

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 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 to report to city commission; annual reports; and
review.**

~~All boards, 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 ~~created by the city commission shall~~

submit an annual written report describing its activities during the previous year. The annual report must 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 to determine if they should continue to exist.

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

The members of all boards, ~~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, committee, or council~~ created by the city commission 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 board 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.

Board means any advisory, quasi-judicial, or administrative board, commission, committee, council, or similar collegial body created by the city commission.

Quasi-judicial or administrative board means any board, ~~commission, 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 ~~appointed member of a board appointee of the city commission~~ without cause or prior notice as provided by law.

(c) ~~With the exception of members of Any appointee of the city commission to any board, commission, committee, authority, or council except the community redevelopment agency, 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 whose appointment and removal is governed by state statutes, any appointed member of a board will~~ shall be automatically removed from office under the following circumstances:

(1) *Quasi-judicial and administrative boards.* The board member has failed to attend ~~four~~ two ~~or more consecutive meetings or the board member's overall attendance record is less than 66 2/3 percent for~~ of the six most recent board meetings at ~~which voting occurred.~~ Board members ~~may~~ will be allowed ~~granted~~ one excused absence per calendar year for a medical reason or professional/ or educational obligation. Board members 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~~ has failed to attend three of the six most recent board

73 meetings ~~at which voting occurred~~. Board members ~~may~~ will be allowed
74 ~~granted~~ two excused absences per calendar year for a medical reason or
75 professional/ or educational obligation. Board members shall notify the ~~board~~
76 ~~secretary~~ staff liaison of an excused absence prior to the meeting, if
77 practicable.

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

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

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

85 The city commission shall appoint all members of boards created by the city commission
86 unless otherwise provided by law. Unless professional expertise is listed as a requirement or
87 preference for board membership and no resident applicant meets that criteria, board members
88 must reside in the city and will be automatically removed from the board if they fail to remain
89 residents of the city. Board members cannot serve on more than two city boards concurrently, or
90 more than one quasi-judicial board.

91 Each staff liaison shall notify the city clerk of vacancies (due to resignation or removal)
92 and of term expirations at least 60 days prior to the end of the term. The city clerk shall
93 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

shall coordinate with the charter officers to provide member orientation and training for new board members as needed.

Sec. 2-249. - Board secretary. City staff liaison.

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

Except as provided otherwise by ordinance, the city commission shall designate a charter officer to provide administrative support to city boards. The applicable charter officer shall designate a staff liaison to administer the board.

The staff liaison shall provide orientation materials, the board rules of procedure, and applicable enabling code sections to board members. The staff liaison shall communicate relevant information between the board and the city clerk, including board reports and recommendations and other actions taken by the board.

The staff liaison shall provide reasonable notice of each board meeting to the city clerk prior to the meeting. The staff liaison shall make, or cause to be made, the recording of minutes of each meeting and shall verify the attendance of board members 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 must be posted

monthly unless the board meets at a less frequent interval; in such case, a draft should be posted and updated after the board has approved the final version.

Sec. 2-250 – Rules of procedure.

All boards 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.

Section 5. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS 16th DAY OF JUNE, 2022.



LAUREN POE
MAYOR

ATTEST:

Approved as to form and legality



OMICHELE D. GAINERY
CITY CLERK



DANIEL M. NEE
INTERIM CITY ATTORNEY

This ordinance passed on first reading this 2nd day of June, 2022.

This ordinance passed on second reading this 16th day of June, 2022.