

**Blue Ribbon Commission/EEO/Affirmative Action/Charter Officer**

**December 11, 2000**

**To: The Honorable Mayor and Members of the City Commission**

**From: The Honorable Rodney J. Long, Chair, Blue Ribbon Commission on Equal Opportunity/Affirmative Action/Charter Officer**

**REF: September 25, 2000 referral and Recommendations**

**On September 25, 2000, the City Commission referred to the Blue Ribbon Commission the issue of establishing a legislative strategy for successful approval of amending the Charter to include the proposed Charter Officer of Equal Opportunity.**

**The Blue Ribbon Commission convened on December 6, 2000 to consider the September 25<sup>th</sup> charge from the City Commission. The Blue Ribbon Commission recommends the following:**

- 1) The City Commission authorizes the Chair of the Blue Ribbon Commission and the City Attorney to present the local Bill regarding the Equal Opportunity Director on behalf of the City of Gainesville to the Legislative Delegation when they convene on January 4, 2001.**
- 2) The City Commission adopts a new resolution and the proposed Charter Amendment Bill supporting the creation of a Charter Officer position entitled Equal Opportunity Director and other changes to strengthen the equal opportunity programs of the City.**
- 3) The City Commission recommends to the Alachua County Legislative Delegation to sponsor the proposed Bill as a Delegation Bill.**
- 4) That each member of the City Commission takes an active role working with the Legislative Delegation to ensure the success of the local bill. Further, the Blue Ribbon Commission recommends that each City Commissioner along with each member of the Blue Ribbon Commission be assigned to an individual member of the Legislative Delegation as a liaison to follow the progress of the Bill throughout the session.**

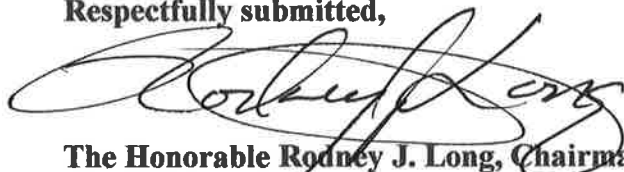
**In closing, the Blue Ribbon Commission recommends that the City Attorney's Office serves as the lead office for all legal matters in connection with the Bill, and, that each member of the Blue Ribbon Commission and City Commission should make contact on a weekly or as needed basis with their assigned delegation member before and during the legislative session.**

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**Liaison assignments for the Blue Ribbon Commission members will be submitted to the City Commission at it's January 8, 2001 meeting. We ask that the City Commission appoint their liaison members on or before the same date. The Blue Ribbon Commission will hold its wrap up meeting on December 20, 2000, and report other recommendations if any to the City Commission at the January 8, 2001 meeting.**

**Respectfully submitted,**

A handwritten signature in black ink, appearing to read "Rodney J. Long", written over a horizontal line.

**The Honorable Rodney J. Long, Chairman  
Blue Ribbon Commission on Equal Opportunity/Affirmative Action/Charter  
Officer**

**Cc. Charter Officers  
Blue Ribbon Commission Members**

1 RESOLUTION NO. 000778

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3  
4 **A Resolution of the City Commission of the City of Gainesville,**  
5 **Florida, urging the Alachua County Legislative Delegation to**  
6 **introduce, support and seek, enactment into law the local bill that**  
7 **would amend the City Charter to create the Charter Officer position**  
8 **of Equal Opportunity Director; providing directions to the Clerk of**  
9 **the Commission; and providing an immediate effective date.**

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11  
12 **WHEREAS,** on April 12, 1999, the Gainesville City Commission created a Blue Ribbon  
13 Committee to discuss the appropriate structure in City government for affirmative action, equal  
14 opportunity, and related policies and programs; and

15 **WHEREAS,** on January 3, 2000, the Blue Ribbon Committee submitted its report and  
16 recommendation to the City Commission to amend the City Charter by creating the charter  
17 officer position of equal opportunity director; and

18 **WHEREAS,** on January 24, 2000, the Gainesville City Commission voted in favor of the  
19 charter amendment, and requested the Alachua County Legislative Delegation to amend the City  
20 Charter by creating the charter officer position of equal opportunity director; and

21 **WHEREAS,** in 1979 the Alachua County Legislative Delegation supported the  
22 enactment into law without referendum of the local bill that amended the City Charter that  
23 created the charter officer position of internal auditor; and

24 **WHEREAS,** in 1990 the Alachua County Legislative Delegation, after receiving a  
25 recommendation from its blue ribbon committee that studied the operations of Gainesville  
26 Regional Utilities, supported the enactment into law without referendum of the local bill that  
27 amended the City Charter and, among other things, created the charter officer position of general  
28 manager for utilities; and

1           **WHEREAS**, on March 6, 2000, the Gainesville City Commission adopted Resolution  
2 No. 991156 urging the Alachua County Legislative Delegation to enact into law a special act  
3 amending the City Charter to create the Charter Officer position of Equal Opportunity Director,  
4 and;

5           **WHEREAS**, on December 6, 2000, the Blue Ribbon Committee renewed its support of a  
6 special act amending the City Charter to create the Charter Officer position of Equal Opportunity  
7 Director, and urged the entire Alachua County Legislative Delegation to introduce, support and  
8 seek enactment into law the local bill that would amend the City Charter.

9           **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**  
10 **CITY OF GAINESVILLE, FLORIDA:**

11           **Section 1.** The City Commission urges the Alachua County Legislative Delegation to  
12 introduce, support and seek enactment into law during the 2001 Legislative Session the local bill  
13 amending the city charter to create the charter officer position of equal opportunity director, and  
14 respectfully requests the entire delegation to act as one body during each step of the legislative  
15 process.

16           **Section 2.** The Clerk of the Commission is directed to send a true copy of this  
17 Resolution to all members of the Alachua County Legislative Delegation.

1           **Section 3.** This Resolution shall become effective immediately upon adoption.

2           PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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\_\_\_\_\_  
Paula M. DeLaney  
Mayor

8   **Attest:**

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\_\_\_\_\_  
11   Kurt Lannon  
12   Clerk of the Commission

A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem Barrow, that this matter be Referred to the Public Works Committee, due back on March 26, 2001. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

**000463 SE 2nd Place Traffic Operations and Parking Changes (B)**

*City of Gainesville Public Works Director Teresa Scott gave a presentation.*

*Chair Paula M. DeLaney recognized Citizens Linda McGurn, Mark Goldstein and Reverend Tim Keyes.*

**RECOMMENDATION** *The City Commission authorize converting SE 2nd Place from SE 1st Street to SE 3rd Street to one-way eastbound and install a parking bay/loading zone on the north side of the street.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, that this matter be Approved as Recommended. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen and Paula M. DeLaney  
Nay: Pegeen Hanrahan and John R. Barrow

**000464 2001 State Legislative Statement (B)**

*Chair Paula M. DeLaney recognized Citizens Rodney Long and Ruth Brown who spoke to the matter.*

*SECOND MOTION: Commissioner Pegeen Hanrahan moved and Commissioner Chuck Chestnut seconded to refer the issue of establishing a legislative strategy for successful approval of our legislative requests to the Blue Ribbon Task Force and to the Legislative Committee.*

*(VOTE: 5-0)*

**RECOMMENDATION** *The City Commission review the proposed 2001 State Legislative Statement and make any changes, additions, or deletions as deemed appropriate.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Chestnut, that this matter be Approved, as shown above. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

**GENERAL MANAGER FOR UTILITIES**



# MEMORANDUM


Office of the City Attorney

Phone: 334-5011/Fax 334-2229  
Box 46  
GAINESVILLE  
COMMISSION

2000 DEC 11 AM 10:08

**TO:** Mayor Paula M. DeLaney, Chair  
Legislative Committee  
Commissioner Pegeen Hanrahan,  
Legislative Committee Member

Wayne Bowers, City Manager

**FROM:** Marion J. Radson, City Attorney 

**SUBJECT:** Local Bill Amending the City Charter Creating the Charter Officer Position  
of Equal Opportunity Director

**DATE:** December 11, 2000

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The Blue Ribbon Committee, at its meeting of December 6, 2000, asked the City Attorney's Office to prepare the bill that would be submitted to the Legislative Delegation for filing as a special act during the 2001 Legislative Session. Attached is the bill that is taken verbatim from HB 1839 that was filed by Representative Chestnut in the last Legislative Session.

MJR/afm

Attachment

cc: Rodney Long, Chair  
Blue Ribbon Committee

James McDonald, Staff Liaison  
Blue Ribbon Committee

1 A bill to be entitled

2 An act relating to the City of Gainesville; amending chapter  
3 90-394, Laws of Florida, as amended; revising the charter of  
4 the City of Gainesville; providing for additional duties of the  
5 Internal Auditor; providing for creation of the charter officer  
6 position entitled Equal Opportunity Director to be appointed  
7 by the city commission; providing powers and duties of such  
8 officer; providing that the city shall not discriminate on the  
9 basis of certain protected characteristics and requiring the  
10 city commission to adopt ordinances; making the charter  
11 officers responsible for implementing the equal opportunity  
12 and human relations ordinances and programs in their  
13 respective departments; providing for application to persons  
14 covered under collective bargaining agreements; providing  
15 an effective date.  
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17  
18 Be It Enacted by the Legislature of the State of Florida:  
19

20 Section 1. Section 3.05 of Article III of the charter of the City of Gainesville, as created  
21 by chapter 90-394, Laws of Florida, as amended is amended to read:

22 3.05 City internal auditor.—

23 (1) The commission may appoint a city internal auditor who shall serve at the will of the  
24 commission. The city internal auditor shall,



- 1 (a) Shall perform financial and compliance audits.
- 2 (b) Shall assist the commission in all its accountability functions.
- 3 (c) Shall perform compliance audits on the implementation of the city's human  
4 relations and equal opportunity ordinances, policies and programs pertaining to the activities of  
5 the city within all departments of the city in accordance with schedules prescribed by the  
6 commission
- 7 (d) ~~(e)~~ Shall perform all other duties assigned by the commission.

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

10 Section 2. Section 3.08 is created and added to Article III of the charter of the City of  
11 Gainesville, as created by chapter 90-394, Laws of Florida, as amended, to read:

12 3.08 Equal Opportunity Director.—The commission shall appoint an equal opportunity  
13 director who shall serve at the will of the city commission. The equal opportunity director:

14 (1) Shall investigate complaints of discrimination, harassment, retaliation, and other  
15 related matters, and propose remedial action, as prescribed by the city's human relations and  
16 equal opportunity ordinances. No city employee shall suffer retaliation for filing a complaint or  
17 testifying, assisting, or participating in any investigation under these ordinances, and such  
18 complaints will be held confidential to the extent allowed by federal and state law.

19 (2) Shall make reports, including an annual report, to the charter officers and the  
20 commission, as appropriate, as to the activities of the year and the need, if any, to revise the  
21 city's human relations and equal opportunity ordinances, policies, and programs pertaining to but  
22 not limited to equal opportunity, affirmative action, local minority business and local small

1 enterprise procurement program, fair housing, unlawful harassment, and accessibility to the city's  
2 programs, services, and activities.

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

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

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

10 (6) Shall review all proposed changes to current or proposed new city employment  
11 policies, procedures, and guidelines, job descriptions and purchasing policies, procedures and  
12 guidelines for compliance with equal opportunity laws, policies, procedures, and guidelines and  
13 related matters.

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

16 (8) Shall develop instruments to monitor adherence to diversity and equal opportunity  
17 laws, policies, procedures, guidelines, and related matters for city services, programs, activities,  
18 employment, and purchasing.

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

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

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

3           Section 3. Section 5.07 is created and added to the charter of the City of Gainesville, as  
4 created by chapter 90-394, Laws of Florida, as amended, to read:

5           5.07 Equal Opportunity.—

6           (1) The city shall not deny any person any benefit, service, employment, opportunity for  
7 service, contract, or any incidents or emoluments thereto on the basis of race, religion, color,  
8 gender, national origin, marital status, disability, sexual orientation, or age. The commission shall  
9 adopt human relations and equal opportunity ordinances to implement this provision.

10           (2) The charter officers shall apply the city's human relations and equal opportunity  
11 ordinances and implement its human relations and equal opportunity programs within their  
12 respective departments and shall coordinate the efforts of the various departments to optimize the  
13 effectiveness of their efforts. The charter officers shall from time to time make individual and  
14 collective recommendations to the commission pertaining to the effectiveness of the city's human  
15 relations and equal opportunity ordinances and programs pertaining to the activities of the city.

16           Section 4. Nothing in this act shall abrogate the provisions of any collective bargaining  
17 agreement or the city's responsibility to negotiate terms and conditions of employment.

18           Section 5. This act shall take effect upon becoming a law.

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