

ORDINANCE #ORD2016-06

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, SUBMITTING TO THE ELECTORS OF DUNNELLON A PROPOSED AMENDMENT TO SECTIONS 18A, 19, 21, 22 AND 25 OF THE CITY CHARTER ELIMINATING THE CITY MANAGER POSITION; PROVIDING FOR CITY COUNCIL MANAGEMENT OF CITY DEPARTMENT HEADS OR MANAGEMENT OF SAME BY CITY COUNCIL'S DESIGNEE(S); PROVIDING THE BALLOT TITLE, SUMMARY, AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR THE EFFECTIVE DATE OF THE CHARTER AMENDMENT IF APPROVED BY A MAJORITY OF ELECTORS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or to all of its charter except that part describing the boundaries of such municipality.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF DUNNELLON, FLORIDA, THAT:

SECTION 1. The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Dunnellon.

SECTION 2. Proposed Amendment to Charter. The City Council of the City of Dunnellon, pursuant to Section 166.031, Florida Statutes, hereby proposes an amendment to the Charter of the City of Dunnellon, which amendment to Sections 18a, 19, 21, 22, and 25 of the Charter is set forth in Exhibit "A" attached hereto and by this reference made a part hereof. Sections 18a, 19, 21, 22, and 25 of the Charter attached hereto reflect the proposed changes by showing additions with underlining and deletions with ~~strike-through~~ type.

SECTION 3. Submission to Electors. The proposed amendment to the Charter of the City of Dunnellon, as contained in this Ordinance, shall be submitted to a vote of the electors of the City of Dunnellon at the next municipal election to be held on Tuesday, November 8, 2016. The Supervisor of Elections of Marion County is hereby requested to coordinate all matters of said referendum election with the City Clerk.

SECTION 4. Duties of City Clerk. The City Clerk is hereby directed to ensure that all advertising and notice requirements are complied with pursuant to the City's Charter and to coordinate all activities necessary to conduct the referendum election called in Section 3 of this Ordinance with the Supervisor of Elections for Marion County. Should the proposed change to the Charter be approved by the electors, the City Clerk shall ensure that the Department of State is sent the revised Charter.

SECTION 5. Ballot Title and Text. The ballot title and summary of the proposed amendment to the Charter shall appear on the ballot in the form of a question, set forth as follows:

CHARTER BALLOT QUESTION
CITY OF DUNNELLON, FLORIDA
REFERENDUM ELECTION

ELIMINATION OF CITY MANAGER POSITION; CITY COUNCIL MANAGEMENT OF
CITY DEPARTMENT HEADS

Shall the Charter of Dunnellon be amended to eliminate the position of City Manager so that the City department heads are managed by the City Council or their designee(s)?

_____ For Adoption (Yes)

_____ Against Adoption (No)

SECTION 6. Effective Date of Amendment to Charter. If approved by a majority of the voting electors of the City of Dunnellon, the amendment set forth in Exhibit "A" shall become effective in accordance with the provisions of Section 166.031, Florida Statutes. If the electors reject an amendment(s), the rejected amendment(s) shall not take effect.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 8. Conflicting Ordinances. All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith are hereby repealed.

SECTION 9. Effective Dates. This Ordinance shall take effect immediately upon its final passage and adoption. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon the approval of a referendum election of the electors of the City of Dunnellon.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 13th day of June, 2016.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 11th day of July, 2016.

Ordinance Posted on the City's website on June 10, 2016. Public hearing advertised on City's website on June 24, 2016 and in the Riverland News on June 30, 2016.

ATTEST:

CITY OF DUNNELLON

Dawn M. Bowne, M.M.C.
City Clerk

Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:

Andrew Hand, City Attorney

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 10th day of June, 2016.

Dawn M. Bowne M.M.C.
City Clerk

EXHIBIT "A"

Section 18a. – City manager.

~~The city council shall appoint and remove a city manager by majority vote. The city manager shall appoint, remove, suspend, supervise and manage the department heads and all other city employees. The city manager will report directly to the city council.~~

~~The city manager shall be chief administrator of the city, and responsible for municipal administration. He or she shall enforce all ordinances and laws of the city and the orders of the city council and see that the same are duly observed and enforced. City ordinance shall provide for other powers and responsibilities of the city manager.~~

Section 19. - City clerk.

There shall be one office of city clerk and tax collector; and said official shall be ~~empowered~~ appointed by the city manager a majority of city council, said officer to hold this office until he or she is removed at any time on three-fifths vote of city council. He or she shall be known and sign all documents, rolls, and papers as city clerk. He or she shall give such bond as the city council may require. He or she shall attend all special and regular meetings of the city council; and shall keep a record of all proceedings and acts of the city council and shall keep a record in books to be kept for the purpose of ordinances and resolutions passed by the city council. The clerk shall issue all occupational licenses and shall collect all taxes due the city and perform all such other duties as usually pertains to the office of city clerk and tax collector and as may be required by the city council or their designee.

Section 21. - City treasurer.

The city treasurer shall pay out no funds of the city except upon the authorization of the ~~city manager~~ city council or their designee. The ~~city treasurer~~ city council or their designee shall not ~~make order~~ any payment unless there are funds sufficient to meet or cover such payment.

Section 22. - Chief of police.

There shall be a chief of police appointed by ~~the city manager of said city~~ a majority of the city council. Said officer shall hold his office until he may be removed at any time on a three-fifths vote of said city council. He shall give such bond as the city council may prescribe. It shall be the duty of the chief of police to perform such duties as may be proper to his office under the provisions of law, or required by ordinance. He shall have control of the police force, subject to the command of the ~~city manager~~ city council or their designee, and shall have police power of arrest.

Section 25. - Sanitary inspector.

The ~~city manager~~ city council or their designee shall have power to require the [building inspector] to perform the duties of sanitary inspector and perform such other duties with reference to the inspection of property and premises and reporting the same, as the city council may require.