Legislative # 210424

1	ORDINANCE NO.		
2 3 4 5 6 7 8 9	An ordinance of the City of Gainesville, Florida, proposing an amendment to Article II of the Charter Laws of the City of Gainesville; providing for submission of the charter amendment to the voters for approval or disapproval at the November 8, 2022 election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective if approved by the voters; providing directions to the codifier; providing directions to the city clerk; providing a severability clause; providing a repealing clause; and providing an immediate effective date.		
11 12	WHEREAS, pursuant to Section 5.01 of the City Charter, the City Commission may		
13	propose amendments to the City Charter by adoption of an ordinance by four-fifths vote of the		
14	membership of the City Commission; and		
15	WHEREAS, the City Commission has duly considered the charter amendment set forth in		
16	this ordinance and by passage of this ordinance indicates its desire to approve the charter		
17	amendment as set forth herein, subject to approval of the electorate at a municipal election; and		
18	WHEREAS, the City Commission desires to amend the Charter Laws of the City of		
19	Gainesville, Florida, pursuant to the procedures provided by law; and		
20	WHEREAS, at least 10 days' notice has been given by publication in a newspaper of		
21	general circulation notifying the public of this proposed ordinance and of public hearings in the		
22	Auditorium of City Hall in the City of Gainesville; and		
23	WHEREAS, the public hearings before the City Commission were held pursuant to the		
24	published notice described at which hearings the parties in interest and all others had an		
25	opportunity to be and were, in fact, heard;		
26	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE		
27	CITY OF GAINESVILLE, FLORIDA:		

OF GAINESVILLE, FLORIDA:

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

PROPOSED AMENDMENTS

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

2.08. – Mayor.

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

2.10. - Interference with charter officers.

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

for the purpose of an inquiry, or as specifically provided in this act, the commission and its				
members, including the mayor, must deal with employees of the city solely through their				
respective charter officers, and neither the commission nor any commissioner, including the				
mayor, may give orders to any subordinates of the charter officers either publicly or privately.				
Any commissioner, including the mayor, who violates this section is guilty of a misdemeanor				
of the second degree, punishable as provided in section 775.082 or section 775.083, Florida				
Statutes.				
Section 2. The Charter Laws of the City of Gainesville are hereby amended by adding a				
section to be numbered 2.105 within Article II, which section reads as follows. The new section				
2.105 shall be placed immediately after section 2.10 and before section 2.11 in the Charter.				
ARTICLE II. CITY COMMISSION				
2.105. Commission staff.				
The commission may enact an ordinance authorizing the members of the commission,				
including the mayor, to individually appoint, direct, and remove temporary staff personnel for				
the sole and limited purpose of assisting with performing the duties of the members of the				
commission, including the mayor, under this act. Temporary staff personnel appointed under				
this provision shall not be delegated or entrusted with any authority or powers of the members of				
the commission, including the mayor.				
Section 3. The following ballot title and question is approved for submission to the electors of the				
City of Gainesville, Florida, for approval or rejection at the election set for Tuesday, November 8,				
2022:				

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.
96			
97			
98		LAUREN POE	
99		MAYOR	
100			
101			
102	ATTEST:	Approved as to form and legality	
103			
104			
105			
106		DANIEL MANEE	
107	OMICHELE D. GAINEY	DANIEL M. NEE	
108	CITY CLERK	INTERIM CITY ATTORNEY	
109			
110			
111	This ordinance passed on first reading this	day of,	2022.
112			
113	This ordinance passed on second reading th	is day of	, 2022.
114			