

ORDINANCE NO. 902

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF ORDINANCES 149, 218, AND 533, AND REV. ORDS 1903, AS CODIFIED BY THE CITY, CHAPTER 2 "ADMINISTRATION", ARTICLE II, "OFFICERS AND EMPLOYEES", DIVISION II "CITY CLERK", AMENDING SECTION 2-32 ENTITLED "GENERAL DUITES", AND CREATING A NEW SECTION 2-34, ENTITLED "DISCIPLINE AND TERMINATION"; PROVIDING FOR REPEAL OF LAW; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of DeFuniak Springs, Florida has determined it to be in the best interests of the City to amend the City Code to provide for specific authority relating to the supervision, discipline and termination of employment of the City Clerk, and;

WHEREAS, pursuant to the City Charter, the Clerk is appointed by the City Council, and no provision of law explicitly establishes the City Clerk's method of supervision, discipline, and termination, beyond the implied power of the City Council in those areas, and;

WHEREAS, the City Council has determined that the City Manager has the greatest degree of day-to-day interaction and involvement with the City Clerk, and that the City's personnel policies should be applicable to the position of the City Clerk,

NOW THEREFORE, be it ordained by the City Council of the City of DeFuniak Springs, Florida, that Ordinances 149, 218, and 533, together with Rev. Ords 1903, as codified by the City, shall be amended to create an amended Chapter 2 "Administration", Article II, "Officers and Employees' Division II "City Clerk" Section 2-32, and to create a new Section 2-34, entitled Discipline and Termination, are hereby amended as follows:

Section 2-32. Entitled "General Duties" is hereby amended to read as follows:

The city clerk shall have custody of the city seal, resolutions and all minutes books. The clerk shall serve as clerk of the city council and shall attend all city council meetings and take the minutes of said meetings. The city clerk shall be responsible for signing and affixing the seal of the City of DeFuniak Springs, Florida, to such documents which require the signature of the clerk and seal of the city. The city clerk shall perform other duties and functions as directed by the city council.

The city clerk shall be answerable to the City Council and City Manager, but shall be directly supervised in all day-to-day activities by the City Manager, and shall be subject to any and all policies of the City related to personnel as all other City employees are governed.

Section 2-34. Entitled "Discipline and Termination".

The City Clerk shall be subject to discipline in accordance with City personnel policy(s), as determined by the City Manager. The City Manager, acting in accordance with and pursuant to such policy(s), shall have the authority to impose any discipline, up to and including suspension, with or without pay, and termination.

If the City Clerk is terminated by the City Manager, the City Council may overturn that termination by a majority vote. This provision shall not provide a right to appeal any discipline, including termination, and shall be invoked solely upon and at the discretion of the City Council.

Repeal of Conflicting Law. The adoption of this Ordinance shall repeal and supersede any and all prior conflicting provisions of City law or policy, including those made by prior motion of the City Council, Resolution of the City Council, or Ordinance, whether specifically named herein or not.

Severability. Any provisions of this Ordinance that is deemed to be unlawful shall be deemed severed upon such a determination with all remaining provisions continuing in full force and effect.

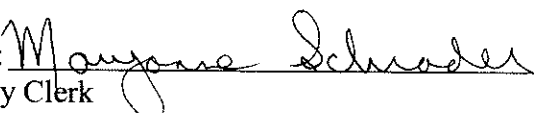
THIS ORDINANCE SHALL TAKE EFFECT UPON ADOPTION.

Adopted this 9th day of September 2019.



Mayor

ATTEST:

By: 

City Clerk