all municipal elections;
- (6) Publication of all public notices required by the City Council or by law;
- (7) Service as legal custodian of all City records including, but not limited to, all contracts, deeds, abstracts, title insurance policies and other official documents;
- (8) Preparation of all awards, proclamations, certificates and other formal documentation by the Mayor and/or City Council;
- (9) Notification to the City Council of all vacancies on boards or committees established by the City Council;
- (10) Filing of all liens, satisfactions and releases, as authorized by the City Manager;
- (11) Service as a notary public on behalf of the City;
- (12) Performance of such other duties as may be required by the City Council.

(b) If the City Clerk is temporarily absent or disabled, the City Clerk shall designate a qualified officer of the City to perform the duties of City Clerk until he shall return or the disability ceases. If the person so designated by the City Clerk is unsatisfactory to the City Council, the City Council may, by resolution, appoint an alternate officer to perform the duties of City Clerk.

(c) The City Clerk and Deputy City Clerk shall furnish a surety bond in such amount as the City Council may fix. Said bonds must be approved by the City Council and shall be conditioned on the faithful performance of the duties of the City Clerk. The premium of said bonds shall be paid by the City. (*Ord. No. 446, 6-8-82*)

Section 2.230 OFFICE OF THE CITY MANAGER; ESTABLISHED; RESIDENCY; SEPARATION OF EXECUTIVE POWERS FROM POWERS OF COUNCIL AND MAYOR; POWERS AND DUTIES; DESIGNATION OF SUBSTITUTE; BOND.

- (a) The office of the City Manager is hereby established.

The City Manager shall be the chief executive officer and head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City, and shall execute the laws and administer the government of the City.

(b) At the time of appointment, the City Manager need not be a resident of the City or State; but within six (6) months after becoming City Manager, he shall become a resident of the City, unless otherwise provided by ordinance.

(c) Neither the Mayor, nor the Council, nor any of its members, shall direct or request that the City Manager appoint or remove any person from office, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Mayor and City Council and its members shall deal with the administrative service solely through the City Manager. Neither the Mayor, the City Council, nor any member thereof shall give orders to any subordinate of the City Manager,

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either publicly or privately. If the Mayor or any member of the City Council violates the provisions of this Section, or votes for a resolution or ordinance in violation of this Section, he shall be guilty of misfeasance of office and upon conviction shall cease to hold office; provided, however, that passage of, or action on, an ordinance or resolution establishing a merit system providing for employee regulations or benefits or authorizing executive of a collective bargaining agreement shall not be deemed a violation of this Section.

- (d) The City Manager shall have the following powers and duties:
- (1) Appointment and removal of administrative department heads; and serve as the final administrative authority in formal grievance procedures pursuant to any collective bargaining agreement or under the merit system established by the City Council;
 - (2) Serve as chief fiscal officer for the City; provided, however, that the City Manager may delegate any or all of said duties to the Finance Director, who shall perform said duties under the City Manager's supervision and control. The duties of the chief fiscal officer shall include:
 - a. Compilation of the current expenses and capital estimates for the City's budget(s);
 - b. Preparation of the annual City budget(s); submittal of same to City Council, and responsibility for administration of the City budget(s) after adoption;
 - c. Supervision and responsibility for the disbursement of all monies, including, but not limited to, purchase of all materials, supplies or equipment for which funds are provided in the City's budget; provided, however, that the City Manager shall purchase no item which exceeds any budget appropriation, or let any contract (construction or otherwise) which cannot be consummated with budgeted funds, unless the City Manager receives prior authorization therefor from the City Council;
 - d. Maintenance of a general accounting system for the City, including, but not limited to, maintaining all books for the exercise of financial budgetary control, in accordance with generally accepted accounting procedures for municipal government;
 - e. Advise and recommend to the City Council as to the financial condition and future needs of the City, and propose measures which are necessary or expedient;
 - f. Submit to the City Council a periodic statement(s) of all receipts and disbursements, in sufficient detail to show the exact financial condition of the City, and preparation and submittal to Council of the annual audit;
 - g. Supervision and responsibility for the making of all special assessments for the City Council; and do all other things required by the laws of Florida for the assessment of such taxes;
 - h. Custody of all public funds belonging to, or under control of, the City or any office or department thereof and deposit of all funds coming into the City in such depositories as may be designated by resolution of the City Council;

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i. Custody of all investments and invested funds of the City; safekeeping of all bonds and notes of the City; and receipt and delivery of City bonds and notes for transfer, registration or exchange;

(3) Enforcement and administration of all City laws, resolutions and ordinances;

(4) Performance of such other duties as may be required by the City Council.

(5) The City Manager, *or any other office holder of the City*, who is appointed by the City Council to serve as a Trustee of the Firefighters Retirement System Pension Board and/or Police Officers Retirement System Pension Board, that such service shall be as part of their ex officio duties. (*Ord. No. 1131, 12-7-04*)

(e) If the City Manager is temporarily absent or disabled, the City Manager shall designate a qualified officer of the City to perform the duties of City Manager until he shall return or the disability ceases. If the person so designated by the City Manager is unsatisfactory to the City Council, the City Council may, by resolution, appoint an alternate officer to perform the duties of City Manager.

(f) The City Manager shall furnish a surety bond in such amount as the City Council may fix. Said bond must be approved by the City Council and shall be conditioned on the faithful performance of the duties of the City Manager. The premium of said bond shall be paid by the City. (*Ord. No. 447, 6-15-82*)

Section 2.235 ADMINISTRATIVE DEPARTMENTS ESTABLISHED; APPOINTMENT OF DEPARTMENT HEADS; BOND; ADDITIONAL DUTIES.

(a) The following City administrative departments are hereby established, all of which shall serve directly under the jurisdiction and authority of the City Manager:

- (1) Code Compliance;
- (2) Community Development;
- (3) Finance;
- (4) Fire;
- (5) Human Resources;
- (6) Information Technology;
- (7) Leisure Services;
- (8) Police;
- (9) Public Works;
- (10) Redevelopment.

(*Ord. No. 961, 11-18-97; Ord. No. 1110, 2-3-04; Ord. No. 1161, 2-21-06; Ord. No. 1252, 8-4-09*)

(b) All department heads shall be appointed by the City Manager and shall be exempt from the City's merit system; they shall be deemed to be unclassified City employees. A department head may be responsible for one or more departments.

(c) All department heads shall furnish a surety bond in such amount as the City Council may fix. Said bonds must be approved by the City Council and shall be conditioned on the faithful performance of the duties of the department heads. The premium of said bonds shall be paid by the City.

(d) The Community Development Director shall be responsible for the administrative support of the Board of Adjustment. (*Ord. No. 1161, 2-21-06; Ord. No. 1252, 8-4-09*)

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(e) The Finance Director shall serve without remuneration as Treasurer to the Police and Fire pension funds.

(f) The Fire Chief shall also serve as Fire Marshal.

(g) The Fire Chief shall also serve as the Emergency Preparedness Coordinator. (*Ord. No. 447, 6-15-82; Ord. No. 646, 2-16-88; Ord. No. 961, 11-18-97*)

(*Ord. No. 1252, 8-4-09*)

Section 2.240 HEARING OFFICER – APPOINTMENT; REMOVAL; QUALIFICATIONS; COMPENSATION; POWERS; ADMINISTRATIVE AND CLERICAL SUPPORT.

(a) **Appointment.** The City Manager shall appoint a Hearing Officer as needed, based on qualifications and experience.

(b) **Removal.** The Hearing Officer may be removed by the City Manager without cause.

(c) **Qualifications.** The Hearing Officer shall be a member in good standing of the Florida Bar, and shall have a sound reputation for integrity, responsibility, and business or professional ability.

(d) **Compensation.** The Hearing Officer shall not be a City employee, but shall be compensated for his/her services at an hourly rate commensurate with his/her education, training, and experience as the City Manager deems appropriate.

(e) **Powers.** The Hearing Officer shall have the power to:

(1) Conduct quasi-judicial hearings pursuant to the Temple Terrace Code of Ordinances, in which formal rules of evidence shall not apply, but fundamental due process shall be observed.

(2) Consider testimony under oath and other evidence presented at hearings.

(3) Adopt rules deemed appropriate for the conduct of fair and impartial hearings.

(4) Issue orders following a hearing, which orders shall include findings of fact and conclusions of law, and which shall have the force of law, either upholding Notices of Violation and the civil fees, costs and charges associated therewith, or alternatively, dismissing such Notices based on the evidence presented. In order to uphold a Notice of Violation, the Hearing Officer must find that the City established the existence of a violation of the Code of Ordinances by a preponderance of the evidence.

(f) A record shall be maintained of the proceedings and all evidence considered by the Hearing Officer. Hearings shall be open to the public.

(g) The City shall provide administrative and clerical support to the Hearing Officer as may be reasonably required by the Hearing Officer for the proper performance of his/her duties.

(*Ord. No. 1243, 3-03-09*)

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Section 2.245 TRAVEL EXPENSES FOR CITY OFFICERS, EMPLOYEES AND AUTHORIZED PERSONS.

(a) **Scope.** Except as otherwise provided by contract or by resolution, in which event same shall prevail, the regulations established herein shall govern payment for authorized travel expenses incurred by City officers, employees and authorized persons.

(b) **Definitions.**

- (1) **City Officers** – The Mayor and members of the City Council, the City Manager, City Department Heads, the City Clerk and other persons appointed by City Council to travel or to incur expenses while on City business.
- (2) **City Employees** – Persons, other than City officers who fill or hold a regular or full time, authorized position and who are responsible to the City Manager.
- (3) **Authorized Persons:**
 - a. Persons, other than public officers or employees as defined herein, who are authorized by City Council to incur travel expenses in the performance of their official duties, or
 - b. Persons who are called upon by City Council to contribute time and services as consultant or advisor, or
 - c. Persons who are candidates for an executive or professional position.
- (4) **Traveler** – A City officer, City employee, or an authorized person, performing authorized travel.
- (5) **Travel expense, traveling expenses, necessary expenses while traveling, actual expenses while traveling, or words of similar nature** – The usual, ordinary and incidental expenditures necessarily incurred by a traveler.
- (6) **Common carrier** – Train, bus, commercial airline operating scheduled flights, or rental car of an established rental car firm.
- (7) **Travel day** – A period of twenty-four (24) hours.
- (8) **Travel period** – The period of time between the time of departure and time of return.
- (9) **Class “A” Travel** – Continuous travel of twenty-four (24) hours or more away from the City of Temple Terrace.
- (10) **Class “B” Travel** – Continuous travel of less than twenty-four (24) hours which involves overnight absence from the City of Temple Terrace.
- (11) **Class “C” Travel** – Travel for short or day trips where the travel is not away from the City overnight.

(c) **Authority to Incur Traveling Expenses.**

- (1) To be paid from City funds, all travel must have the prior authorization and approval of the City Manager or, in his absence, the Director of Finance and Administration.

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- (2) Traveling expenses shall be those expenses necessarily incurred by the traveler in the performance of a public purpose.
- (3) All travel expense vouchers shall be substantiated by complete explanation and justification.
- (4) All air travel shall be tourist class, unless prior authorization is granted by the City Manager.
- (5) Upon prior written approval of the City Manager, or by direction of the City Council, candidates for executive or professional positions may be allowed traveling expenses pursuant to this section.

(d) Computation of Travel time for Reimbursement.

- (1) The travel day for Class "A" travel shall be a calendar day (midnight to midnight). The travel day for Class "B" shall begin at the same time as the travel period. For Class "A" and Class "B" travel, the traveler shall be reimbursed at the authorized rate for each day or fraction thereof, included within the travel period.
- (2) A traveler shall not be reimbursed on a per diem basis for Class "C" travel but shall receive subsistence as provided in this section. Allowance for meals for Class "C" travel shall be based upon the following schedule:

Breakfast – When travel begins before 7:00 a.m. and extends beyond 9:00 a.m.

Lunch – When travel begins before 11:00 a.m. and extends beyond 2:00 p.m.

Dinner – When travel begins before 4:00 p.m. and extends beyond 7:00 p.m., or when authorized travel occurs during nighttime hours. No allowance shall be made for meals when travel is confined to the City of Temple Terrace.

(e) Rates of Per Diem and Subsistence Allowance.

- (1) All travelers may be allowed subsistence up to the amounts permitted in paragraph (2) of this subsection for meals, plus actual expenses for lodging at single occupancy rate, plus incidental traveling expenses to be substantiated by paid receipts.
- (2) Travelers on official business shall be eligible for subsistence up to the following amounts:

Breakfast	\$ 8.00
Lunch	12.00
Dinner	20.00

(Ord. No. 1122, 9-28-04, Ord. No. 1192, 11-21-06)

- (3) All travelers must substantiate their full actual expenses by paid receipts approved by the City Manager before they can be reimbursed.
- (4) Subsistence allowance will not be allowed for meals provided which are included in the cost of registration fees.

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(f) **Transportation.**

- (1) All travel must be by a usually traveled route. In case a person travels by an indirect route for his own convenience, any extra costs shall be borne by the traveler and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route.

The City Manager shall designate the most economical method of travel for each trip, keeping in mind the following conditions:

- a. The nature of the business.
 - b. The most efficient and economical means of travel (considering time of the traveler, cost of transportation and subsistence required).
 - c. The number of persons making the trip, and the amount of equipment or material to be transported.
- (2) Transportation by common carrier when traveling on official business and paid for personally by the traveler shall be substantiated by receipt.
- (3) The use of a privately owned vehicle for official travel in lieu of publicly owned vehicles or common carrier may be authorized by the City Manager if a publicly owned vehicle is not available. Mileage for the use of a privately owned vehicle will be reimbursed in accordance with the standard mileage rate for transportation expenses for all miles of use for business purposes, as established by the Internal Revenue Services. For the purpose of applying the provisions of this Section, the standard mileage rate established by the Internal Revenue Service and in effect as of January 1 of each year shall be used to calculate mileage reimbursements.

Reimbursement for expenditures related to the operation, maintenance and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business and reimbursement is made pursuant to this paragraph.

All mileage shall be shown from point of origin to point of destination and when possible shall be computed on the basis of the current map of the Department of Transportation. Vicinity mileage necessary for conduct of official business is allowable, but must be shown as a separate item on the expense voucher.

(Ord. No. 1122, 9-28-04, Ord. No. 1192, 11-21-06)

- (4) Transportation by chartered vehicles when traveling on official business may be authorized by the City Manager when necessary or when it is to the advantage of the City.
- (5) The City Manager may grant monthly allowances in fixed amounts for use of privately owned automobiles on official business in lieu of the mileage rate provided in paragraph (f)(3) of this subsection. Allowances granted pursuant to this paragraph shall be reasonable, taking into account the customary use of the automobile, the roads customarily traveled, and whether any of the expenses incident to the operation, maintenance, and ownership of the automobile are paid from funds of the City. Such allowance may be changed at any time and shall be made on the basis of a signed statement of the traveler, filed before the allowance is granted or changed, and at least annually thereafter.

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The statement shall show the places and distances for an average typical month's travel on official business, and the amount that would be allowed under the approved rate per mile for the travel shown in the statement, if payment has been made pursuant to (f)(3) of this section.

- (6) Payment of a monthly allowance in fixed amounts for use of privately owned vehicles shall not exempt a traveler from payment under (f) (3) of this section when travel extends beyond the county limits.
- (7) No contracts may be entered into between a City officer or employee, or any other person, and the City of Temple Terrace in which a depreciation allowance is used in computing the amount due by the City to the individual for the use of a privately owned vehicle on official business.
- (8) No traveler shall be allowed either mileage or transportation expense when he is gratuitously transported by another person, or when he is transported by another traveler who is entitled to mileage or transportation expenses.

(g) **Other Expenses.** The following incidental traveling expenses of the traveler shall be reimbursed when travel is authorized under (c) of this section.

- (1) Taxi fare.
- (2) Ferry fares, and bridge, road and tunnel tolls.
- (3) Storage or parking fees.
- (4) Communication expense.
- (5) Convention registration fee.

(h) **Fraudulent Claims.** Claims submitted pursuant to this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but all claims shall be submitted on the prescribed Travel Expense Report Form. This form shall contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of his official duties and shall be signed by the person submitting the claim. Any person who willfully makes and subscribes any claims which he does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation of a claim which is fraudulent or is false as to any material matter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished accordingly. Whoever shall receive an allowance or reimbursement by means of a false claim shall be civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

(Ord. No. 374, 11-3-78; Ord. No. 516, 7-10-84; Ord. No. 891, 1-3-95; Ord. No. 1243, 3-03-09; Ord. No. 1252, 8-4-09)

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