



# MEMORANDUM

Office of the City Attorney

LEGISTAR NO. 002071

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Box 46

**TO:** Mayor and City Commission

**DATE:** December 10, 2001

**FROM:** City Attorney

**FIRST READING**

**SUBJECT: Ordinance No. 0-01-70**  
**An ordinance of the City of Gainesville, Florida, repealing obsolete Sections 2-430.1 thru 2-430.5 inclusive, relating to the Disabled and Elderly Citizens' Advisory Board; and providing an immediate effective date.**

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Recommendation: The City Commission adopt the proposed ordinance.

The City Commission, at its meeting of November 13, 2001 authorized the city attorney's office to prepare and advertise the necessary repealing obsolete Sections 2-430.1 thru 2-430.5, inclusive, relating to the Disabled and Elderly Citizens' Advisory Board.

Prepared by:

*Philip Lammens*

Philip Lammens, Extern, University of Florida Levin College of Law

Submitted by:

*Marion J. Radson*

Marion J. Radson, City Attorney

MJR/afm

Attachment

ORDINANCE NO. \_\_\_\_\_  
0-01-70

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**An ordinance of the City of Gainesville, Florida, repealing obsolete Sections 2-430.1 thru 2-430.5 inclusive, relating to the Disabled and Elderly Citizens' Advisory Board; and providing an immediate effective date.**

**WHEREAS**, at it's meeting on November 13, 2001 the City Commission requested the City Attorney's Office to draft an ordinance repealing the Disabled and Elderly Citizens' Advisory Board; and

**WHEREAS**, at least 10 days notice has been given once prior to adoption by publication in a newspaper of general circulation notifying the public of this proposed ordinance and or a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

**WHEREAS**, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** Sections 2-430.1 through 2-430.5 of the Code of Ordinances of the City of Gainesville, Florida, are repealed.

~~DIVISION 11. DISABLED AND ELDERLY CITIZENS' ADVISORY BOARD\*~~

~~Sec. 2-430.1. Created.~~

1 ~~The disabled and elderly citizens' advisory board is hereby created to promote accurate~~  
2 ~~and knowledgeable communication between the city commission and the disabled and~~  
3 ~~elderly community so that the rights of the disabled and elderly are fostered.~~

4 ~~Sec. 2 430.2. Composition; appointment; term of office; vacancies; residence~~  
5 ~~requirements.~~

6 ~~(a) The disabled and elderly citizens' advisory board shall~~  
7 ~~consist of eight members. Seven members shall be appointed by the~~  
8 ~~city commission. Members shall be residents of the city, and,~~  
9 ~~whenever possible, the membership shall be composed of persons from~~  
10 ~~the following categories (three out of the seven members should be~~  
11 ~~senior citizens whenever possible):~~

12 ~~One hearing impaired;~~

13 ~~One sight impaired;~~

14 ~~One spinal cord injured;~~

15 ~~One neurologically impaired;~~

16 ~~One senior citizen;~~

17 ~~One member representing retarded citizens; and~~

18 ~~One other disability.~~

19 ~~One member shall serve in an ex officio capacity from the Alachua~~  
20 ~~County citizens' disability handicap advisory committee, but shall~~  
21 ~~not have the power to vote.~~

22 ~~(b) The initial appointments to the board shall be as follows:~~

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11/28/01

1           ~~(1) Three members shall be appointed for a term of one year;~~

2           ~~(2) Four members shall be appointed for a term of two years.~~

3           ~~Thereafter, all appointments shall be made by the commission for a~~  
4           ~~term of two years.~~

5           ~~(c) Vacancies on said board shall be filled by the city~~  
6           ~~commission for the unexpired term of the member whose vacancy is~~  
7           ~~being filled.~~

8   ~~Sec. 2 430.3. Organization.~~

9           ~~(a) The board shall consist of a chairperson, a vice chairperson~~  
10           ~~and such other officers as the board shall deem necessary, after~~  
11           ~~election to such position by the board members.~~

12           ~~(b) Officers of the board shall be elected by a majority vote of~~  
13           ~~the membership at the first meeting of the board, after the initial~~  
14           ~~appointment of the membership and annually thereafter.~~

15           ~~(c) A member of the board may be elected to serve as an officer~~  
16           ~~without restriction as to the number of terms served.~~

17   ~~Sec. 2 430.4. Authority to adopt rules.~~

18   ~~The disabled and elderly citizens' advisory board shall adopt such rules as may be~~  
19   ~~necessary to provide for the organization and transaction of the business of the board,~~  
20   ~~which rules shall become effective upon their being submitted in writing to and approved~~  
21   ~~by the city commission.~~

22   ~~Sec. 2 430.5. Purpose, function and duties.~~

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11/28/01

1 ~~The purpose of the disabled and elderly citizens' advisory board is to study problems in~~  
2 ~~the city relating to the needs and concerns of the disabled and elderly citizens, and to~~  
3 ~~make recommendations to the city commission for the betterment of such citizens. The~~  
4 ~~board shall be responsible for evaluating and providing assistance in implementing~~  
5 ~~section 504 of the Rehabilitation Act of 1973. The board shall also issue publications,~~  
6 ~~studies and reports for the purpose of disseminating information and assistance to such~~  
7 ~~citizens.~~

8 **Section 2.** This ordinance shall become effective immediately upon final  
9 adoption.

10 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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14 THOMAS D. BUSSING  
15 MAYOR  
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18 ATTEST:

Approved as to form and legality

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21 \_\_\_\_\_  
22 KURT M. LANNON  
23 CLERK OF THE COMMISSION

\_\_\_\_\_

MARION J. RADSON  
CITY ATTORNEY

24 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

25 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_,  
26 2002.

