

## RESOLUTION 10-2014

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING AN OUTLINE OF MAYORAL DUTIES; PROVIDING FOR REFERENCE TO THE TOWN CHARTER ON THE MAYORAL DUTIES SPECIFICALLY EXPRESSED IN THAT DOCUMENT; PROVIDING COUNCIL DIRECTION TO AUTHORIZE MAYOR OR PRESIDING OFFICER TO SWEAR IN NEW BOARD MEMBERS AND RENEWING BOARD MEMBERS AT A REGULARLY SCHEDULED COUNCIL MEETING ONLY; CLARIFYING THAT THE COUNCIL CHAIR SIGNS ALL ORDINANCES AND RESOLUTIONS PER FLORIDA STATUTES 166.041 AS THE TOWN HAS NO OTHER PROCESS IN PLACE; PROVIDING DIRECTION TO TOWN STAFF THAT THE ONLY AUTHORITY OF THE MAYOR IS THAT WHICH IS GIVEN BY TOWN COUNCIL; RECOGNIZING THE CHARTER LANGUAGE THAT THE MAYOR SHALL BE THE CEREMONIAL HEAD OF THE TOWN FOR SOCIAL INTERACTIONS WITH OTHER MUNICIPALITIES, STATE AGENCIES AND PROCLAMATIONS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town Council recognized the need to document a more defined explanation of the Mayoral duties.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:**

### **SECTION 1. Mayoral Duties as Defined in Charter**

The Charter gives the following duties to the Mayor:

- Titular Head of the Town Government for Ceremonial purposes and civil purposes
- Administers Oath to new and renewing Board Members at a regularly scheduled Council Meeting. In his absence, the Chair shall administer Oath.
- Suggests Proclamations, Signs same and reads them at a regularly scheduled Council meeting
- Responsible for Civil Defense and Military Law
- Votes only in the event of a tie
- Power to Veto any ordinance
- Perform all duties delegated by a vote of Council
- Responsible to Council for the performance of these duties

### **SECTION 2. Clarification of those Duties.**

- A. The Mayor *May* be Elected as the Presiding Officer by Council and thereafter will serve at the discretion of Council.

- B. The Council Chair is the Presiding Officer and per F.S. 166.041 signs legislative action of Council.
- C. The Mayor is authorized by Chapter 2 of the Code to sign all necessary agreements for the purpose of extending benefits provided by the system of old-age and survivors' insurance.
- D. The Mayor shall sign instruments the Town is a party to as Council shall direct, since there is nothing specific in the Charter and no process in the Code.
- E. The Mayoral Veto can be overridden by a four-fifths (4/5) vote of Council.

**SECTION 3. Conflict.**

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 4. Effective Date.**

This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member KORN. This motion was seconded by Council Member Abare and, upon being put to vote, the vote was as follows:

Council Member Jim Milucky	Aye
Council Member Wayne Abare	Nay
Council Member Steve Rivet	Aye
Council Member Dick Korn	Aye
Council Member Marisa Acquaviva	Aye

This Resolution was then declared to be duly passed and adopted this 5<sup>th</sup> day of May, 2014.



By: TOWN OF MALABAR

Steve Rivet  
Steve Rivet, Council Chair  
Town of Malabar

Approved for Legal Sufficiency:

Karl Bohne, Jr.  
Karl Bohne, Jr., Town Attorney

ATTEST:

Debby K. Franklin  
Debby K. Franklin  
Town Clerk/Treasurer

(seal)