

**RESOLUTION #RES2021-02**

**A RESOLUTION OF THE CITY OF DUNNELLON, FLORIDA, REASSIGNING SPECIFIED ADMINISTRATIVE DUTIES TO THE CITY CLERK DURING THE PRESENT ABSENCE OF A CITY ADMINISTRATOR FOR AN INDEFINITE PERIOD OF TIME; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 2, Article III, Division 2 of the Code of Ordinances of the City of Dunnellon (“City”) creates the office of City Administrator, provides for appointment to the position, and establishes the authority and responsibilities associated with the position; and

**WHEREAS**, City Council, in recognizing that an emergency event, unforeseen circumstances, and/or a change in employment status may result in a temporary vacancy of the City Administrator position, adopted Resolution #RES2020-32 to establish a general policy directing the City’s Chief of Police to undertake the duties ascribed to the City Administrator in an ex officio capacity during a temporary vacancy of the City Administrator position; and

**WHEREAS**, there is currently a temporary vacancy of the City Administrator position; and

**WHEREAS**, the Chief of Police has requested that certain ex officio duties specified herein be reassigned to the City Clerk for the duration of the current temporary vacancy of the City Administrator position, or until such time as such duties are further reassigned by City Council; and

**WHEREAS**, accordingly, City Council finds it to be in the best interest of the City to reassign the temporary ex officio additional duties specified herein to the City Clerk during the current temporary vacancy of the City Administrator position in order to ensure the City’s continued operation in an efficient manner; and

**WHEREAS**, the City Council does not intend to violate the dual office holding prohibition codified within Article II, Section 5(a), of the Florida Constitution, is aware of the opinions of the Attorney General’s Office related to the dual office holding prohibitions as well as relevant caselaw, and intends to act in accordance with same by ensuring that the Chief of Police maintains his or her single office as Chief of Police and that the City Clerk maintains his or her single office as City Clerk while performing additional ex officio duties during the current temporary vacancy of the City Administrator; and

**WHEREAS**, the City Council finds the duties of the Chief of Police, the City Clerk, and the City Administrator as specified herein and hereby delegated to be in harmony and specifically finds that the City Clerk’s and Chief of Police’s performance of ex officio duties during the current temporary vacancy of the City Administrator will not create an employment or contractual relationship that would create any continuing or frequently recurring conflict between the Chief of Police’s or City Clerk’s private interests and the performance of their public duties or that would impede the full and faithful discharge of their public duties.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Dunnellon, Florida, on this 8<sup>th</sup> day of February 2021, that:

**Section 1.** During the current temporary vacancy of the City Administrator's position, or until such time as such duties are reassigned by City Council, the Chief of Police shall, in addition to his or her usual duties, continue to temporarily direct and supervise the Community Development and Public Works departments per Section 2-104(7) of the City of Dunnellon Code of Ordinances in an ex officio capacity, only for such length of time until City Council appoints an Interim City Administrator or City Council appoints a new City Administrator in a permanent capacity.

**Section 1.** During the current temporary vacancy of the City Administrator's position, or until such time as such duties are reassigned by City Council, the City Clerk shall, in addition to his or her usual duties, temporarily undertake the duties set forth within Section 2-104 of the City of Dunnellon Code of Ordinances in an ex officio capacity that are not specifically assigned to the Chief of Police by this Resolution, only for such length of time until City Council appoints an Interim City Administrator or City Council appoints a new City Administrator in a permanent capacity.

**Section 2.** All resolutions in conflict herewith are hereby repealed to the extent of such conflict. City Council specifically finds that Resolution #RES2020-32 does not conflict with this resolution as #RES2020-32 establishes general policy in events where no further specific direction, such as the reassignment of such duties herein, is undertaken by City Council.

**Section 3.** If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way shall affect the remaining portion(s) of this Resolution.

**Section 4.** This Resolution shall take effect immediately upon its adoption.

Upon motion duly made and carried, the foregoing resolution was adopted by the City Council of the City of Dunnellon this 8<sup>th</sup> day of February 2021.

**ATTEST:**

**CITY OF DUNNELLO, FLORIDA**

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Amanda Roberts, CMC

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William P. White, Mayor

Approved as to form:

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Andrew J. Hand, City Attorney