

Legislative #
191054

ORDINANCE NO. _____

An ordinance of the City of Gainesville, Florida; proposing an amendment to Article III "Administration" of the Charter Laws of the City of Gainesville deleting 3.06 titled "General manager for utilities" and amending 3.02 titled "City manager", to eliminate the position of general manager for utilities from the designated charter officers of the City, thus transferring administrative authority over the City's utility system to the city manager; providing for submission of this charter amendment to the voters for approval or disapproval at the November 3, 2020 election; approving the title and question to be placed on the ballot; providing that this charter amendment shall become effective if approved by the voters; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, pursuant to 5.01(2) of the City Charter, the City Charter Review Commission can deliver proposed charter amendments to the City Commission; and

WHEREAS, the City Charter Review Commission held at least 3 public hearings, each at least 7 calendar days apart, on this amendment, and after which a majority of the full City Charter Review Commission voted favorably on the proposed amendment; and

WHEREAS, the City Commission duly considered the charter amendment, had the opportunity to veto the proposed amendment by a two-thirds vote of the City Commission, and having not vetoed the proposed amendment, by passage of this ordinance, requests the Supervisor of Elections place the proposed amendment on the next November election ballot, subject to approval of the electorate at a municipal election; and

WHEREAS, at least 10 days' notice has been given by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, the public hearings before the City Commission were held pursuant to the published notice described at which hearings the parties in interest and all others had an

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1 opportunity to be and were, in fact, heard;

2 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY
3 OF GAINESVILLE, FLORIDA:

4 The following proposed amendment to Chapter 90-394, Laws of Florida, 1990, as
5 amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is approved for
6 submission to the electors of the City of Gainesville, Florida, for approval or disapproval at the
7 election set for Tuesday, November 3, 2020:

8 PROPOSED AMENDMENT

9 **Section 1.** 3.02 titled "City manager" of Article III of the Charter of the City of
10 Gainesville is amended to read as set forth below. Except as amended herein, the remainder of
11 Article III remains in full force and effect.

12 **3.02 – City manager.**

13 (1) *Appointment; administrative head of municipal government; qualifications; terms;*
14 *bond.* The commission shall appoint a city manager who shall be the administrative head of the
15 municipal government. The city manager is responsible for the efficient administration of all the
16 departments except for those under the control of other charter officers. The city manager shall
17 be appointed without regard to political beliefs, hold office at the will of the commission, and
18 receive no salary for any portion of a salary period extending beyond termination of office. The
19 city manager shall give bond for the faithful performances of this duty in such sum as the
20 commission requires to protect the finances of the city.

21 (2) *Powers and duties generally.* The city manager:

22 (a) Shall see that the laws and ordinances are enforced.

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1 (b) Shall propose ordinances to designate the job title of subordinates who are directors
2 of departments.

3 (c) Shall appoint and, except as otherwise provided in this act, may remove any
4 director of a department at will.

5 (d) May remove any nonprobationary subordinate officer or employee in a department
6 for cause, obsolescence of position, or to satisfy budgetary restrictions.

7 (e) Shall administer all departments and divisions created by the commission, except as
8 otherwise provided in this act.

9 (f) Shall attend all meetings of the commission, except as excused, with the right to
10 take part in the discussion, but having no vote.

11 (g) Shall recommend to the commission all measures necessary and expedient for the
12 proper governance and management of the city.

13 (h) Shall keep the commission fully advised as to the management, governance, and
14 needs of the city.

15 (i) Is the purchasing agent for the city subject to rules adopted by the commission.
16 ~~However, the power of purchase and sale granted to the city manager does not include the power~~
17 ~~to dispose of any public utility owned by the city.~~

18 (j) Shall recommend an annual budget to the commission.

19 (k) Shall perform all other duties prescribed by law, this act, ordinance, or direction of
20 the commission.

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1 **Section 2.** 3.06 titled "General manager for utilities" of Article III of the Charter of the
2 City of Gainesville is deleted in its entirety as set forth below. Except as amended herein, the
3 remainder of Article III remains in full force and effect.

4 **~~3.06. General manager for utilities.~~**

5 ~~(1) Appointment; administrative head of municipal utilities; qualifications; terms. The~~
6 ~~commission shall appoint a general manager for utilities ("general manager") who shall be~~
7 ~~responsible to the commission. The general manager shall be responsible for the efficient~~
8 ~~administration of the Utility System. The general manager for utilities shall serve at the will of~~
9 ~~the commission.~~

10 ~~(2) Powers and duties generally. The general manager:~~

11 ~~(a) Shall be responsible for and have exclusive management jurisdiction and control~~
12 ~~over operating and financial affairs of the Utility System including, but not limited to, the~~
13 ~~planning, development, production, purchase, sale, exchange, interchange, transmission and~~
14 ~~distribution of all electricity; the planning, development, purchase, sale, exchange, interchange,~~
15 ~~transmission and distribution of all natural gas; the planning, development, supply, treatment,~~
16 ~~transmission, distribution and sale of all potable water; and the planning, development,~~
17 ~~collection, treatment, disposal and billing of all wastewater now or hereafter provided by the~~
18 ~~city;~~

19 ~~(b) Shall submit to the commission for its consideration a yearly budget for the~~
20 ~~operation of the Utility System;~~

1 ~~(e) Shall be the purchasing agent for all equipment, materials, supplies and services~~
2 ~~necessary for operating and maintaining the Utility System subject to policies promulgated by~~
3 ~~the commission;~~

4 ~~(d) Shall propose ordinances to designate the job titles of subordinates that are to be~~
5 ~~considered directors of department;~~

6 ~~(e) Shall appoint and, except as otherwise provided in this charter, remove all directors~~
7 ~~of departments at will;~~

8 ~~(f) Shall recommend to the commission all measures necessary and expedient for the~~
9 ~~proper governance and management of the Utility System;~~

10 ~~(g) Shall keep the commission fully advised as to the management, governance and~~
11 ~~needs of the Utility System;~~

12 ~~(h) Shall perform all other duties prescribed by law, this charter, ordinance, or~~
13 ~~direction of the commission.~~

14 **Section 3.** The following ballot title and question is approved for submission to the
15 electors of the City of Gainesville, Florida, for approval or rejection at the election set for Tuesday,
16 November 3, 2020:

17 CITY OF GAINESVILLE CHARTER AMENDMENT

18 ELIMINATING THE CHARTER OFFICER POSITION OF GENERAL

19 MANAGER FOR UTILITIES

20 “SHALL THE CITY CHARTER BE AMENDED TO ELIMINATE THE
21 POSITION OF GENERAL MANAGER FOR UTILITIES FROM THE
22 DESIGNATED CHARTER OFFICERS OF THE CITY, THUS TRANSFERRING

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1 ADMINISTRATIVE AUTHORITY OVER THE CITY'S UTILITY SYSTEM TO
2 THE CITY MANAGER, AS PROPOSED BY ORDINANCE NO. _____?"

3 **Section 4.** The Supervisor of Elections is requested to place this ballot title and question
4 on the November 3, 2020 general election ballot.

5 **Section 5.** In the event that the charter amendment proposed by Sections 1 and 2 of this
6 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of
7 Gainesville, Florida at the November 3, 2020 election, then: 1) the codifier is directed to
8 incorporate the amendments stated in Sections 1 and 2 of this Ordinance in the Charter Laws of the
9 City of Gainesville; and 2) the Clerk of the Commission is directed to file a true copy of this
10 ordinance with the Florida Department of State.

11 **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
12 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
13 the validity of the remaining portions of this ordinance.

14 **Section 7.** All ordinances or parts of ordinances in conflict herewith are to the extent of
15 such conflict hereby repealed.

16 **Section 8.** This ordinance shall become effective immediately upon final adoption.

17 **PASSED AND ADOPTED this _____ day of _____, 2020.**
18
19
20
21

22 _____
23 LAUREN POE
24 MAYOR

25 **ATTEST:**

Approved as to form and legality

26
27 _____
28 OMICHELE D. GAINES

NICOLLE M. SHALLEY

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1 CLERK OF COMMISSION

CITY ATTORNEY

2 CITY ATTORNEY

3

4 This ordinance passed on first reading this _____ day of _____, 2020.

5 This ordinance passed on second reading this _____ day of _____, 2020.

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