

1 **ORDINANCE #ORD2021-01**

2
3 **AN ORDINANCE OF THE CITY OF DUNNELTON, FLORIDA,**
4 **AMENDING CHAPTER 2 – ADMINISTRATION, ARTICLE III –**
5 **OFFICERS AND EMPLOYEES, DIVISION 2 – CITY MANAGER AND**
6 **CREATING DIVISION 3 – FINANCE OFFICER, OF THE CODE OF**
7 **ORDINANCES OF THE CITY OF DUNNELTON; PROVIDING FOR**
8 **CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
9 **CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

10 **WHEREAS**, as provided in section 2(b), Article VIII of the Constitution of the State
11 of Florida, and section 166.021(1), Florida Statutes, the City of Dunnellon, a municipal
12 corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct
13 municipal government, perform municipal functions, and render municipal services, and may
14 exercise any power for municipal purposes, except as expressly prohibited by law; and
15

16 **WHEREAS**, the Dunnellon City Council determines that it is in the best interest of
17 its residents to abolish the position of City Administrator and restructure the duties of the
18 City Clerk.
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20 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
21 Dunnellon Code of Ordinances, ~~strikethrough~~-constitutes deletions from the original, and asterisks
22 (***) indicate an omission from the existing text which is intended to remain unchanged.
23

24 **NOW THEREFORE BE IT ORDAINED BY THE CITY OF DUNNELTON, FLORIDA**
25 **AS FOLLOWS:**

26 **SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City
27 Council.
28

29 **SECTION 2:** The provisions of Chapter 2 - Administration, Article III – Officers and Employees,
30 Division 2 – City Manager, shall be amended as follows:
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32 **DIVISION 2. - CITY ADMINISTRATOR CLERK**
33

34 ~~Sec. 2-101. — Creation of office.~~

35 ~~The office of city administrator is hereby created.~~
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37 ~~Sec. 2-102. Appointment.~~

38 ~~The city administrator shall be appointed by majority vote of the city council for an indefinite~~
39 ~~term. The administrator shall be chosen by the council solely on the basis of administrative~~
40 ~~qualifications with special reference to actual experience in or knowledge of accepted practice in~~
41 ~~respect to the duties of the office set forth in this division. No councilmember shall receive such~~
42 ~~appointment during the term for which the councilmembers shall have been elected or within one~~
43 ~~year after the expiration of the councilmember's term.~~

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45 ~~Sec. 2-103. Removal.~~

46 ~~The city council may remove the city administrator at any time by a supermajority vote of its~~
47 ~~members. Notwithstanding the supermajority vote requirement above, the city council may remove~~
48 ~~the city administrator by majority vote of its members at a meeting where the city administrator~~
49 ~~receives his or her annual performance review, which annual review shall occur on a yearly basis~~
50 ~~within 60 days of the date of the anniversary of hire or promotion to the position. If requested, a~~
51 ~~public hearing shall be granted by the council within 30 days following notice of removal. During~~
52 ~~the interim, the council may suspend the administrator from duty, but shall continue the~~
53 ~~administrator's salary and, if the removal becomes final, shall pay the salary in accordance with~~
54 ~~the terms of the city administrator's employment agreement.~~

55 Secs. 2-101 – 103. - Reserved.

56 Sec. 2-104. - Authority and responsibilities.

57 The city administrator clerk shall be responsible to the city council for the proper administration
58 of all the affairs of the city and may head one or more departments. To that end, the administrator
59 city clerk shall have the power to:

60 (1) Appoint, hire, and/or, when necessary for the good of the service, suspend or remove all
61 non-department head officers and employees of the city except as otherwise limited by this
62 section, the City's ordinances, and/or as provided by the Charter or law. Notwithstanding
63 this provision, ultimate authority to permanently appoint and terminate department heads
64 shall lie with the City Council with department head appointment decisions requiring a
65 three-fifths vote and department head termination decisions requiring a three-fifths vote,
66 except as otherwise specifically indicated by the Charter or law. The city clerk shall be
67 responsible for making recommendations to City Council for permanent department head
68 appointments and terminations. The city clerk shall have authority to temporarily fill a
69 department head vacancy for a period not to exceed ninety (90) days. When necessary for
70 the good of service, the city clerk may suspend department heads. The city administrator
71 clerk may authorize the head of a department or office to appoint, suspend, or remove
72 subordinates in such department or office. The city clerk shall exercise no authority over
73 the City's Chief of Police or police personnel.

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- 74 (2) Prepare all budgets annually (operating and capital) and submit the budget to the council
75 together with a message describing the important features and be responsible for its
76 administration after adoption.
- 77 (3) Prepare and submit to the council as of the end of the fiscal year a complete report on the
78 finances and administrative activities of the city council for the preceding year.
- 79 (4) Keep the council advised of the financial condition and future needs of the city; and make
80 such recommendations as may be deemed desirable or necessary.
- 81 (5) Recommend to the city council a standard schedule of pay for each appointed office and
82 position in the city service, including minimum, intermediate, and maximum rates, and
83 provide annual performance reviews for all department heads.
- 84 (6) Recommend to the city council, from time to time, adoption of such measures as may be
85 deemed necessary or expedient for the health, safety, or welfare of the community or for
86 the improvement of administrative services.
- 87 (7) Direct and supervise the administration of ~~all~~ departments, offices, and agencies of the
88 city, except the City's Chief of Police, or as otherwise provided by the Charter or by law,
89 including, but not limited to, ~~the city clerk, community development, public services, fire~~
90 ~~and rescue, and police and any other departments created by the city.~~
- 91 (8) Create new, consolidate, or combine offices, positions, departments, or units under his or
92 her jurisdiction, in order to improve operational efficiencies and/or delivery of services.
93 The city ~~administrator~~ clerk may be the permanent or temporary head of one or more
94 departments.
- 95 (9) Attend all meetings of the city council unless excused therefrom and take part in the
96 discussion of all matters coming before the council. If the city ~~administrator~~ clerk is
97 unable to attend, the ~~administrator~~ clerk will appoint a subordinate to attend the meeting
98 and make presentations on the ~~administrator's~~ clerk's behalf.
- 99 (10) Supervise the scheduling and purchase of all materials, supplies, and equipment for which
100 funds are provided in the budget, let contracts under the purchasing policies of this
101 chapter, and sign checks for the payment of goods and services purchased on behalf of
102 the city, provided the checks are countersigned by authorized signatories.
- 103 (11) See that all laws and ordinances are duly enforced that are not under the jurisdiction of
104 the City's Police Department.
- 105 (12) Investigate and review all operational affairs of the city or any department or division
106 thereof other than the City's Police Department; investigate all complaints in relation to
107 matters concerning the administration of the government of the city, and in regard to
108 service maintained by the public utilities in the city, and see that all franchises, permits,
109 and privileges granted by the city are faithfully observed; and keep the council informed
110 of all results and actions taken.
- 111 (13) Perform such other duties as may be required by the council, not inconsistent with the
112 Charter, law, or ordinances.
- 113 (14) Exercise all duties and powers as directed by the City Charter.

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Sec. 2-105. Limitations of Powers.

- (1) Notwithstanding the authorities and responsibilities listed in Sec. 2-104 above, the City Clerk shall not have authority to direct and/or supervise the City's Chief of Police.
- (2) Pursuant to Section 21 of the City Charter, the City Clerk as City Treasurer shall not pay out any funds except upon authorization of the City's Finance Director. The City Clerk shall not direct or supervise the Finance Officer regarding his or her duty to authorize payments to be made by the City.

2-106—2-107. - Reserved.

Sec. 2-108. - Compensation.

The city ~~administrator~~ clerk shall receive such compensation as the council shall fix from time to time, or as provided for in ~~the city administrator's~~ an employment agreement.

Sec. 2-109. - Filling of vacancies.

Any vacancy in the office of the city ~~administrator~~ clerk shall be filled within 90 days after the effective date of such vacancy or as soon as practical.

Sec. 2-110. - Replacement of references to "city manager."

Per this provision, any use of and/or reference to the term "city manager" anywhere in the Code of Ordinances of the City of Dunnellon including, but not limited to Subpart A, General Ordinances and Subpart B, Land Development Regulations, shall be replaced and substituted in practice with the term "city ~~administrator~~ clerk."

Secs. 2-111—2-130. - Reserved.

SECTION 3: Chapter 2 - Administration, Article III – Officers and Employees, Division 3 – Finance Officer, is hereby created as follows:

DIVISION 3. – Finance Officer

Sec. 2-131. – Finance Officer.

The City's Finance Officer shall have the authority to order payments to ensure the operation of the City and advance the City's affairs. The City's Finance Officer shall not approve or order any payment unless there are funds sufficient to meet or cover such payment.

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150 **SECTION 4. CONFLICTS.** In any case where a provision of this Ordinance is found to be in
151 conflict with a provision of any other ordinance of this City, the provision which establishes the
152 higher standards for the promotion and protection of the health and safety of the people shall
153 prevail.

154 **SECTION 5. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this
155 Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not
156 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
157 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or
158 unconstitutional.

159 **SECTION 6. CODIFICATION.** The provisions of this Ordinance shall be codified as and
160 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this
161 Ordinance may be renumbered or re-lettered to accomplish such intention and the word
162 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word.
163 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

164 **SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon
165 adoption at the second reading/public hearing.

166 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first
167 reading on the 8th day of March 2020.

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169 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon
170 the second and final reading and public hearing on the 22nd day of March 2021.

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172 Ordinance Posted on the City’s website on February 24, 2021. Public hearing advertised on the
173 City’s website on March 4, 2021 and advertised in the Riverland News on March 11, 2021.

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175 ATTEST: **CITY OF DUNNELLON**

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177 _____
178 Amanda L. Roberts, CMC
179 City Clerk

William P. White, Mayor

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182 Approved as to Form:
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184 _____
185 Andrew J. Hand, City Attorney

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CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City’s Official Website this 24th day of February 2021.

Amanda L. Roberts, CMC
City Clerk