

# MASTER

## ORDINANCE #ORD2021-01

1  
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.  
19

20 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of  
21 Dunnellon Code of Ordinances, ~~strike through~~ 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:  
31

32 **DIVISION 2. - CITY ADMINISTRATOR CLERK**  
33

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

35 ~~The office of city administrator is hereby created.~~  
36

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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.~~

44

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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114

115 Sec. 2-105. Limitations of Powers.

116 (1) Notwithstanding the authorities and responsibilities listed in Sec. 2-104 above, the City  
117 Clerk shall not have authority to direct and/or supervise the City's Chief of Police.

118 (2) Pursuant to Section 21 of the City Charter, the City Clerk as City Treasurer shall not pay  
119 out any funds except upon authorization of the City's Finance Director. The City Clerk  
120 shall not direct or supervise the Finance Officer regarding his or her duty to authorize  
121 payments to be made by the City.

122

123 2-106—2-107. - Reserved.

124 Sec. 2-108. - Compensation.

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

127

128 Sec. 2-109. - Filling of vacancies.

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

131

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

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

137

138 Secs. 2-111—2-130. - Reserved.

139

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

142

143 DIVISION 3. – Finance Officer

144

145 Sec. 2-131. – Finance Officer.

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

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149

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.

168

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.

171

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.

174

175 ATTEST:

176

177

178   
Amanda L. Roberts, CMC

179 City Clerk

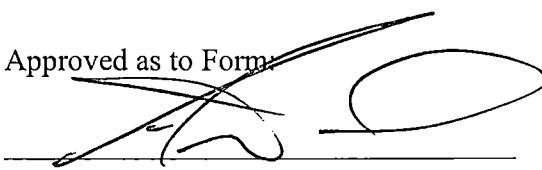
180

181

182 Approved as to Form:

183

184

185   
Andrew J. Hand, City Attorney

**CITY OF DUNNELLON**

  
William P. White, Mayor

First Draft March 3, 2021 City Council Workshop  
Second Draft March 22, 2021 City Council Meeting

186

187

188

**CERTIFICATE OF POSTING**

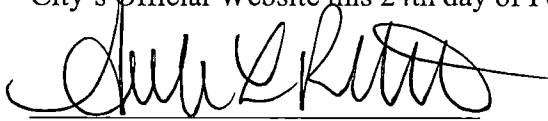
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190 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the  
191 Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the  
192 City's Official Website this 24th day of February 2021.

193

194

195



196

Amanda L. Roberts, CMC

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City Clerk

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