

Legislative #

210356

ORDINANCE NO. 210356

An ordinance of the City of Gainesville, Florida; revising Article V of Chapter 2 of the City Code of Ordinances relating to boards and committees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on September 2, 2021, the City Commission gave direction to the city attorney and city clerk to update certain code sections regarding City advisory boards and committees; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings; and

WHEREAS, the public hearings were held pursuant to the notice described above 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:**

Section 1. Chapter 2, Article V, Division 1 of the Code of Ordinances is amended to read as follows:

Chapter 2. Administration

ARTICLE V. BOARDS, COMMISSIONS AND COMMITTEES.

Division 1. Generally.

Sec. 2-245. - Boards and ~~commissions~~ committees to report to city commission; annual reports; review and elimination.

All boards, and committees ~~and commissions appointed~~ created by the city commission shall be advisory to and shall report to the city commission, unless a charter provision or ordinance

of the city ~~shall~~ provides otherwise ~~provide~~. Each board and committee created by the city commission shall submit an annual written report describing its activities during the previous year. The annual report shall be submitted to the city commission in accordance with the schedule published by the city clerk. At least every five years, the city commission shall review the purpose, functions, and duties of all boards and committees and shall eliminate any that have fulfilled their purpose and/or are no longer deemed necessary by the city commission.

Sec. 2-246. - Members to remain in office until successors appointed; exceptions.

The members of all boards, and committees ~~and commissions~~ appointed by the city commission ~~shall~~ may remain in office until their successors are appointed, unless a charter provision or ordinance of the city ~~shall~~ provides otherwise ~~provide~~.

Sec. 2-247. - Removal from office; attendance.

(a) For purposes of this section:

Advisory board means any board, ~~commission,~~ or committee created by the city commission, ~~or council~~ whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations.

Attend or attendance means presence at a meeting for a duration of at least 50 percent of the entire meeting time as verified by the ~~board secretary~~ staff liaison on the attendance record.

Quasi-judicial or administrative board means any board, ~~commission,~~ or committee, ~~or council~~ created by the city commission whose powers, jurisdiction, and authority include

the final determination, or adjudication of any personal or property rights, duties, or obligations.

(b) Unless otherwise provided by law, the The city commission may remove from office any appointee of the city commission without cause or prior notice ~~as provided by law.~~

(c) Except as provided otherwise, any ~~Any~~ appointee of the city commission, ~~to any board, commission, committee, authority, or council except the community redevelopment agency~~ appointees to, the Gainesville-Alachua County Regional Airport Authority, the board of trustees for the City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan, the governing board of the Alachua County Library District, the Gainesville Housing Authority, and the Gainesville Enterprise Zone Development Agency, the State Housing Initiatives Partnership-Affordable Housing Advisory Committee, and other boards and committees whose appointment and removal is governed by state statutes, shall be automatically removed from office under the following circumstances:

(1) *Quasi-judicial and administrative boards.* ~~The board member~~ appointee has failed to attend at least four of ~~or more consecutive meetings or the board member's overall attendance record is less than 66 2/3 percent for the six most recent board meetings at which voting occurred.~~ ~~Board members~~ Appointees may be granted one excused absence per calendar year for a medical reason or professional/educational obligation. ~~Board members~~ Appointees shall notify the ~~board secretary~~ staff liaison of an excused absence prior to the meeting, if practicable.

(2) *Advisory boards.* The ~~board member's overall attendance record is less~~
~~than 50 percent for~~ appointee has failed to attend at least three of the six most
recent board or committee meetings at which voting occurred. ~~Board members~~
Appointees may be granted two excused absences per calendar year for a
medical reason or professional/educational obligation. ~~Board members~~
Appointees shall notify the ~~board secretary~~ staff liaison of an excused absence
prior to the meeting, if practicable.

(d) The city commission shall consider the attendance record of any current or former
~~board member~~ appointee being considered for appointment or reappointment.

~~(e) Any resident member appointed by the city commission to the board of trustees for~~
~~the City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan~~
~~may be removed from office by the city commission without cause and without prior~~
~~notice.~~

Sec. 2-248. – Member appointment process; residency; limitations.

The city commission shall appoint all members of boards and committees created by the
city commission unless otherwise provided by law. All appointees shall remain residents of the
city throughout their term, unless professional expertise is listed as a requirement or preference
for board membership and no resident applicant meets that criteria. Appointees cannot serve on
more than two city boards or committees concurrently, or more than one quasi-judicial board.

Each staff liaison shall notify the city clerk of vacancies (due to resignation or removal)
and of term expirations at least 60 days prior to the end of the term. The city clerk shall
administer application, appointment and removal processes. The city clerk shall issue notices of

94 appointment and maintain copies of application and appointment correspondence. The city clerk
95 will coordinate with the charter officers to provide member orientation and training for new
96 appointees as needed.

97 **Sec. 2-249. - ~~Board secretary.~~ City staff liaison.**

98 ~~All boards, committees, commissions, authorities, and councils created by the city commission~~
99 ~~shall elect a board secretary unless a special rule or law provides otherwise. It is the duty of the~~
100 ~~secretary to provide notice of each meeting to the clerk of the commission at least 48 hours~~
101 ~~(excluding Saturdays, Sundays and Holidays) prior to the meeting. The secretary shall make, or~~
102 ~~cause to be made, the minutes of each meeting, and shall verify the attendance of board members~~
103 ~~at each meeting, and shall verify the attendance of board members at each meeting. The~~
104 ~~secretary shall file the attendance record with the clerk of the commission as soon as practicable.~~

105 Except as provided otherwise by ordinance, for each board or committee created by the
106 city commission, the city commission shall indicate a charter office to provide administrative
107 support. The charter officer under whose area a board or committee falls shall designate a staff
108 liaison to administer the board or committee.

109 The staff liaison shall provide orientation materials, the board or committee rules of
110 procedure and, if applicable, the enabling code section to appointees. The staff liaison will be
111 responsible for communicating relevant information between the board or committee and the city
112 clerk, including committee reports and recommendations, and other actions taken by the board or
113 committee.

114 The staff liaison shall provide notice of each board or committee meeting to the city
115 clerk at least 48 hours (excluding Saturdays, Sundays and Holidays) prior to the meeting. The
116 staff liaison shall make, or cause to be made, the recording of minutes of each meeting and

shall verify the attendance of appointees at each meeting. The staff liaison shall timely file the minutes, meeting recordings (if any), and attendance record with the city clerk using the city's agenda management system. Minutes shall be posted monthly unless the board or committee meets at a less frequent interval; in such case, a draft should be posted and updated after the board or committee has approved the final version.

Sec. 2-250 – Rules of procedure.

All boards and committees appointed by the city commission shall adopt rules of procedure in a form approved by the city attorney.

Section 2. It is the intention of the City Commission that the provisions of Section 1 of this Ordinance shall become and be made a part of the Charter and the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

137 **Section 5.** This ordinance shall become effective immediately upon adoption.
138 **PASSED AND ADOPTED THIS ____ DAY OF _____, 2022.**

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LAUREN POE
MAYOR

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ATTEST:

Approved as to form and legality

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OMICHELE D. GAINEY
CITY CLERK

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

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

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