

LEGISLATIVE #

110658A

ORDINANCE NO. 110658

1
2 **An ordinance amending the Code of Ordinances of the City of Gainesville,**
3 **Florida, relating to attendance requirements for members of quasi-judicial,**
4 **administrative, and advisory boards; by amending Section 2-247. - *Removal***
5 ***from office*; providing directions to the codifier; providing a severability**
6 **clause; providing a repealing clause; and providing an immediate effective**
7 **date.**

8
9 **WHEREAS**, the City Commission on February 2, 2012, referred to the Audit, Finance
10 and Legislative Committee the issue of attendance policy for members of quasi-judicial,
11 administrative, and advisory boards; and

12 **WHEREAS**, the City Commission on December 20, 2012, received input from the
13 Audit, Finance and Legislative Committee and directed the City Attorney's Office to draft this
14 ordinance; and

15 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
16 newspaper of general circulation notifying the public of this proposed ordinance and of public
17 hearings in the City Hall Auditorium, First Floor, City Hall, City of Gainesville; and

18 **WHEREAS**, the public hearings were held pursuant to the notice described above at
19 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
20 heard.

21 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
22 **CITY OF GAINESVILLE, FLORIDA:**

23 **Section 1.** Section 2-247 of the Code of Ordinances of the City of Gainesville is
24 amended to read as follows.

25 **Sec. 2-247. – Removal from office.**

1 (a) For purposes of this section:

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

6
7 Attend or attendance means presence at a meeting for a duration of at least 50 percent of
8 the entire meeting time as verified by the board secretary on the attendance record.

9
10 Quasi-judicial or administrative board means any board, commission, committee, or
11 council whose powers, jurisdiction, and authority include the final determination, or
12 adjudication of any personal or property rights, duties, or obligations.

13
14 (b)(a) The city commission may remove from office any appointee of the city commission as
15 provided by law.

16
17 (c)(b) Any appointee of the city commission to any board, commission, committee, authority, or
18 council except the eCommunity rRedevelopment aAgency, the Gainesville-Alachua
19 County Regional Airport Authority, the Board of Trustees for the City of Gainesville
20 Police Officers and Firefighters Consolidated Retirement Plan Consolidated Police
21 Officers and Firefighters Retirement Plan, the governing board of the Alachua County
22 Library District, the Gainesville Housing Authority, and the Gainesville Enterprise Zone
23 Development Agency, shall be is automatically removed from office under the following
24 circumstances: the board, commission or committee upon filing with the clerk of the
25 commission, the attendance record that indicates:

26
27 (1) ~~As to q~~Quasi-judicial and administrative boards: The board member has failed to
28 attend four or more consecutive meetings; ~~or that the~~ board member's overall
29 attendance record of the member is less than ~~66 2/3~~ 66 2/3 percent for any six
30 month period the 6 most recent board meetings at which voting occurred. As
31 used in this paragraph, attendance means presence at the meeting no later than 15
32 after the meeting is called to order as verified by the secretary on the attendance
33 record; Board members may be granted one excused absence per calendar year
34 for a medical reason or professional/educational obligation. Board members shall
35 notify the board secretary of an excused absence prior to the meeting, if
36 practicable.

37
38 (2) ~~As to a~~Advisory boards: The board member's overall attendance record of the
39 board member is less than 50 percent for the 6 most recent board meetings at
40 which voting occurred. 12-month period commencing January 1 and ending on
41 December 31 of any year. As used in this paragraph, attendance means presence
42 at a meeting as may be defined in the rules of the board and approved by the city
43 commission. Additionally, this attendance requirement will not apply to any board
44 member who serves less than the full 12-month period. The automatic removal of
45 any board member under this paragraph may be stayed by the filing of an appeal
46 with the clerk of the commission between January 2 and January 15 of any year.

1 The form of the appeal shall be available at the office of the clerk of the
 2 commission which shall include the requirement that the appellant state with
 3 particularity the grounds for such appeal that are limited to: 1) professional
 4 obligations; 2) sabbatical leave; 3) health or medical reasons; or 4) extenuating
 5 circumstances. The city commission shall hear the appeal within 15 days of the
 6 filing of any appeal. The decision of the city commission shall be final. Board
 7 members may be granted two excused absences per calendar year for a medical
 8 reason or professional/educational obligation. Board members shall notify the
 9 board secretary of an excused absence prior to the meeting, if practicable.

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 11
 12 (d) The city commission shall consider the attendance record of any current or former board
 13 member being considered for appointment or reappointment. For purposes of this
 14 subsection, an advisory board means any board, commission, committee, council, or
 15 authority whose powers, jurisdiction, and authority are solely advisory and do not include
 16 the final determination or adjudication of any personal or property rights, duties, or
 17 obligations. All other boards, commissions, committees, councils or authorities are
 18 deemed to be quasi-judicial or administrative boards.

19
 20 (e) — Reserved.

21
 22 (†) (e) Any resident member appointed by the city commission to the Board of Trustees for the
 23 City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan may be
 24 removed from office by the city commission without cause and without prior notice. The
 25 resident members of the consolidated police officer and firefighters pension plan board of
 26 trustees, appointed by the city commission, may be removed without prior notice and
 27 without cause, such removal to be effective upon the resident members' receipt of written
 28 notice of the commission's action.

29
 30 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
 31 this ordinance shall become and be made a part of the Code of Ordinances of the City of
 32 Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered
 33 or relettered in order to accomplish such intention.

34 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
 35 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
 36 finding shall not affect the other provisions or applications of this ordinance that can be given

1 effect without the invalid or unconstitutional provision or application, and to this end the
2 provisions of this ordinance are declared severable.

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

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

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7 **PASSED AND ADOPTED** this ____ day of _____, 2013.

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EDWARD B. BRADDY
MAYOR

13

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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22 This ordinance passed on first reading this ____ day of _____, 2013.

23

24 This ordinance passed on second reading this ____ day of _____, 2013.