

ORDINANCE NO. 559

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHATTAHOOCHEE, FLORIDA, CALLING AN ELECTION ON PROPOSED CHARTER REVISIONS TO BE HELD ON TUESDAY, APRIL 30, 2019; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF PROPOSALS TO REPEAL AND REPLACE PORTIONS OF THE CITY CHARTER RELATING TO CITY MANAGER AND CITY ATTORNEY WITH THE PROVISIONS STATED HEREIN; PROVIDING THAT GADSDEN COUNTY SUPERVISOR OF ELECTIONS APPOINTED AS ELECTIONS OFFICER; PROVIDING THAT CITY SHALL BEAR ALL COSTS OF ELECTION; ESTABLISHING BALLOT TITLES AND SUMMARIES; PROVIDING FOR NEW CITY CHARTER PROVISIONS RELATING TO APPOINTMENT, REMOVAL AND COMPENSATION OF CITY MANAGER, AND APPOINTMENT, REMOVAL AND COMPENSATION OF CITY ATTORNEY; PROVIDING SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council approved proposed City Charter revisions at its meeting on March 5, 2019; and

**WHEREAS**, the proposed City Charter revisions are required to be submitted to the electors of the City of Chattahoochee for their consideration and approval before becoming effective;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF CHATTAHOOCHEE, FLORIDA:**

**SECTION 1. Election Referendum Set.** The City Council calls for the holding of a referendum of the electors of the City of Chattahoochee on the date of the next City general election, April 30, 2019, to consider and vote for or against the approval of the proposed City Charter revisions as herein below approved by the City Council.

**SECTION 2. Supervisor Appointed.** The Gadsden County Supervisor of Elections is hereby appointed as the election officer of the election by ballot in

accordance with Florida Statutes.

**SECTION 3. City to Bear Costs.** The City of Chattahoochee shall reimburse the Gadsden County 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 revisions.

**SECTION 4. Ballot Titles and Summaries.** The ballot titles and summaries to appear on the ballot of referendum on the proposed City Charter revisions shall be:

**CHARTER AMENDMENT NO. 1  
RELATING TO CITY ATTORNEY SERVICE AND APPOINTMENT**

The current Charter provides for annual appointment of City Attorney without provision for temporary appointment for vacancy. **Shall the City Charter be amended to provide for City Attorney indefinite term and provide for vacancy filled by temporary appointment?** If adopted City Attorney will serve at City Council pleasure and allow vacancy be filled by temporary appointment.

\_\_\_\_\_ **YES** For adopting the amendment to the City Charter

\_\_\_\_\_ **NO** Against adopting the amendment to the City Charter

**CHARTER AMENDMENT NO. 2  
RELATING TO CITY MANAGER SERVICE AND APPOINTMENT**

The current Charter restricts removal of the City Manager without provision for temporary appointment for vacancy. **Shall the City Charter be amended to provide for City Manager serving at City Council pleasure and allow for vacancy temporarily filled by temporary appointment?** If adopted the City Manager will serve at City Council pleasure and allow vacancy be filled by temporary appointment.

\_\_\_\_\_ **YES** For adopting the amendment to the City Charter

\_\_\_\_\_ **NO** Against adopting the amendment to the City Charter

**SECTION 5. Publication of Notice.** The appropriate officials shall cause to be published in a newspaper of general circulation in the City the notices of the referendum required by Florida law.

**SECTION 6. Charter Amendments.** In the event one or more of the foregoing Charter Revision Questions is approved by a majority of the electors voting on the

proposal, at the date of the next City General election, on April 30, 2019, the existing respective City Charter provisions included as Exhibit "A" hereto shall be amended, depending on the results of the election and the following new City Charter provisions for the City of Chattahoochee shall, become effective on May 1, 2019.

#### CITY OF CHATTAHOOCHEE CHARTER AMENDMENT NUMBER 1

**SECTION 3.17. City Attorney.** There shall be a City Attorney, who shall serve as the chief legal adviser to the City Council, 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 City Council shall appoint or remove the City Attorney by an affirmative vote of a majority of its members. The compensation to be paid the City Attorney for the services rendered by said Attorney, shall be set by the City Council in the Contract between the City Attorney and the City. During a vacancy in the office of the City Attorney, the City Council may appoint a Temporary City Attorney for a period not exceeding six months.

#### CITY OF CHATTAHOOCHEE CHARTER AMENDMENT NUMBER 2

**SECTION 4.02. Appointment; Removal, Compensation.** The City Manager, who shall serve at the pleasure of the City Council, shall be appointed or dismissed by the City Council by a majority vote of the entire City Council. The compensation to be paid the City Manager for the services rendered by said Manager, shall be set by the City Council in the contract between the City Manager and the City

**SECTION 4.03. Acting City Manager.** By letter filed with the City Council, the City Manager shall designate, subject to approval of the City Council, a qualified city administrative officer to exercise the powers and perform the duties of City Manager during his temporary absence or disability. During a vacancy in the office of the City Manager, the City Council shall appoint an Acting City Manager for a period not exceeding six months. The compensation to be paid the City Manager or Acting City Manager for the services rendered by said City Manager or Acting City Manager, shall be set by the City Council in the Contract between the City Manager or Acting City Manager and the City.

**SECTION 7. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clause and phrases of this Ordinance but shall remain in effect, it being

the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 8. Conflicting Ordinances.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

EFFECTIVE DATE. This Ordinance shall take effect immediately upon its enactment.

INTRODUCED in open session of the City Council of the City of Chattahoochee, Florida on the 19th day of February, 2019.

ENACTED by the City Council of the City of Chattahoochee, Florida on the \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF CHATTAHOOCHEE, FLORIDA

By: \_\_\_\_\_  
Name: Christopher Moultry  
Title: Mayor

ATTEST:

By: \_\_\_\_\_  
Name: Wendy M. Doyal  
Title: City Clerk

APPROVED as to form:

By: \_\_\_\_\_  
Name: J. Jerome Miller  
Title: City Attorney