1	ORDINANCE NO. 2022-758
2 3 4 5 6 7 8 9	An ordinance of the City of Gainesville, Florida; establishing a population-based formula for calculating commissioner salaries similar to the state statute governing county commissioner salaries; removing current provisions regarding salaries in Chapter 2, Article II, Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.
10	WHEREAS, on November 17, 2022, the City Commission gave direction to the city
11	attorney to draft an ordinance that revises section 2-66 of the Code of Ordinances, which
12	establishes commissioner salaries; and
13	WHEREAS, the intent of this ordinance is to mirror the formula for calculating board of
14	county commissioner salaries under state law; and
15	WHEREAS, city commissioner salaries shall be calculated and adjusted the same way and
16	using the same figures as board of county commissioners' salaries are calculated and adjusted in
17	sections 145.031 and 145.19, Florida Statutes; and
18	WHEREAS, at least 10 days' notice has been given by publication in a newspaper of
19	general circulation notifying the public of this proposed ordinance and of public hearings to be
20	held in the City Commission Auditorium, City Hall, City of Gainesville; and
21	WHEREAS, the public hearings were held pursuant to the published notice described at
22	which hearings the parties in interest and all others had an opportunity to be and were, in fact,
23	heard.
24	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
25	CITY OF GAINESVILLE, FLORIDA:
26	Section 1. Section 2-66 of Article II of Chapter 2 of the Code of Ordinances is amended
27	to read as follows:
28	Sec. 2-66. Salaries.

- (a) On June 1, 2000, the then current salary of the mayor and each member of the city commission shall be increased by 1½ percent. Commencing on October 1, 2000, the mayor shall receive the annual salary of \$35,868.00. Commencing on October 1, 2000, each other member of the city commission shall receive the annual salary of \$28,182.00. Except as provided in (c) below on October 1, 2001, the then current annual salary shall be adjusted by the August 2000 to August 2001 percent change in the Bureau of Labor Statistics Consumer Price Index (1982-84 = 100) all urban consumers, Southern region, All Items (CPI). Each fiscal year thereafter the salary shall be similarly adjusted, utilizing the following August to August change. Effective the first payroll period after March 1, 2002, the then current salaries of the mayor and city commissioners shall be reduced by 13.14 percent, which reduced salary shall thereafter be subject to adjustment as provided for herein.
- (b) The salaries shall be paid on a biweekly pay cycle from the general fund of the city in equal amounts for each biweekly period of service, except for the first and last payment that shall be made on a prorata basis. Such salary shall be calculated from the date the commissioner or mayor respectively, takes office and shall continue until the mayor or commissioner no longer holds such office.
- (c) If employees in the city's professional pay plan do not receive a general increase in any particular fiscal year, then the salaries of the mayor and city commissioners shall not be increased that fiscal year. If payment of a general increase for employees in the city's professional pay plan is delayed in any fiscal year, then the mayor and city commissioners CPI adjustment shall be treated similarly.
- 22 (a) Definitions.

(1) The "Annual factor" means 1 plus the lesser of:

- A. The average percentage increase in the salaries of state career service employees

 for the current fiscal year as determined by the Department of Management

 Services or as provided in the General Appropriations Act; or

 B. Seven percent.
 - (2) "Cumulative annual factor" means the product of all annual factors certified under section 145.19, Fla. Stat., prior to the fiscal year for which salaries are being calculated.
 - (3) "Initial factor" means a factor of 1.292.
- 9 (4) "Enhanced base salary" is the base salary listed in the table below (based upon the

 10 estimated population of the City of Gainesville, as published by the U.F. Bureau of

 11 Economic & Business Research, or a comparable credible source selected by the

 12 Human Resources Department) plus the product of the population in excess of the

 13 minimum population times the group rate. The Enhanced base salary is

 14 compensation for population increments over the minimum for each population

 15 group.

Table 1

Pop. Group	City Pop. Range		Base Salary	Group Rate
_	<u>Minimum</u>	Maximum	_	_
<u>I</u>	<u>-0-</u>	<u>9,999</u>	<u>\$4,500</u>	<u>\$0.150</u>
<u>II</u>	<u>10,000</u>	49,999	<u>6,000</u>	0.075
<u>III</u>	<u>50,000</u>	99,999	9,000	0.060
<u>IV</u>	100,000	<u> 199,999</u>	12,000	0.045
<u>V</u>	200,000	<u>399,999</u>	<u>16,500</u>	<u>0.015</u>
<u>VI</u>	400,000	999,999	<u>19,500</u>	0.005
<u>VII</u>	1,000,000	_	22,500	0.000

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- (5) "Adjusted salary" shall be the product, rounded to the nearest dollar, of the Enhanced
- 2 <u>base salary multiplied by the Initial factor, then multiplied by the Cumulative annual factor, and</u>
- 3 <u>then multiplied by the Annual factor.</u>
- 4 (b) Calculation of salary.
- 5 (1) Each member of the city commission shall receive a salary that is equal to the amount
- 6 of the Adjusted salary based upon the most recent population data available to the Human
- Resources Department at the time the budget is developed in May of each year.
- 8 (2) The Human Resources Department shall certify the Annual factor and Cumulative
- 9 annual factor and shall use the same factors as the Florida Department of Management Services,
- to the extent possible. If, after due diligence, the Human Resources Department is unable to
- obtain the Annual factor and Cumulative annual factor from the Florida Department of
- Management Services, or other department of the State of Florida which is responsible for
- determining the factors, the Human Resources Department shall use the Annual factor and
- Cumulative annual factor from the most recent year that the Florida Department of Management
- 15 <u>Services certified the factors.</u>
- (3) In any given year, the mayor's salary shall be that of a commissioner plus 25% of the
- commissioner salary.
- (c) Frequency of pay. The annual salaries calculated according to the formula in this section will
- become effective beginning the first full biweekly pay period in January of each year. The
- salaries shall be paid on a biweekly pay cycle from the general fund of the city in equal amounts
- for each biweekly period of service, except for the first and last payment that shall be made on a
- prorata basis. Such salary shall be calculated from the date the commissioner or mayor

	respectively, takes office and shall continue until the mayor or commissioner no longer holds				
	such office.				
	Section 2. It is the intention of the City Commission that the provisions of Section 1 of				
this Ordinance shall become and be made a part of the Charter and the Code of Ordinances					
	City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be				
	renumbered or relettered in order to accomplish such intentions.				
	Section 3. If any word, phrase, clause, paragraph, section or provision of this ordinance				
	or the application hereof to any person or circumstance is held invalid or unconstitutional, such				
	finding shall not affect the other provisions or applications of this ordinance that can be give				
	effect without the invalid or unconstitutional provision or application, and to this end the				
	provisions of this ordinance are declared severable.				
	Section 4. All ordinances or parts of ordinances in conflict herewith are to the extent or				
	such conflict hereby repealed.				
	Section 5. This ordinance shall become effective October 1, 2023.				
	PASSED AND ADOPTED THISDAY OF DECEMBER, 2022.				
	LAUREN POE				
	MAYOR				
	ATTEST: Approved as to form and legality				
	OMICHELE D. GAINEY CITY CLERK DANIEL M. NEE INTERIM CITY ATTORNEY				

This ordinance passed on first reading this ____ day of December, 2022.

This ordinance passed on second reading this ____ day of December, 2022.