

PROPOSED
ORDINANCE NO. 37-22

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; AMENDING ARTICLE V – APPOINTED CITY POSITIONS; AMENDING SECTION 5.01 -- CITY CLERK; AMENDING SECTION 5.03 -- CITY ATTORNEY; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola has determined that certain amendments to the City Charter are in order to clarify and update the Charter; and

WHEREAS, pursuant to Section 166.031 Florida Statutes, the City Council is required to submit the Charter Amendments to the electors of the City for approval or rejection.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF 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 8, 2022, to consider and vote for or against the approval of proposed amendments 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 8, 2022.

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 revisions shall be:

QUESTION

THE CITY OF PENSACOLA – REFERENDUM QUESTION NO. 2

Shall the Charter be amended to provide that City Clerk and City Attorney shall have the sole power to hire, discipline and terminate staff and employees supervised by them and that neither Mayor nor City Council shall interfere with the exercise of that power?

Yes – For Approval

No – Against Approval

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 Article V of the existing Charter, to wit:

ARTICLE V – APPOINTED CITY POSITIONS

Section 5.01. City Clerk.

There shall be a City Clerk who shall be appointed by the Mayor with the consent of the City Council by an affirmative vote of a majority of Council Members, and whose duties and responsibilities are as provided for by this Charter. Although an appointee of the Mayor, the Clerk shall serve the entire City government. The Clerk shall keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The City Clerk may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Clerk, Assistant City Clerk or administrative staff hired and supervised by the City Clerk. It is the intent of this section that the Deputy City Clerk, all Assistant City Clerks, and all administrative personnel under the supervision of the City Clerk perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

Section 5.03. City Attorney.

The City Attorney shall serve as the chief legal adviser to, and shall represent, elected or appointed officials, boards and commissions, and employees in the course and scope of their official duties or employment, respectively. The City Attorney shall represent the City in legal proceedings and shall perform any other duties prescribed by State law, by this Charter, or by ordinance or resolution. The Mayor shall appoint the City Attorney, with the consent of the City Council by an affirmative vote of a majority of City Council Members. The City Attorney may be removed from office with the concurrence of the Mayor and a majority of the City Council. Nothing in this Charter shall authorize or permit the Mayor or City Council to suspend, discharge, remove or otherwise discipline any Deputy City Attorney, Assistant City Attorney or administrative staff hired and supervised by the City Attorney. It is the intent of this section that the Deputy City Attorney, all Assistant City Attorneys, and all administrative personnel under the supervision of the City Attorney perform their duties and serve at his or her pleasure without interference from the Mayor or City Council.

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 on immediately upon adoption.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk