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Submitted by MJR  
6/24/02

6/21/2002

ORDINANCE NO. \_\_\_\_\_  
0-02-26

#020024

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**An ordinance of the City of Gainesville, Florida; approving certain amendments to the Charter Laws of the City of Gainesville; providing for additional duties of the City internal auditor; providing for creation of the charter officer position entitled "equal opportunity director" to be appointed by the city commission; providing powers and duties of such officer; making the charter officers responsible for implementing the equal opportunity and human relations ordinances and programs in their respective departments; providing for application to persons covered under collective bargaining agreements; providing for submission of the charter amendments to the voters for approval or rejection at the November 5, 2002 special municipal election; approving the question to be placed on the ballot; providing directions to the codifier; providing for transition; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, the City Commission has duly considered the charter amendments and by passage of this ordinance indicates its desire to approve the charter amendments as set forth herein, subject to approval of the electorate at a special municipal election; and

**WHEREAS**, the City Commission desires to amend the Charter Laws of the City of Gainesville, Florida, pursuant to the procedures provided by law; and

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

**WHEREAS**, the Public Hearings were held pursuant to the published notice described at which hearings 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:**

CODE: Words ~~stricken~~ are deletions; words underlined are additions; words **shaded** are revised additions.

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1           **Section 1.** Section 3.05 of Article III of the Charter of the City of Gainesville, as created  
2 by Chapter 90-394, Laws of Florida, is amended to read:

3           **3.05.** City internal auditor.--

4           (1)     The commission may appoint a city internal auditor who shall serve at the will of  
5 the commission. The city internal auditor ~~shall~~:

6           (a)     ~~Shall~~ perform financial and compliance audits.

7           (b)     ~~Shall~~ assist the commission in all its accountability functions.

8           (c)     ~~Shall perform compliance audits on the implementation of the city's human~~  
9 ~~relations and equal opportunity ordinances, policies, and programs pertaining to the activities of~~  
10 ~~the city within all departments of the city in accordance with schedules prescribed by the~~  
11 ~~commission.~~

12           (d)     ~~Shall~~ perform all other duties assigned by the commission.

13           (2)     All financial and compliance audits and other reports of the city internal auditor  
14 shall be filed in the office of the clerk of the commission.

15           **Section 2.** Section 3.08 is added to Article III of the Charter of the City of Gainesville, as  
16 created by Chapter 90-394, Laws of Florida, to read:

17           **3.08.** Equal opportunity director. -- The commission shall appoint an equal opportunity  
18 director who shall serve at the will of the city commission. The equal opportunity director:

19           (1)     Shall investigate complaints of discrimination, harassment, retaliation, and other  
20 related matters, and propose remedial action, as prescribed by the city's human relations and  
21 equal opportunity ordinances. No city employee shall suffer retaliation for filing a complaint or  
22 testifying, assisting, or participating in any investigation under these ordinances, and such

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1 complaints shall be held confidential to the extent allowed by federal and state law.

2 (2) Shall make reports, including an annual report, to the charter officers and the  
3 commission, as appropriate, as to the activities of the year and the need, if any, to revise the  
4 city's human relations and equal opportunity ordinances, policies, and programs pertaining to,  
5 but not limited to, equal opportunity, affirmative action, local minority business and local small  
6 business enterprise procurement program, fair housing, unlawful harassment, and accessibility to  
7 the city's programs, services, and activities.

8 (3) Shall propose policies for the implementation of comprehensive equal opportunity  
9 and diversity programs and adherence to equal opportunity laws, policies, procedures, and related  
10 matters.

11 (4) Shall develop, prepare, and monitor the city's affirmative action plan.

12 (5) Shall develop training, conduct workshops, and propose strategies and initiatives  
13 related to diversity and equal opportunity and related matters in employment, purchasing,  
14 services, programs, and activities.

15 (6) Shall review all proposed changes to current or proposed new city employment  
16 policies, procedures, and guidelines, job descriptions, and purchasing policies, procedures, and  
17 guidelines for compliance with equal opportunity laws, policies, procedures, and guidelines, and  
18 related matters.

19 (7) Shall monitor all hires, transfers, demotions, promotions, and terminations for  
20 compliance with equal opportunity laws, policies, procedures, guidelines, and related matters.

21 (8) Shall develop instruments to monitor adherence to diversity and equal opportunity  
22 laws, policies, procedures, guidelines, and related matters for city services, programs, activities,

1 employment, and purchasing.

2 (9) Shall participate in the assessment and review of the city's employment practices,  
3 including recruitment, appointment, and promotion, as they pertain to all employees and  
4 applicants at all levels of city employment.

5 (10) Shall compile various equal opportunity reports and related reports required of the  
6 city by state and federal agencies or that are necessary for compliance purposes.

7 (11) Shall perform all other functions as prescribed by ordinances or as otherwise  
8 directed by the commission.

9 **Section 3.** Section 5.07 is added to Article V of the Charter of the City of Gainesville,  
10 as created by Chapter 90-394, Laws of Florida, to read:

11 5.07 Equal opportunity; duties of charter officers. – The charter officers shall apply the  
12 city's human relations and equal opportunity ordinances and implement its human relations and  
13 equal opportunity programs within their respective departments and shall coordinate the efforts  
14 of the various departments to optimize the effectiveness of their efforts. The charter officers  
15 shall, from time to time, make individual and collective recommendations to the commission  
16 pertaining to the effectiveness of the city's human relations and equal opportunity ordinances and  
17 programs pertaining to the activities of the city.

18 **Section 4.** Nothing in this ordinance shall abrogate the provisions of any collective  
19 bargaining agreement or the city's responsibility to negotiate terms and conditions of  
20 employment.

21 **Section 5.** The question to be placed on the ballot for the referendum shall read as  
22 follows:  
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24 **CITY OF GAINESVILLE CHARTER AMENDMENT**

EQUAL OPPORTUNITY DIRECTOR

1  
2 “EQUAL OPPORTUNITY DIRECTOR IS CURRENTLY APPOINTED BY  
3 THE CITY MANAGER. SHALL THE CITY OF GAINESVILLE’S CHARTER  
4 BE AMENDED TO CREATE THE CHARTER OFFICER POSITION OF  
5 EQUAL OPPORTUNITY DIRECTOR, APPOINTED BY THE CITY  
6 COMMISSION, HAVING CERTAIN DUTIES RELATING TO  
7 DISCRIMINATION AND EQUAL OPPORTUNITY, ADDING DUTIES OF  
8 THE INTERNAL AUDITOR, AND REQUIRING ALL CHARTER OFFICERS  
9 IMPLEMENT WITHIN THEIR OFFICES EQUAL OPPORTUNITY AND  
10 HUMAN RELATIONS ORDINANCES AND PROGRAMS OF THE CITY, AS  
11 PROPOSED BY ORDINANCE NO. 002722?”

12 **Section 6.** The amendments to the Charter Laws set out in Sections 1 thru 3 inclusive  
13 of this ordinance are approved for submission to the voters of the City of Gainesville, Florida, for  
14 approval or rejection at the special municipal election to be held on November 5, 2002. In the  
15 event that the amendment is approved by the voters, the codifier is directed to incorporate these  
16 amendments in the Charter Laws of the City of Gainesville.

17 **Section 7.** In the event that the amendment is approved by the voters, the City  
18 Manager, General Manager for Utilities, City Attorney, City Auditor and Clerk of the  
19 Commission shall continue to implement and apply the City’s human relations and equal  
20 opportunity ordinances, policies, and programs, as prescribed therein, until the appointment of  
21 the Charter Officer of Equal Opportunity Director. Thereafter, the Equal Opportunity Director  
22 shall perform the duties prescribed by the City Charter and the ordinances, programs and policies

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1 of the City as prescribed in the Charter and the ordinances, programs and policies of the City.

2       **Section 8.** In the event that the amendment is approved by the voters, the Clerk of the  
3 Commission is directed to file a true copy of this ordinance with the Florida Department of State.

4       **Section 9.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
6 affect the validity of the remaining portions of this ordinance.

7       **Section 10.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
8 such conflict hereby repealed.

9       **Section 11.** This ordinance shall become effective immediately upon final adoption.

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

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\_\_\_\_\_  
Thomas D. Bussing, Mayor

ATTEST:

Approved as to form and legality

21 \_\_\_\_\_  
22 Kurt M. Lannon  
Clerk of the Commission

\_\_\_\_\_  
Marion J. Radson  
City Attorney

23 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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

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