

PROPOSED
ORDINANCE NO. 31-14

ORDINANCE NO. 28-14

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SEC. 4.02 OF THE CHARTER TO ADD SUBSECTION (a)(6); PROVIDING THE CITY COUNCIL WITH AUTHORITY TO HIRE ITS OWN STAFF INDEPENDENT OF THE MAYOR'S AUTHORITY TO HIRE CITY OFFICERS AND EMPLOYEES; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. The City Council calls for the holding of a referendum of the electors of the City of Pensacola on November 4, 2014, to consider and vote for or against the approval of the proposed amendment to the City Charter.

SECTION 2. The Supervisor of Elections of Escambia County is hereby appointed as the clerk of a municipal election to be held on November 4, 2014.

SECTION 3. The City of Pensacola shall reimburse the Supervisor of Elections for any costs incurred by that office directly related to the preparation for, conducting of, and certifying the results of the referendum on the proposed City Charter revision.

SECTION 4. The language to appear on the ballot of the referendum on the proposed City Charter revision shall be:

QUESTION

**PERTAINING TO CITY COUNCIL AUTHORITY TO HIRE ITS OWN STAFF
INDEPENDENT OF THE MAYOR**

Shall the City of Pensacola amend its current Charter to provide the City Council with the authority to hire its own staff independent of the Mayor's authority to hire all City officers and employees?

YES - For granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees - _____

NO - Against granting the City Council the power to hire its own staff independent of the Mayor's authority to hire all City officers and employees - _____

SECTION 5. The appropriate officials of the City shall cause to be published in a newspaper of general circulation of the City the notices of the referendum required by the existing City Charter and applicable Florida law.

SECTION 6. In the event the foregoing proposal is approved by a majority of the electors voting on the proposal, the following provision of the Charter for the City of Pensacola shall be added to Section 4.02 (a) of the existing Charter, to wit:

Section 4.02. City Council.

(a) Powers and Duties. City Council Members shall exemplify good citizenship and exhibit a cooperative spirit. The City Council shall have the following powers and duties:

...

(6) The City Council shall establish an Office of the City Council and shall have as its staff the following who shall be responsible to the City Council through the President of the Council: (a) Budget Analyst. The City Council is authorized to employ a Budget Analyst or an individual with similar qualifications, pursuant to the City's position classification code, to assist in the budgetary matters of the City Council. The City Council, by ordinance, shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (b) Legal Aide. The City Council may appoint one assistant city attorney, whose salary shall be in accordance with those established for other assistant city attorneys. Said assistant city attorney shall (1) serve only in an advisory capacity to the City Council, and shall perform only such duties of a technical nature, including drafting of ordinances, legal research and providing advisory opinions, as requested by the City Council through its President, (2) perform such other duties required of him by the city attorney with the concurrence of the President of the City Council, (3) be subject to termination by a majority vote of the City Council; and (4) be responsible to the City Council through the President of the Council. Said assistant city attorney shall not file suit or bring or defend any action in court on behalf of the City Council, the Mayor, the several departments, officers and boards of the City government except with written authorization of the City Attorney. No action or opinion of said assistant city attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope and powers and duties of the City Attorney; (c) Council Executive. The City Council is authorized to hire a Council Executive. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; (d) The City Council is authorized to hire an Executive Assistant. The City Council shall define the qualifications, pay and responsibilities of said employee in accordance with the City's position classification code. The employee shall be subject to termination by a majority vote of the City Council; and (e) Other Staff. The City Council may create and fill other staff positions for the purpose of assisting it in the performance of its legislative function.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall take effect immediately upon its passage by the City Council.

Passed: August 11, 2014

Approved: *Jewel Canna-La-Way*
President of City Council

Attest:

Cricketa L. Burnett
City Clerk