

Legislative #

210424

28 **OF GAINESVILLE, FLORIDA:**

29 The following proposed amendment to Chapter 90-394, Laws of Florida, 1990, as
30 amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is approved for
31 submission to the electors of the City of Gainesville, Florida, for approval or disapproval at the
32 election set for Tuesday, November 8, 2022:

33 **PROPOSED AMENDMENTS**

34 **Section 1.** Section 2.08 titled “Mayor” and section 2.10 titled “Interference with
35 Charter Officers” of Article II of the Charter Laws of the City of Gainesville are hereby amended
36 to read as follows. Except as amended herein, the Charter remains in full force and effect.

37 **2.08. – Mayor.**

38 The mayor shall be the presiding officer of the commission and shall exercise such powers
39 conferred and implied by, and perform all duties imposed by, this act, the ordinances of the
40 city, and the laws of the state. The mayor shall have a voice and a vote in the proceedings of
41 the commission, but no veto power. The mayor shall be the official head of the city for receipt
42 of service of legal processes, the purposes of military law, and all ceremonial purposes, but
43 shall have no administrative duties, except as specifically provided in this act. The mayor-
44 commissioner pro tempore shall perform the functions and duties of the office of mayor in the
45 absence of the mayor.

46 **2.10. - Interference with charter officers.**

47 Neither the commission nor any commissioner, including the mayor, may dictate the
48 appointment of any person to office or employment by the charter officers nor in any manner
49 interfere with the independence of charter officers in the performance of their duties. Except

50 for the purpose of an inquiry, or as specifically provided in this act, the commission and its
51 members, including the mayor, must deal with employees of the city solely through their
52 respective charter officers, and neither the commission nor any commissioner, including the
53 mayor, may give orders to any subordinates of the charter officers either publicly or privately.
54 Any commissioner, including the mayor, who violates this section is guilty of a misdemeanor
55 of the second degree, punishable as provided in section 775.082 or section 775.083, Florida
56 Statutes.

57 **Section 2.** The Charter Laws of the City of Gainesville are hereby amended by adding a
58 section to be numbered 2.105 within Article II, which section reads as follows. The new section
59 2.105 shall be placed immediately after section 2.10 and before section 2.11 in the Charter.

60 ARTICLE II. CITY COMMISSION

61 **2.105. Commission staff.**

62 The commission may enact an ordinance authorizing the members of the commission,
63 including the mayor, to individually appoint, direct, and remove temporary staff personnel for
64 the sole and limited purpose of assisting with performing the duties of the members of the
65 commission, including the mayor, under this act. Temporary staff personnel appointed under
66 this provision shall not be delegated or entrusted with any authority or powers of the members of
67 the commission, including the mayor.

68 **Section 3.** The following ballot title and question is approved for submission to the electors of the
69 City of Gainesville, Florida, for approval or rejection at the election set for Tuesday, November 8,
70 2022:

71 CITY OF GAINESVILLE CHARTER AMENDMENT

72 ALLOWING CITY COMMISSION TO APPOINT TEMPORARY STAFF

73 PERSONNEL BY ORDINANCE

74 “SHALL THE CITY CHARTER BE AMENDED TO ALLOW THE CITY
75 COMMISSION TO ADOPT AN ORDINANCE AUTHORIZING THE
76 MEMBERS OF THE COMMISSION, INCLUDING THE MAYOR, TO
77 APPOINT, DIRECT, AND REMOVE TEMPORARY STAFF PERSONNEL FOR
78 THE SOLE PURPOSE OF ASSISTING WITH PERFORMING THE DUTIES OF
79 THE MEMBERS OF THE COMMISSION AND MAYOR, AS PROPOSED BY
80 ORDINANCE NO. _____?”

81 **Section 4.** The Supervisor of Elections is requested to place this ballot title and question
82 on the November 8, 2022 general election ballot.

83 **Section 5.** In the event that the charter amendment proposed by Section 1 of this
84 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of
85 Gainesville, Florida at the November 8, 2022 election, then: 1) the codifier is directed to
86 incorporate the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City
87 of Gainesville; and 2) the City Clerk is directed to file a true copy of this ordinance with the
88 Florida Department of State.

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

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

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

95 PASSED AND ADOPTED THIS ____ DAY OF _____, 2022.

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98

LAUREN POE

99

MAYOR

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101

102 ATTEST:

Approved as to form and legality

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106

OMICHELE D. GAINES

DANIEL M. NEE

CITY CLERK

INTERIM CITY ATTORNEY

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111 This ordinance passed on first reading this ____ day of _____, 2022.

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113 This ordinance passed on second reading this ____ day of _____, 2022.

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