

**LEGISLATIVE #**

**110658B**

ORDINANCE NO. 110658

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

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

**WHEREAS**, the City Commission on December 20, 2012, received input from the Audit, Finance and Legislative Committee and directed the City Attorney’s Office to draft this ordinance; 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 in the City Hall Auditorium, First Floor, City Hall, City of Gainesville; 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.** Section 2-247 of the Code of Ordinances of the City of Gainesville is amended to read as follows.

**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.

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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.

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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.

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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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 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.

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 20 (e) — Reserved.

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 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.

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 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

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ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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KURT M. LANNON  
CLERK OF THE COMMISSION

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NICOLLE M. SHALLEY  
CITY ATTORNEY

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This ordinance passed on first reading this \_\_\_ day of \_\_\_\_\_, 2013.

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This ordinance passed on second reading this \_\_\_ day of \_\_\_\_\_, 2013.