


MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229

Box 46

TO: Mayor and City Commissioners **DATE:** July 6, 2011

FROM: Marion J. Radson, City Attorney 

SUBJECT: The City Charter – Information Requested at the City Commission Strategic Planning Retreat Held on June 9, 2011.

At the City Commission Strategic Planning Retreat on June 9, 2011, this Office was asked to provide information regarding the method for reviewing the City Charter, the process for making amendments to the City Charter and a brief history of the actions of previous Charter Review Committees and actions by the City Commission.

The City Charter does not provide a specific process for amending the City Charter. In the past, previous City Commissions have elected to create charter review committees consisting of appointed citizens selected by individual commissioners. The Charter Review Committee would typically hold meetings, invite the citizenry to comment on a specific proposal(s), and ultimately issue a written report to the city commission in response to the specific charge that would have been given. Depending on the nature of the recommendation of the charter review committee, the City Commission may direct the City Attorney to prepare specific ballot language and specific amendments to the City Charter. The Commission may request the Charter Review Committee to review and recommend specific ballot language and charter amendment language.

The City Commission also has the option of requesting the legislative delegation to adopt a recommended charter amendment as a special act of the legislature. The majority of the current updated charter was adopted in 1990 as a special act of the legislature because some of the provisions of the charter grant extraterritorial powers to the City, that is the exercise of powers beyond the City limits. However, all amendments since the adoption of the updated charter have been submitted to the voters for approval or rejection.

For your information, I am attaching adopted ordinances that placed specific questions on the ballot. Attached to each ordinance is the report of the Board of Canvassers that provides the result of the vote of the electorate. I am also attaching one report of the Charter Review Committee that did not result in the placement of an item on a ballot.

- 1) Ordinance No. 3752 adopted on December 16, 1991 relating to the number of City Commissioners and related issues.
- 2) Ordinance No. 4053 adopted on January 23, 1995 relating to the creation of the seat of Mayor elected directly by the voters.

- 3) Ordinance Nos. 020247 and 020289 adopted on August 27, 2002 relating to the number of City Commissioners and staggered terms of office.
- 4) Ordinance No. 020024 adopted on July 8, 2002 relating to the duties of the internal auditor and the creation of the charter officer of equal opportunity.
- 5) Ordinance No. 020749 adopted on February 10, 2003 relating to the number of votes required to adopt an ordinance or resolution.
- 6) Final Report of the 2005 Charter Review Committee dated October 10, 2005 relating to the transition period between election and the term of office and instant run-off voting.

C/PA 449

ORDINANCE NO. 3752
0-91-20

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5 AN ORDINANCE OF THE CITY OF GAINESVILLE,
6 FLORIDA, APPROVING CERTAIN CHANGES TO CHAPTER
7 90-394, LAWS OF FLORIDA, 1990, COMMONLY KNOWN
8 AS THE CITY CHARTER OR CHARTER LAWS OF THE CITY
9 OF GAINESVILLE, FLORIDA; BY INCREASING THE
10 NUMBER OF COMMISSIONERS ELECTED FROM DISTRICTS
11 AND AT-LARGE WHEN THE POPULATION OF THE CITY
12 REACHES OR EXCEEDS 110,000; BY EXTENDING THE
13 TERMS OF OFFICE OF COMMISSIONERS TO TWO
14 CONSECUTIVE FOUR-YEAR TERMS; BY PROVIDING THAT
15 REGULAR MUNICIPAL ELECTIONS TO CHOOSE
16 COMMISSIONERS SHALL BE HELD IN ODD-NUMBERED
17 YEARS; PROVIDING A TRANSITION SCHEDULE;
18 PROVIDING FOR SUBMISSION OF THESE CHARTER
19 AMENDMENTS TO THE VOTERS FOR APPROVAL OR
20 REJECTION AT THE MARCH 10, 1992, REGULAR
21 MUNICIPAL ELECTION; PROVIDING DIRECTIONS TO THE
22 CODIFIER; PROVIDING A SEVERABILITY CLAUSE;
23 PROVIDING A REPEALING CLAUSE; AND PROVIDING AN
24 IMMEDIATE EFFECTIVE DATE.

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26
27 WHEREAS, pursuant to law at least ten (10) days notice has
28 been given in a newspaper of general circulation in the City,
29 notifying the public of this proposed ordinance and of a public
30 hearing in the A. Clarence O'Neill Auditorium of City Hall, City
31 of Gainesville, Florida; and

32 WHEREAS, a public hearing before the City Commission was held
33 pursuant to the published notice described above at which hearing
34 the parties in interest and all other citizens had an opportunity
35 to be and were in fact heard; and

36 WHEREAS, the Charter Review Committee of the City of
37 Gainesville has considered the charter amendments set forth herein
38 and recommends the adoption of said amendments; and

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

1 WHEREAS, the City Commission has duly considered the charter
2 amendments and by passage of this ordinance indicates its desire
3 to approve the charter amendments as set forth herein; and

4 WHEREAS, the City Commission desires to amend the Charter Laws
5 of the City of Gainesville, Florida, pursuant to the procedures
6 provided in the City Charter.

7 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
8 CITY OF GAINESVILLE, FLORIDA:

9 Section 1. The following proposed amendments to Chapter 90-
10 394, Laws of Florida, 1990, otherwise known as the Charter Laws of
11 the City of Gainesville, Florida, are approved for submission to
12 the electors of the City of Gainesville, Florida, for approval or
13 disapproval at the next regular municipal election set for March
14 10, 1992:

15 PROPOSED AMENDMENT NO. 1

16 *Sections 2.01, "Composition", and 2.02, "Districts", of Article II, "City*
17 *Commission" of the Charter Laws of the City of Gainesville, Florida, as created by*
18 *Chapter 90-394, Laws of Florida, are amended to read:*

19 ARTICLE II. CITY COMMISSION

20 2.01. Composition.

21 (1) Population under 110,000. As long as the population
22 of persons within the city remains under 110,000, (t)he
23 legislative power of the city is vested in a city commission
24 of five members. Three members shall be elected by the

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1 qualified voters of each of three districts and two members
2 shall be elected by the qualified voters of the city at large.

3 (2) Population of 110,000 and over. At any time the
4 population within the City reaches or exceeds 110,000 persons,
5 as ascertained as of the effective date of any annexation
6 under either: 1) the most recent decennial census of the
7 population produced by the U.S. Bureau of the Census, or 2)
8 the most recent estimates of populations of municipalities
9 produced by the State of Florida, Office of the Governor, or
10 the designated agency thereof, whichever number is greater,
11 then the commission shall adopt a resolution which ratifies
12 the number of persons in the City and authorizing the increase
13 in the number of commissioners as provided in subsection (3).
14 Until such time as the additional commissioners are elected
15 and placed in office, however, the legislative power of the
16 city shall remain vested in a commission of five members.

17 (3) The legislative power of the city shall be vested
18 in a city commission of seven members (when the population
19 within the City reaches or exceeds 110,000 persons as provided
20 in Subsection (2) above) elected in accordance with Sec. 2.04
21 of this Charter. Four members shall be elected by the
22 qualified voters of each of four districts and three members
23 shall be elected by the qualified voters of the city at large
24 as provided in Sec. 2.04.

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1 2.02. Districts.

2 (1) For the purpose of electing three members of the
3 commission (as long as the population within the City remains
4 under 110,000 as provided in Sec. 2.01(1)), the commission
5 shall, by ordinance, apportion the city into three
6 consecutively numbered districts and shall adjust the boundary
7 lines of the districts by subsequently enacted ordinances
8 whenever, in its judgment, the districts are not ratably or
9 equally proportioned in accordance with the State Constitution
10 and the Constitution of the United States, but not less
11 frequently than within the second year following each
12 decennial census.

13 (2) For the purpose of electing four members of the
14 commission (when the population within the City reaches or
15 exceeds 110,000 persons as provided in Sec. 2.01(2)), the
16 commission shall, by ordinance, apportion the city into four
17 consecutively numbered districts and shall adjust the boundary
18 lines of the districts by subsequently enacted ordinances
19 whenever, in its judgment, the districts are not ratably or
20 equally proportioned in accordance with the State Constitution
21 and the Constitution of the United States, but not less
22 frequently than within the second year following each
23 decennial census.

24

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1 PROPOSED AMENDMENT NO. 2

2 That the Charter Laws of the City of Gainesville, Florida, are amended by
3 changing the term of office of city commissioners from three (3) years to four (4)
4 years, and by holding regular municipal elections in odd-numbered years.

5 (A) In the event that Proposed Amendment No. 1 is approved by the voters,
6 this Proposed Amendment No. 2 shall be accomplished by: i) amending Section
7 2.03, "Eligibility"; ii) by renumbering subsections (2), (3) and (4) of Section 2.04,
8 "Election and terms" of Article II of the Charter Laws of the City of Gainesville,
9 Florida, as created by Chapter 90-394, Laws of Florida, as subsections (3), (4) and
10 (5) respectively; iii) by amending subsection (1) of said Section; and iv) by creating
11 and adding a new subsection (2) to said Section 2.04, to read:

12 2.03. Eligibility.

13 (1) Each candidate for a district seat must be a
14 qualified voter who is a resident of the district from which
15 the person seeks to be elected for a period of not less than
16 6 months prior to the date the person qualifies to run for
17 office. Each commissioner elected from a district shall
18 continuously reside in the district during the commissioner's
19 term of office, except that any commissioner who is removed
20 from a district by redistricting may continue to serve during
21 the remainder of the commissioner's term of office. Each

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1 candidate for an at-large seat must be a qualified voter of
2 the city for at least 6 months prior to the date the person
3 qualifies to run for office. Each at-large commissioner shall
4 continuously reside within the city during the commissioner's
5 term of office. Candidates for the commission shall, at the
6 time of qualifying, designate the district seats or at-large
7 seats for which they intend to run.

8 (2) An incumbent commissioner elected prior to the
9 regular municipal election held in 1992 may not serve on the
10 commission for more than two consecutive 3-year terms when the
11 commissioner has served two consecutive terms of at least 3
12 years each.

13 (3) A commissioner elected on or after the regular
14 municipal election held in 1992 may not serve on the
15 commission for more than two consecutive 4-year terms.

16 **2.04. Election and terms.**

17 (1) Candidates for election to the commission shall
18 qualify in the manner prescribed by ordinance. Except as
19 provided herein, ~~Each commissioner shall be elected on or~~
20 after the regular municipal election held in 1992 shall be
21 elected for a term of 3 4 years. Incumbent commissioners
22 elected prior to the regular municipal election held in 1992
23 shall remain in office until their 3-year terms naturally
24 expire or as otherwise provided by law. The regular municipal
25 election shall be held on the date as prescribed by ordinance

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1 of each odd-numbered year except as provided herein. Upon the
2 occurrence of a vacancy on the commission, a special election
3 may be held to fill the vacancy for the remainder of the
4 unexpired term as may be prescribed by ordinance.

5 (a) In the regular municipal election to be held in
6 1992, the at-large commission seat shall be filled
7 for an initial term of 3 years. Thereafter said
8 seat shall be filled for a term of 4 years.

9 (b) In the regular municipal election to be held in
10 1993, the district No. 2 commission seat shall be
11 filled for an initial term of 2 years, and the
12 district No. 3 commission seat shall be filled for
13 initial term of 4 years. Thereafter said seats
14 shall be filled for a term of 4 years.

15 (c) In the regular municipal election to be held in
16 1994, the district No. 1 commission seat shall be
17 filled for initial term of 3 years, and the at-large
18 commission seat shall be filled for an initial term
19 of 3 years. Thereafter, said seats shall be filled
20 for a term of 4 years.

21 (2) At any time the population within the City reaches
22 or exceeds 110,000 persons as provided in Section 2.01(2), the
23 additional number of commissioners shall be elected as
24 follows: At the next succeeding regular election which is
25 held no sooner than 120 days after the effective date of any

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1 annexation, one commissioner shall be elected at large and one
2 commissioner shall be elected from any district in which there
3 is a vacancy of a district seat. Whenever the adjustment of
4 district boundary lines results in more than one vacancy in
5 district seats, then the Mayor-Commissioner in a public
6 meeting shall draw by random lot the district seat which shall
7 first be filled, and the results of the drawing shall be
8 witnessed and attested to by the Clerk of the Commission.
9 Incumbent commissioners, however, shall remain in office until
10 their terms naturally expire or as otherwise provided by law.

11 (a) In the event the population within the City reaches or
12 exceeds 110,000 persons as provided in Section 2.01(2),
13 and the next regular municipal election occurs in an
14 even-numbered year, the additional at-large seat shall
15 be filled for an initial term of 3 years, and the
16 additional district seat shall be filled for an initial
17 term of 1 year with the terms of office commencing and
18 ending as provided in subsection (4). Thereafter, said
19 seats shall be filled for a term of 4 years.

20 (b) In the event the population within the City reaches or
21 exceeds 110,000 persons as provided in Section 2.01(2),
22 and the next regular municipal election occurs in an odd-
23 numbered year, the additional at-large seat shall be
24 filled for an initial term of 4 years, and the additional
25 district seat shall be filled for an initial term of 2

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1 years with the terms of office commencing and ending as
2 provided in subsection (4). Thereafter, said seats shall
3 be filled for a term of 4 years.

4 ~~(2)~~(3) The district candidate receiving a majority of the votes
5 cast in a particular district shall be elected. The at-large
6 candidate receiving a majority of the votes cast within the city
7 at large shall be elected. If a candidate does not receive a
8 majority of the votes cast in a district or in the city at large,
9 as applicable, a runoff election shall be held between the two
10 candidates in such district or the city at large, as applicable,
11 receiving the highest number of votes cast. In the case of a tie,
12 the candidates shall be selected for the runoff election in the
13 same manner as provided for other offices by general law. The
14 candidate receiving more votes in the runoff election shall be
15 elected.

16 ~~(3)~~(4) The terms of office of commissioners shall be staggered
17 so that the terms of office of all commissioners do not expire the
18 same year. Commissioners hold office from 12 o'clock noon of the
19 Thursday following the first Tuesday in May of the year in which
20 they are elected until their successors in office are elected and
21 qualified or until recalled as provided by law. If a runoff
22 election is necessary, commissioners hold office from 12 o'clock
23 noon of the Thursday following the third Tuesday in May of the year
24 in which they are elected.

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additions.

1 ~~(4)~~(5) Vacancies in office shall be filled in one of the
2 following ways:

3 (a) If less than 6 months remain in the unexpired term or
4 until the next regular election, the commission by a
5 majority vote of the remaining members shall choose and
6 appoint a successor, who is otherwise eligible under
7 section 2.03 of this act, to serve until a newly elected
8 commissioner is qualified.

9 (b) If more than 6 months remain in the unexpired term and
10 a general election is not scheduled within 6 months, the
11 commission shall fill the vacancy by a special election
12 to be held not more than 60 days after the occurrence of
13 the vacancy.

14 (B) *In the event that Proposed Amendment No. 1 is not approved by the*
15 *voters, this amendment changing the terms of office of commissioners shall be*
16 *accomplished by amending Section 2.03, "Eligibility", and by amending subsection*
17 *(1) of Section 2.04, "Election and terms", of Article II of the Charter Laws of the*
18 *City of Gainesville, Florida, as created by Chapter 90-394, Laws of Florida, to*
19 *read:*

20 ARTICLE II. CITY COMMISSION

21 2.03. Eligibility.

22 (1) Each candidate for a district seat must be a
23 qualified voter who is a resident of the district from which

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additions.

1 the person seeks to be elected for a period of not less than
2 6 months prior to the date the person qualifies to run for
3 office. Each commissioner elected from a district shall
4 continuously reside in the district during the commissioner's
5 term of office, except that any commissioner who is removed
6 from a district by redistricting may continue to serve during
7 the remainder of the commissioner's term of office. Each
8 candidate for an at-large seat must be a qualified voter of
9 the city for at least 6 months prior to the date the person
10 qualifies to run for office. Each at-large commissioner shall
11 continuously reside within the city during the commissioner's
12 term of office. Candidates for the commission shall, at the
13 time of qualifying, designate the district seats or at-large
14 seats for which they intend to run.

15 (2) An incumbent commissioner elected prior to the
16 regular municipal election held in 1992 may not serve on the
17 commission for more than two consecutive 3-year terms when the
18 commissioner has served two consecutive terms of at least 3
19 years each.

20 (3) A commissioner elected on or after the regular
21 municipal election held in 1992 may not serve on the
22 Commission for more than two consecutive 4-year terms.

23 2.04. Election and terms.

24 (1) Candidates for election to the commission shall
25 qualify in the manner prescribed by ordinance. Except as

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1 provided herein, ~~Each~~ commissioner shall be elected on or
2 after the regular municipal election held in 1992 shall be
3 elected for a term of ~~3~~ 4 years. Incumbent commissioners
4 elected prior to the regular municipal election held in 1992
5 shall remain in office until their 3-year terms naturally
6 expire or as otherwise provided by law. The regular municipal
7 election shall be held on the date as prescribed by ordinance
8 of each odd-numbered year except as provided herein. Upon the
9 occurrence of a vacancy on the commission, a special election
10 may be held to fill the vacancy for the remainder of the
11 unexpired term as may be prescribed by ordinance.

12 (a) In the regular municipal election to be held in 1992, the
13 at-large commission seat shall be filled for an initial
14 term of 3 years. Thereafter, said seat shall be filled
15 for a term of 4 years.

16 (b) In the regular municipal election to be held in 1993, the
17 district No. 2 commission seat shall be filled for an
18 initial term of 2 years, and the district No. 3
19 commission seat shall be filled for initial term of 4
20 years. Thereafter, said seats shall be filled for a term
21 of 4 years.

22 (c) In the regular municipal election to be held in 1994, the
23 district No. 1 commission seat shall be filled for an
24 initial term of 3 years, and the at-large commission seat
25 shall be filled for an initial term of 3 years.

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1 Thereafter, said seats shall be filled for a term of 4
2 years.

3 Section 2. It is the intention of the City Commission that
4 the provisions of Section 1 of this Ordinance become and be made
5 a part of the Charter Laws of the City of Gainesville, Florida,
6 subject to the approval of the electors of the City of Gainesville
7 at the next regular municipal election set for March 10, 1992, in
8 accordance with the terms and conditions set forth herein. In the
9 event that Proposed Amendment No. 1 is approved and additional
10 commissioners are elected and placed in office in accordance with
11 the provisions of subsections (2) and (3) of Section 2.01 of
12 Section 1 of this Ordinance, then the Codifier is directed to move
13 the following sections from the codified text of the Charter to the
14 Appendix: 1) Subsections (1) and (2) of Section 2.01 on pages 2
15 and 3; and 2) Subsection (1) of Section 2.02 on page 4. In the
16 event that both Proposed Amendment Nos. 1 and 2 are approved by the
17 electors, the Codifier is directed after the regular municipal
18 election held in 1994 to move the following sections from the
19 codified text of the Charter to the Appendix: 1) Subsection (2)
20 of Section 2.03 on page 6; 2) Paragraphs (a), (b) and (c) of
21 Section 2.04(1) on page 7; 3) subsection (2) of Section 2.04 on
22 pages 7, 8, and 9. In the event Proposed Amendment No. 2 is
23 approved and Proposed Amendment No. 1 is not approved by the
24 electors, then the Codifier is directed, after regular municipal
25 election is held in 1994, to move the following sections from the

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1 codified text of the Charter to the Appendix: 1) Subsection (2)
2 of Section 2.03 on Page 11; 2) Paragraphs (a), (b), and (c) of
3 Section 2.04(1) on Pages 12 and 13. The Sections, Subsections, and
4 Paragraphs of the above-referenced Charter may be renumbered or
5 relettered in the discretion of the Codifier in order to accomplish
6 such intentions.


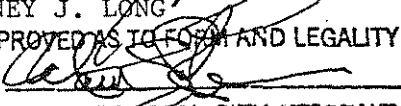
7 Section 3. If any word, phrase, clause, paragraph, section
8 or provision of this ordinance or the application thereof to any
9 person or circumstance is held invalid or unconstitutional, such
10 finding shall not affect the other provisions or applications of
11 the ordinance which can be given effect without the valid or
12 unconstitutional provisions or application, and to this end the
13 provisions of this ordinance are declared severable.

14 Section 4. All ordinances, or parts of ordinances, in
15 conflict herewith are to the extent of such conflict hereby
16 repealed.

17 Section 5. This ordinance shall become effective immediately
18 upon final adoption.

19 PASSED AND ADOPTED this 16th day of December,
20 1991.

21
22
23
24 ATTEST:


MAYOR-COMMISSIONER
RODNEY J. LONG
APPROVED AS TO FORM AND LEGALITY
BY: 
MARION J. RABSON, CITY ATTORNEY
CITY OF GAINESVILLE, FLORIDA
DEC 18 1991

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29
CLERK OF THE COMMISSION
JOSEHP R. HURT

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1 This ordinance passed on first reading this 2nd day of
2 December, 1991.

3
4 This ordinance passed on second reading this 16th day of
5 December, 1991.

6
7
8 MJR/afm
9 CHARTER.ORD
10 07/16/91

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C/Atty

RECEIVED MAR 23 1992

RESOLUTION NO. R-92-11

PASSED March 16, 1992

A RESOLUTION ACCEPTING THE REPORT OF BOARD OF CANVASSERS FOR THE CITY OF GAINESVILLE, FLORIDA ELECTION HELD MARCH 10, 1992

WHEREAS, on March 10, 1992, a Regular City Election for the election of one City Commissioner At-Large, a referendum election concerning Annexation, and a referendum election concerning two City of Gainesville Charter Amendments was held in the City of Gainesville, Florida; and

WHEREAS, the Board of Canvassers has now reported that the Election for the City Commission At-Large Seat resulted in none of the candidates receiving the number of required votes for election, thus requiring a runoff election to be scheduled for March 24, 1992, between Paula M. DeLaney and Rick Trachsel, the two candidates receiving the highest number of votes; and

WHEREAS, the Board of Canvassers has now reported that the Referendum Election concerning the Annexation of property described in Ordinance Number 3745 of the City of Gainesville resulted in a majority vote against annexation; and

WHEREAS, the Board of Canvassers has now reported that the Referendum Election concerning City Charter Amendment Number 1, which provides for an increase in the number of City Commissioners under certain circumstances, resulted in a majority vote for approval; and

WHEREAS, the Board of Canvassers has now reported that the Referendum Election concerning City Charter Amendment Number 2, which provides for an increase in length of terms for City Commissioners and scheduling for municipal elections, resulted in a majority vote for rejection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

1. The City Commission does hereby receive, accept and approve the Report of the Board of Canvassers for the City of Gainesville, Florida Election held on March 10, 1992, which Report shows that:

a. No candidate has been elected to the Gainesville City Commission in the At-Large Seat, requiring a runoff election between Paula M. DeLaney and Rick Trachsel to be held March 24, 1992;

b. The annexation of property described in Ordinance Number 3745 of the City of Gainesville failed by referendum;

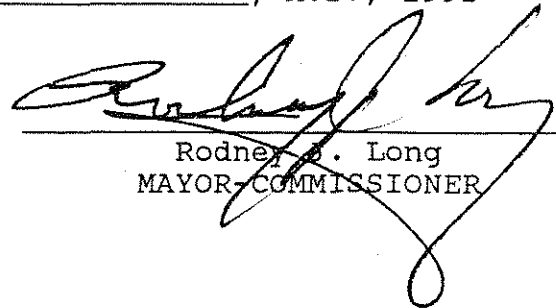
c. City Charter Amendment Number 1, providing for an increase in the number of City Commissioners under certain circumstances, passed by referendum; and

d. City Charter Amendment Number 2, providing for an increase in length of terms for City Commissioners and scheduling of municipal elections, failed by referendum.

2. The Report of the Board of Canvassers for the City of Gainesville, Florida Election held March 10, 1992, is hereby attached, and by this reference is made a part thereof; and

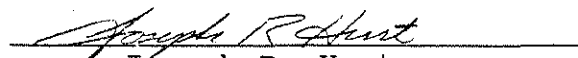
3. This Resolution shall become effective immediately upon adoption.

DATED this 16th day of March, A.D., 1992



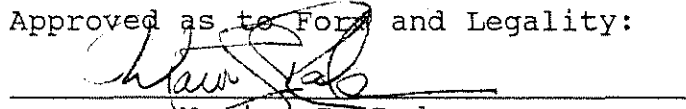
Rodney S. Long
MAYOR-COMMISSIONER

ATTEST:



Joseph R. Hurt
Clerk of the Commission

Approved as to Form and Legality:



Marion J. Radson
CITY ATTORNEY

1
ORDINANCE NO. 4053
0-94-90

3 AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA APPROVING
4 AN AMENDMENT TO THE CHARTER LAWS OF THE CITY OF
5 GAINESVILLE; AMENDING ARTICLE II OF THE CHARTER LAWS,
6 ENTITLED "CITY COMMISSION", BY CONVERTING AN AT LARGE
7 COMMISSION SEAT TO A SEAT FOR A MAYOR ELECTED BY THE
8 REGISTERED VOTERS WHEN THE POPULATION OF THE CITY REACHES
9 OF EXCEEDS 110,000 OR IN THE YEAR 1998, WHICHEVER IS SOONER;
10 LIMITING THE TERM OF THE MAYOR TO A 3 YEAR TERM WITH A
11 MAXIMUM OF 2 CONSECUTIVE 3-YEAR TERMS; PROVIDING
12 QUALIFICATIONS FOR THE MAYOR; PROVIDING FOR SUBMISSION OF
13 THIS CHARTER AMENDMENT TO THE VOTERS FOR APPROVAL OR
14 REJECTION AT THE MARCH 14, 1995, REGULAR MUNICIPAL ELECTION;
15 APPROVING THE QUESTION TO BE PRINTED ON THE BALLOT;
16 PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING DIRECTIONS TO
17 THE CLERK OF THE COMMISSION; PROVIDING A SEVERABILITY
18 CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN
19 IMMEDIATE EFFECTIVE DATE.

20 WHEREAS, at least 10 days notice has been given once by publication in a
newspaper of general circulation notifying the public of this proposed ordinance and of a
22 Public Hearing in the A. Clarence O'Neill Auditorium of the Municipal Building of the City of
23 Gainesville; and

24 WHEREAS, a Public Hearing was held pursuant to the published notice described at
25 which hearing the parties in interest and all others had an opportunity to be and were, in fact,
26 heard; and

27 WHEREAS, the City Commission desires to amend the Charter Laws of the City of
28 Gainesville, Florida, pursuant to the procedures provided in the City Charter.

29 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY
30 OF GAINESVILLE, FLORIDA:

31 Section 1. The following proposed amendment to Chapter 90-394, Laws of Florida, 1990, as

1 amended, otherwise known as the Charter Laws of the City of Gainesville, is approved for
2 submission to the electors of the City of Gainesville, Florida, for approval or rejection at the
3 next regular municipal election set for March 14, 1995:

4 PROPOSED AMENDMENT

5 *Article II, "City Commission" of the Charter Laws of the City of Gainesville, Florida, as*
6 *created by Chapter 90-394, Laws of Florida, as amended, is changed to read:*

1 Article II. City Commission

2 2.01. Composition.

3 (1) Population under 110,000.

4 (a) As long as the population of persons within the city remains under 110,000,
5 the legislative power of the city is vested in a city commission of five members.
6 Three members shall be elected by the qualified voters of each of three
7 districts and two members shall be elected by the qualified voters of the city at
8 large.

9 (b) For the regular election in 1998, the at large seat then available shall become
10 and remain the mayor's seat. Candidates shall designate at time of qualifying
11 that they are running for mayor. The mayor shall be elected by the qualified
12 voters of the city at large, and shall be considered a member of the
13 commission, except as expressly provided herein.

14 (2) Population of 110,000 and over. At any time the population within the City
15 reaches or exceeds 110,000 persons, as ascertained as of the effective date of
16 any annexation under either: 1) the most recent decennial census of the
17 population produced by the U.S. Bureau of the Census, or 2) the most recent
18 estimates of populations of municipalities produced by the State of Florida,

1 Office of the Governor, or the designated agency thereof, whichever number is
2 greater, then the commission shall adopt a resolution which ratifies the number
3 of persons in the City and authorizing the increase in the number of
4 commissioners as provided in subsection (3). Until such time as the additional
5 commissioners are elected and placed in office, however, the legislative power
6 of the city shall remain vested in a commission of five members.

- 7 (3) The legislative power of the city shall be vested in a city commission of seven
8 members including the mayor (when the population within the City reaches or
9 exceeds 110,000 persons as provided in Subsection (2) above) elected in
10 accordance with Sec. 2.04 of this Charter. Four members shall be elected by
11 the qualified voters of each of four districts and ~~three~~ two members and the
12 mayor shall be elected by the qualified voters of the city at large as provided in
13 Sec. 2.04.

14 **2.02. Districts.**

- 15 (1) For the purpose of electing three members of the commission (as long as the
16 population within the City remains under 110,000 as provided in Sec. 2.01(1)),
17 the commission shall, by ordinance, apportion the city into three consecutively
18 numbered districts and shall adjust the boundary lines of the districts by
19 subsequently enacted ordinances whenever, in its judgment, the districts are
20 not ratably or equally proportioned in accordance with the State Constitution
21 and the Constitution of the United States, but not less frequently than within
22 the second year following each decennial census.
- 23 (2) For the purpose of electing four members of the commission (when the
24 population within the City reaches or exceeds 110,000 as provided in Sec.

1 2.01(2)), the commission shall, by ordinance, apportion the city into four
2 consecutively numbered districts and shall adjust the boundary lines of the
3 districts by subsequently enacted ordinances whenever, in its judgment, the
4 districts are not ratably or equally proportioned in accordance with the State
5 Constitution and the Constitution of the United States, but not less frequently
6 than within the second year following each decennial census.

7 **2.03. Eligibility.**

8 Each candidate for a district seat must be a qualified voter who is a resident of the
9 district from which the person seeks to be elected for a period of not less than 6 months prior
10 to the date the person qualifies to run for office. Each commissioner elected from a district
11 shall continuously reside in the district during the commissioner's term of office, except that
12 any commissioner who is removed from a district by redistricting may continue to serve
13 during the remainder of the commissioner's term of office. Each candidate for an at-large
14 seat, including the mayor's seat, must be a qualified voter of the city for at least 6 months
15 prior to the date the person qualifies to run for office. Each at-large commissioner and the
16 mayor shall continuously reside within the city during their terms ~~the commissioner's term~~ of
17 office. Candidates for the commission shall, at the time of qualifying, designate the district
18 seats, the mayor's seat, or at-large seats for which they intend to run. A commissioner may
19 not serve on the commission for more than two consecutive 3-year terms. The mayor may
20 not serve as mayor for more than two consecutive 3-year terms. For purposes of this
21 section, service as the elected mayor shall not be considered to be service as a
22 commissioner.

23 **2.04. Election and terms.**

24 (1) Candidates for election to the commission shall qualify in the manner prescribed

1 by ordinance. Each commissioner shall be elected for a term of 3 years. The regular
2 municipal election shall be held on the date as prescribed by ordinance. Upon the occurrence
3 of a vacancy on the commission, a special election may be held to fill the vacancy for the
4 remainder of the unexpired term as may be prescribed by ordinance.

5 (2) The district candidate receiving a majority of the votes cast in a particular district
6 shall be elected. The at-large candidate and the candidate for mayor receiving a majority of
7 the votes cast within the city at large for such seat shall be elected. If a candidate does not
8 receive a majority of the votes cast for a particular seat in a district or in the city at large, as
9 applicable, a runoff election shall be held between the two candidates for that seat in such
10 district or the city at large, as applicable, receiving the highest number of votes cast. In the
11 case of a tie, the candidates shall be selected for the runoff election in the same manner as
12 provided for other offices by general law. The candidate receiving more votes in the runoff
13 election shall be elected.

14 (3) The terms of office of commissioners shall be staggered so that the terms of office
15 of all commissioners do not expire the same year. Commissioners, hold office from 12 o'clock
16 noon of the Thursday following the first Tuesday in May of the year in which they are elected
17 until their successors in office are elected and qualified or until recalled as provided by law. If
18 a runoff election is necessary, commissioners hold office from 12 o'clock noon of the
19 Thursday following the third Tuesday in May of the year in which they are elected.

20 (4) Vacancies in office shall be filled in one of the following ways:

21 (a) If less than 6 months remain in the unexpired term or until the next regular
22 election, the commission by a majority vote of the remaining members shall
23 choose and appoint a successor, who is otherwise eligible under section 2.03
24 of this act, to serve until a newly elected commissioner is qualified.

1 (b) If more than 6 months remain in the unexpired term and a general election is
2 not scheduled within 6 months, the commission shall fill the vacancy by a
3 special election to be held not more than 60 days after the occurrence of the
4 vacancy.

5 **2.05. Recall of commissioners.**

6 Commissioners including the mayor are subject to recall as provided by law.

7 **2.06. Commission as judge of qualifications of members; election of mayor-
8 commissioner pro tempore chairman; rules of procedure; punishment of members for
9 misconduct; and quorum.**

10 The commission shall be the judge of the qualifications of its own members, subject to
11 review by the courts, and shall elect ~~one member as the mayor-commissioner and one~~
12 member as the mayor-commissioner pro tempore. The commission may determine its own
13 rules of procedure and may punish its own members for misconduct. A majority of all the
14 members of the commission constitutes a quorum to do business but a smaller number may
15 adjourn.

16 **2.07. Commission actions; majority vote necessary for adoption of ordinances and
17 resolutions.**

18 The commission shall act by motion, proclamation, resolution, or ordinance. Unless
19 otherwise provided in this act or by law, a motion or a proclamation is adopted when
20 approved by the votes of a majority of the members present, and an ordinance or resolution
21 is adopted when approved by the votes of three or more commissioners.

22 **2.08. ~~Mayor-commissioner.~~**

23 The ~~mayor-commissioner~~ shall be the presiding officer of the commission and shall
24 exercise such powers conferred and implied by, and perform all duties imposed by, this act,

1 the ordinances of the city, and the laws of the state. The mayor shall have a voice and a vote
2 in the proceedings of the commission, but no veto power. The ~~mayor-commissioner~~ shall be
3 the official head of the city for receipt of service of legal processes, the purposes of military
4 law, and all ceremonial purposes, but shall have no administrative duties. The mayor-
5 commissioner pro tempore shall perform the functions and duties of the office of mayor-
6 ~~commissioner~~ in the absence of the ~~mayor-commissioner~~.

7 **2.09. Commissioner forfeiture of office and interest in contracts.**

8 Any commissioner including the mayor who ceases to possess any of the
9 qualifications required by this act shall forfeit the office of commissioner. Any contract of the
10 city in which any commissioner has or may have a conflict of interest is voidable by the
11 commission.

12 **2.10. Interference with charter officers.**

13 Neither the commission nor any commissioner, including the mayor, may dictate the
14 appointment of any person to office or employment by the charter officers nor in any manner
15 interfere with the independence of charter officers in the performance of their duties. Except
16 for the purpose of an inquiry, the commission and its members, including the mayor, must
17 deal with employees of the city solely through their respective charter officers, and neither the
18 commission nor any commissioner, including the mayor, may give orders to any subordinates
19 of the charter officers either publicly or privately. Any commissioner, including the mayor, who
20 violates this section is guilty of a misdemeanor of the second degree, punishable as provided
21 in section 775.082 or section 775.083, Florida Statutes.

22 **2.11. Oaths of office.**

23 Before taking office for any term each commissioner shall swear or affirm:

24 "I do solemnly swear (or affirm) that I will support, honor, protect, and defend

1 the Constitution and Government of the United States and of the State of Florida; that
2 I am duly qualified to hold office under the Constitution of the State and under the
3 charter of the City of Gainesville; and that I will well and faithfully perform the duties of
4 (title of office) on which I am now about to enter."

5 **Section 2.** The question to be printed on the ballot for the referendum shall read as follows:

6 **Election of Gainesville Mayor by the voters**

7 The city charter provides that the commission appoint a mayor-commissioner from among its
8 members. Shall the city charter be amended to provide that the mayor be elected by the
9 people, to serve a 3 year term with the same powers and duties as the current mayor-
10 commissioner, to begin when the city population is 110,000 or more or at the regular city
11 election in 1998, whichever is sooner, as proposed by Ordinance No. 4053?

12 **Section 3.** The changes to the Charter set out in Section 1 of this ordinance will be made a
13 part of the Charter Laws of the City of Gainesville, Florida, subject to the approval of the
14 electors of the City of Gainesville at the next regular municipal election on March 14, 1995.
15 In the event that the amendment is approved, the codifier is directed to replace Article II of
16 the Charter with the text in Section 1 of this ordinance.

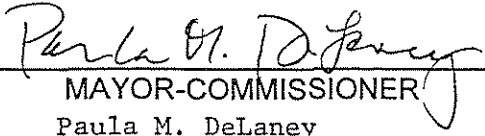
17 **Section 4.** In the event that the amendment is approved, the Clerk of the Commission is
18 directed to file a true copy of this ordinance with the Florida Department of State.

19 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
20 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
21 affect the validity of the remaining portions of this ordinance.

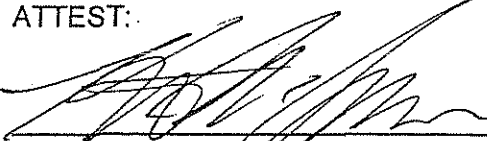
22 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
23 such conflict hereby repealed.

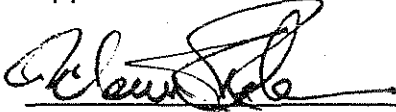
1 Section 7. This ordinance shall become effective immediately upon final adoption.

2 PASSED AND ADOPTED this 23rd day of January, 1995.

3 
4 MAYOR-COMMISSIONER
Paula M. DeLaney

5 ATTEST: Approved as to form and legality

6 
7 KURT M. LANNON
8 CLERK OF THE COMMISSION


MARION J. RADSON
CITY ATTORNEY

JAN 30 1995

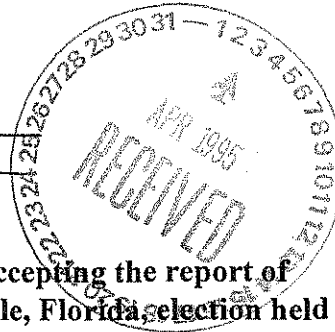
9 This Ordinance passed on first reading this 9th day of
10 January, 1995.

11 This Ordinance passed on second reading this 23rd day of
12 January, 1995.

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RESOLUTION NO. R-95-12
PASSED March 27, 1995



A resolution of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held March 14, 1995.

WHEREAS, on March 14, 1995, a regular city election for the election of one City Commissioner At-Large and a referendum concerning a City of Gainesville charter amendment was held in the City of Gainesville, Florida; and

WHEREAS, the Board of Canvassers has now reported that Paula M. DeLaney received the highest number of votes cast for the At-Large seat in the election; and

WHEREAS, the Board of Canvassers has now reported that the referendum concerning the city charter amendment providing for election of Gainesville mayor by the voters resulted in a majority vote for approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

1. The City Commission does hereby receive, accept and approve the report of the Board of Canvassers for the City of Gainesville, Florida, election held on March 14, 1995, which report shows that:

- a. Paula M. DeLaney has been elected to the Gainesville City Commission in the At-Large seat; and
- b. The City Charter Amendment providing for election of Gainesville mayor by the voters passed by referendum.

1 2. The Report of the Board of Canvassers for the City of Gainesville, Florida
2 election held March 14, 1995, is attached and made of part of this resolution by reference.

3 3. This Resolution shall become effective immediately upon adoption.

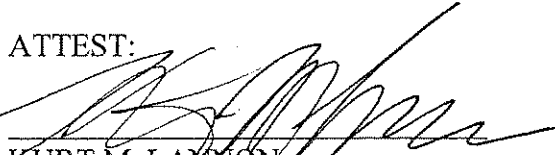
4 **PASSED AND ADOPTED** this 27th day of March, 1995.

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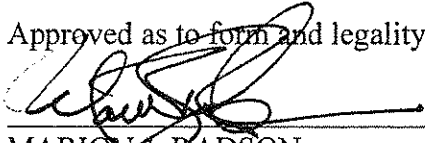
MAYOR-COMMISSIONER
PAULA M. DELANEY

ATTEST:



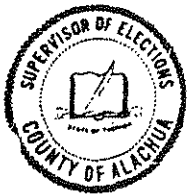
KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality



MARION J. RADSON
CITY ATTORNEY

MAR 30 1995



SUPERVISOR OF ELECTIONS

Alachua County Administration Building
P.O. Box 1496
Gainesville, Florida 32602

BEVERLY HILL
Supervisor

Telephone
904-374-5252

To: City of Gainesville Canvassing Board
Fm: Beverly Hill
Supervisor of Elections
Da: March 14, 1995
Re: March 14, 1995, Regular City Election and Charter Referendum

I hereby certify that the results of the City of Gainesville, March 14, 1995, Regular Election and Charter Referendum were as follows:

At-Large Seat:

Alan Craig Bushnell

2802

Paula M. DeLaney

4060

Charter Amendment:

Yes

4071

No

2158

Seal

Beverly Hill
SUPERVISOR OF ELECTIONS

**REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD MARCH 14, 1995**

The City Commission
City of Gainesville
Gainesville, Florida

Mayor and City Commissioners:

Pursuant to the requirements of Chapter 9 of the Gainesville Code of Ordinances, the undersigned, constituting the Board of Canvassers for the election of the City of Gainesville City Commission, at-large, and the election referendum concerning a City of Gainesville Charter Amendment, did meet on March 14, 1995, and continued thereafter in session and completed the canvassing of the absentee voter ballots and the ballots and returns of the Clerks and Inspectors, for the elections held on March 14, 1995.

The results of the at-large election are as follows:

Alan Craig Bushnell	<u>2802</u>
Paula M. DeLaney	<u>4060</u>
Total votes cast in at-large election	<u>6862</u>

As indicated by the foregoing, PAULA M. DeLANEY received the majority of the votes cast in the at-large election and is therefore elected.

CHARTER AMENDMENT

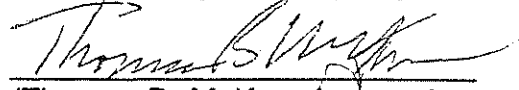
The results of the referendum election concerning the City Charter Amendment which relates to Article II, providing for election of the Gainesville mayor by the voters, is as follows:

For approval	<u>4071</u>
For rejection	<u>2658</u>
Total votes cast on Charter Amendment	<u>6729</u>

As indicated by the foregoing, the Charter Amendment has passed ~~failed~~ by

referendum on March 14, 1995.

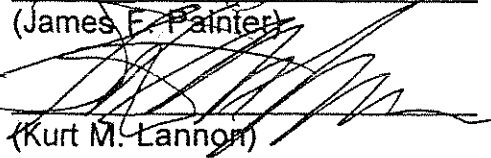
Respectfully submitted,
BOARD OF CANVASSERS



(Thomas B. McKnew)



(James F. Painter)



(Kurt M. Lannon)

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ORDINANCE NO. 020247
0-02-43

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4 An ordinance of the City of Gainesville, Florida; approving an amendment to
5 the Charter Laws of the City of Gainesville; amending Article II of the
6 Charter Laws, entitled "City Commission"; keeping the number of
7 commissioners at 5 by repealing the requirement to increase the number of
8 commissioners when the population of the city reaches or exceeds 110,000;
9 keeping the number of election districts at 3 by repealing the requirement to
10 increase the number of districts to 4; providing for submission of these
11 charter amendments to the voters for approval or disapproval at the
12 November 5, 2002 special municipal election; approving the question to be
13 placed on the ballot; providing directions to the codifier; providing
14 directions to the clerk of the commission; providing a severability clause;
15 providing a repealing clause; and providing an immediate effective date.
16

17 WHEREAS, the City Commission has duly considered the charter amendment and by
18 passage of this ordinance indicates its desire to approve the charter amendment as set forth
19 herein, subject to approval of the electorate at a special municipal election; and

20 WHEREAS, the City Commission desires to amend the Charter Laws of the City of
21 Gainesville, Florida, pursuant to the procedures provided by law; and

22 WHEREAS, at least 10 days notice has been given by publication in a newspaper of
23 general circulation notifying the public of this proposed ordinance and of a Public Hearing in the
24 Auditorium of City Hall in the City of Gainesville; and

25 WHEREAS, the Public Hearings were held pursuant to the published notice described at
26 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
27 heard;

28 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
29 CITY OF GAINESVILLE, FLORIDA:

30 Section 1. The following proposed amendment to Chapter 90-394, Laws of Florida,
31 1990, as amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is

1 approved for submission to the electors of the City of Gainesville, Florida, for approval or
2 disapproval at the special municipal election set for Tuesday, November 5, 2002:

3 PROPOSED AMENDMENT

4 Sections 2.01, entitled "Composition", and 2.02, entitled "Districts", of Article II, "City
5 Commission" of the Charter Laws of the City of Gainesville, Florida, as created by Chapter 90-
6 394, Laws of Florida, as amended by Ordinance Nos. 3752 and 4053 approved by the electorate
7 on March 10, 1992, and March 14, 1995 respectively, are amended to read:

8 **2.01. Composition.**

9 ~~(1) Population under 110,000.~~

10 ~~(a)(1) As long as the population of persons within the city remains under~~

11 ~~110,000, the legislative power of the city is vested in a city commission~~

12 ~~of five members. Three members shall be elected by the qualified voters~~

13 ~~of each of three districts and two members shall be elected by the qualified~~
14 ~~voters of the city at large.~~

15 ~~(b)(2) For the regular election in 1998, the at large seat then available shall~~

16 ~~become and remain the mayor's seat. Candidates shall designate at time of~~

17 ~~qualifying that they are running for mayor. The mayor shall be elected by~~

18 ~~the qualified voters of the city at large, and shall be considered a member~~

19 ~~of the commission, except as expressly provided herein.~~

20 ~~(2) — Population of 110,000 and over. At any time the population within the~~

21 ~~City reaches or exceeds 110,000 persons, as ascertained as of the effective date of any~~

22 ~~annexation under either: 1) the most recent decennial census of the population produced~~

23 ~~by the U.S. Bureau of the Census, or 2) the most recent estimates of populations of~~

1 municipalities produced by the State of Florida, Office of the Governor, or the designated
2 agency thereof, whichever number is greater, then the commission shall adopt a
3 resolution which ratifies the number of persons in the City and authorizing the increase in
4 the number of commissioners as provided in subsection (3). Until such time as the
5 additional commissioners are elected and placed in office, however, the legislative power
6 of the city shall remain vested in a commission of five members.

7 (3) — The legislative power of the city shall be vested in a city commission of
8 seven members including the mayor (when the population within the City reaches or
9 exceeds 110,000 persons as provided in Subsection (2) above) elected in accordance with
10 Sec. 2.04 of this Charter. Four members shall be elected by the qualified voters of each
11 of four districts and two members and the mayor shall be elected by the qualified voters
12 of the city at large as provided in Sec. 2.04.

13 **2.02. Districts.**

14 (1) For the purpose of electing three members of the commission (as long as
15 the population within the City remains under 110,000 as provided in Sec. 2.01(1), the
16 commission shall, by ordinance, apportion the city into three consecutively numbered
17 districts and shall adjust the boundary lines of the districts by subsequently enacted
18 ordinances whenever, in its judgment, the districts are not ratably or equally proportioned
19 in accordance with the State Constitution and the Constitution of the United States, but
20 not less frequently than within the second year following each decennial census.

21 (2) — For the purpose of electing four members of the commission (when the
22 population within the City reaches or exceeds 110,000 as provided in Sec. 2.01(2), the
23 commission shall, by ordinance, apportion the city into four consecutively numbered

1 ~~districts and shall adjust the boundary lines of the districts by subsequently enacted~~
2 ~~ordinances whenever, in its judgment, the districts are not ratably or equally proportioned~~
3 ~~in accordance with the State Constitution and the Constitution of the United States, but~~
4 ~~not less frequently than within the second year following each decennial census.~~

5 **Section 2.** The following ballot title and question is approved for submission to the
6 electors of the City of Gainesville, Florida, for approval or rejection at the special municipal
7 election set for Tuesday, November 5, 2002:

8 **CITY OF GAINESVILLE CHARTER AMENDMENT**

9
10 **NUMBER OF COMMISSIONERS AND DISTRICTS**

11
12
13 **UNDER THE CHARTER, THE CITY COMMISSION MUST INCREASE**
14 **FROM 5 MEMBERS TO 7 MEMBERS WHEN THE POPULATION OF**
15 **THE CITY REACHES OR EXCEEDS 110,000 PERSONS.**

16 ***SHALL THE CHARTER BE AMENDED TO KEEP THE NUMBER OF**
17 **COMMISSIONERS AT 5 MEMBERS AND THE NUMBER OF**
18 **ELECTION DISTRICTS AT 3, AS PROPOSED BY GAINESVILLE**
19 **ORDINANCE NO. 020247?**

20 * City Commission requests the Supervisor of Elections to start a new line on the ballot at asterisk.

21 **Section 3.** The amendment to the Charter Laws set out in Section 1 of this ordinance
22 is approved for submission to the voters of the City of Gainesville, Florida, for approval or
23 rejection at the special municipal election to be held on Tuesday, November 5, 2002.

24 **Section 4.** In the event that the amendment proposed by this Ordinance is approved
25 by the voters, the codifier is directed to incorporate this amendment in the Charter Laws of the
26 City of Gainesville.

1 **Section 5.** In the event that the amendment proposed by this Ordinance is approved by
2 the voters, the Clerk of the Commission is directed to file a true copy of this ordinance with the
3 Florida Department of State.

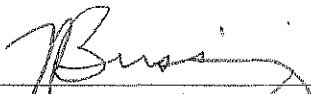
4 **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
6 affect the validity of the remaining portions of this ordinance.

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

9 **Section 8.** This ordinance shall become effective immediately upon final adoption.

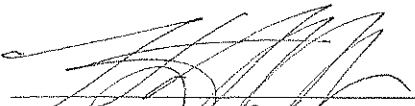
10 **PASSED AND ADOPTED** this 27th day of August, 2002.


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Thomas D. Bussing, Mayor

ATTEST:

Approved as to form and legality


Kurt M. Lannon
Clerk of the Commission


Marion J. Radson
City Attorney

AUG 27 2002

This Ordinance passed on first reading this 26th day of August, 2002.

This Ordinance passed on second reading this 27th day of August, 2002.

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RESOLUTION NO.020675

PASSED 11/25/02

A resolution of the City Commission of the City of Gainesville, Florida, accepting the reports of the Board of Canvassers for the City of Gainesville, Florida, special election held November 5, 2002; and providing an immediate effective date.

WHEREAS, on November 5, 2002, a special city election for the following Charter Amendments was held in the City of Gainesville, Florida;

EQUAL OPPORTUNITY DIRECTOR

To amend the charter of the City of Gainesville to create a charter officer position of Equal Opportunity Director;

NUMBER OF COMMISSIONERS AND DISTRICTS

To amend the charter of the City of Gainesville to keep the number of commissioners at 5 and the number of election districts at 3;

TERMS OF OFFICE OF ADDED CITY COMMISSION SEATS

In the event that the charter amendment keeping the number of commissioners at 5 and the number of election districts at 3 does not pass, to amend the Charter of the City of Gainesville by changing the initial terms of the added at-large seat to two years and the added district seat to one year, with subsequent three-year terms; and

WHEREAS, the Board of Canvassers has now reported that the Charter Amendment “Equal Opportunity Director” passed; and

WHEREAS, the Board of Canvassers has now reported that the Charter Amendment “Number of Commissioners and Districts” failed; and

WHEREAS, the Board of Canvassers has now reported that the Charter Amendment “Terms of Office of Added City Commission Seats” passed;

1 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION**
2 **OF THE CITY OF GAINESVILLE, FLORIDA:**

3 1. The City Commission does hereby receive, accept and approve the reports
4 of the Board of Canvassers for the City of Gainesville, Florida, special election held on
5 November 5, 2002.

6 2. The Reports of the Board of Canvassers for the City of Gainesville, Florida
7 special election held November 5, 2002, are attached and made part of this resolution by
8 reference.

9 3. This Resolution shall become effective immediately upon adoption.

10 **PASSED AND ADOPTED** this 25th day of November, 2002.

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THOMAS D. BUSSING
MAYOR

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ATTEST:



KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality



MARION I. RADSON
CITY ATTORNEY

NOV 26 2002

**CERTIFICATE OF RESULTS AND
REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD NOVEMBER 5, 2002**


CERTIFICATE OF RESULTS

Pursuant to section 9-14.1, Code of Ordinances, City of Gainesville, I hereby certify the following results of the election for the Charter Amendment:

EQUAL OPPORTUNITY DIRECTOR

“EQUAL OPPORTUNITY DIRECTOR IS CURRENTLY APPOINTED BY THE CITY MANAGER. SHALL THE CITY OF GAINESVILLE’S CHARTER BE AMENDED TO CREATE THE CHARTER OFFICER POSITION OF EQUAL OPPORTUNITY DIRECTOR, APPOINTED BY THE CITY COMMISSION, HAVING CERTAIN DUTIES RELATING TO DISCRIMINATION AND EQUAL OPPORTUNITY, ADDING DUTIES OF THE INTERNAL AUDITOR, AND REQUIRING ALL CHARTER OFFICERS IMPLEMENT WITHIN THEIR OFFICES EQUAL OPPORTUNITY AND HUMAN RELATIONS ORDINANCES AND PROGRAMS OF THE CITY, AS PROPOSED BY ORDINANCE NO. 020024?”

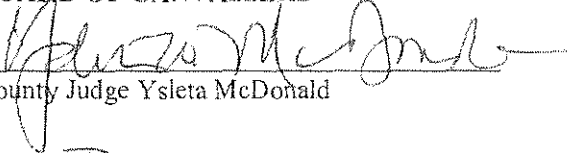
	Ballots from polls	Absentee ballots	Total
FOR Charter Amendment	12,329	2,291	14,620
AGAINST Charter Amendment	10,233	2,721	12,954



Beverly Hill, Supervisor of Elections

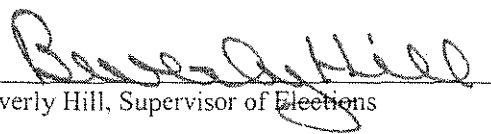
REPORT OF BOARD OF CANVASSERS

As indicated by the above certified results, the Charter Amendment Equal Opportunity Director proposed by ordinance 020024 passed/failed.

BOARD OF CANVASSERS


County Judge Ysleta McDonald


Commissioner Penelope Wheat


Beverly Hill, Supervisor of Elections

**CERTIFICATE OF RESULTS AND
REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD NOVEMBER 5, 2002**

CERTIFICATE OF RESULTS

Pursuant to section 9-14.1, Code of Ordinances, City of Gainesville, I hereby certify the following results of the election for the Charter Amendment:

TERMS OF OFFICE OF ADDED CITY COMMISSION SEATS

“IF THE CHARTER AMENDMENT KEEPING THE NUMBER OF COMMISSIONERS AT 5 IS NOT APPROVED, SHALL THE CHARTER BE AMENDED TO PROVIDE MORE EVENLY STAGGERED TERMS OF COMMISSION OFFICES BY CHANGING THE INTIAL TERMS OF THE ADDED AT-LARGE SEAT TO TWO YEARS AND THE ADDED DISTRICT SEAT TO ONE YEAR, WITH SUBSEQUENT THREE-YEAR TERMS, AS PROVIDED BY ORDINANCE NO. 020289?”

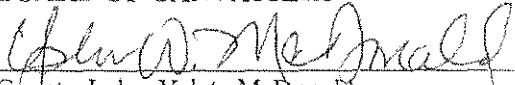
	Ballots from polls	Absentee ballots	Total
FOR Charter Amendment	22,223	4,970	27,193
AGAINST Charter Amendment	6,914	1,587	8,501


Beverly Hill, Supervisor of Elections

REPORT OF BOARD OF CANVASSERS

As indicated by the above certified results, the Charter Amendment Terms of Office of Added City Commission Seats proposed by ordinance 020289 passed/failed.


BOARD OF CANVASSERS



County Judge Ysleta McDonald



Commissioner Penelope Wheat



Beverly Hill, Supervisor of Elections

**CERTIFICATE OF RESULTS AND
REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD NOVEMBER 5, 2002**

CERTIFICATE OF RESULTS

Pursuant to section 9-14.1, Code of Ordinances, City of Gainesville, I hereby certify the following results of the election for the Charter Amendment:

**NUMBER OF COMMISSIONERS AND DISTRICTS
UNDER THE CHARTER, THE CITY COMMISSION
MUST INCREASE FROM 5 MEMBERS TO 7 MEMBERS
WHEN THE POPULATION OF THE CITY REACHES
OR EXCEEDS 110,000 PERSONS.**

**SHALL THE CHARTER BE AMENDED TO KEEP THE
NUMBER OF COMMISSIONERS AT 5 MEMBERS AND THE
NUMBER OF ELECTION DISTRICTS AT 3, AS PROPOSED
BY GAINESVILLE ORDINANCE NO. 020247?**

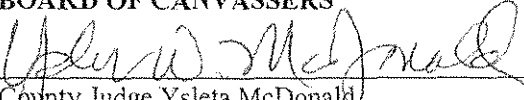
	Ballots from polls	Absentee ballots	Total
FOR Charter Amendment	10048	2582	12630
AGAINST Charter Amendment	12972	2520	15492


Beverly Hill, Supervisor of Elections

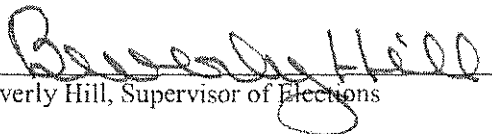
REPORT OF BOARD OF CANVASSERS

As indicated by the above certified results, the Charter Amendment Number of Commissioners and Districts proposed by ordinance 020247 passed/failed.

BOARD OF CANVASSERS


County Judge Ysleta McDonald


Commissioner Penelope Wheat


Beverly Hill, Supervisor of Elections

ORDINANCE NO. 020289
0-02-46

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4 **An ordinance of the City of Gainesville, Florida; approving an amendment to**
5 **the Charter Laws of the City of Gainesville; amending Article II of the**
6 **Charter Laws, entitled "City Commission", by changing the initial terms of**
7 **the added at-large seat to two years and the added district seat to one year,**
8 **with subsequent three-year terms; providing for submission of the charter**
9 **amendment to the voters for approval or disapproval at the November 5,**
10 **2002 special municipal election; approving the question to be placed on the**
11 **ballot; providing that this charter amendment shall become effective if**
12 **approved by the voters and if the charter amendment keeping the number of**
13 **commissioners at 5, as proposed by ordinance no. 020247, is not approved by**
14 **the voters; providing directions to the codifier; providing directions to the**
15 **clerk of the commission; providing a severability clause; providing a**
16 **repealing clause; and providing an immediate effective date.**

17
18 **WHEREAS,** the City Commission has duly considered the charter amendment and by
19 passage of this ordinance indicates its desire to approve the charter amendment as set forth
20 herein, subject to approval of the electorate at a special municipal election; and

21 **WHEREAS,** the City Commission desires to amend the Charter Laws of the City of
22 Gainesville, Florida, pursuant to the procedures provided by law; and

23 **WHEREAS,** at least 10 days notice has been given by publication in a newspaper of
24 general circulation notifying the public of this proposed ordinance and of a Public Hearing in the
25 Auditorium of City Hall in the City of Gainesville; and

26 **WHEREAS,** the Public Hearings were held pursuant to the published notice described at
27 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
28 heard;

29 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
30 **CITY OF GAINESVILLE, FLORIDA:**

31 **Section 1.** The following proposed amendment to Chapter 90-394, Laws of Florida,
32 1990, as amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is

1 approved for submission to the electors of the City of Gainesville, Florida, for approval or
2 disapproval at the special municipal election set for Tuesday, November 5, 2002:

3 PROPOSED AMENDMENT

4 Section 1. Subsection (1) of Section 2.04 entitled "Election and terms", of Article II, of
5 the Charter of the City of Gainesville, as created by Chapter 90-394, Laws of Florida, as
6 amended by Ordinance No. 4053 approved by the electorate on March 14, 1995, is amended to
7 read:

8 **2.04. Election and terms.**

9 (1) (a) Candidates for election to the commission shall qualify in the manner
10 prescribed by ordinance.

11 (b) Except as provided in Subsection (1)(c) herein, Each commissioner shall
12 be elected for a term of 3 years.

13 (c) For the purpose of providing more evenly staggered terms of office, in the
14 regular municipal election held in 2003, the district seat added pursuant to Sec.
15 2.01(3) of this Charter shall be elected for an initial term of office of one year, and
16 the at-large seat added pursuant to Sec. 2.01(3) of this Charter shall be elected for
17 an initial term of two years. Thereafter, the terms of office for said seats shall be
18 3 years.

19 (d) The regular municipal election shall be held on the date as prescribed by
20 ordinance.

21 (e) Upon the occurrence of a vacancy on the commission, a special election
22 may be held to fill the vacancy for the remainder of the unexpired term as may be
23 prescribed by ordinance.

1 (2) The district candidate receiving a majority of the votes cast in a particular district
2 shall be elected. The at-large candidate and the candidate for mayor receiving a majority of the
3 votes cast within the city at large for such seat shall be elected. If a candidate does not receive a
4 majority of the votes cast for a particular seat, as applicable, a runoff election shall be held
5 between the two (2) candidates for that seat receiving the highest number of votes cast. In the
6 case of a tie, the candidates shall be selected for the runoff election in the same manner as
7 provided for other offices by general law. The candidate receiving more votes in the runoff
8 election shall be elected.

9 (3) The terms of office of commissioners shall be staggered so that the terms of office
10 of all commissioners do not expire the same year. Commissioners hold office from 12 o'clock
11 noon of the Thursday following the first Tuesday in May of the year in which they are elected
12 until their successors in office are elected and qualified or until recalled as provided by law. If a
13 runoff election is necessary, commissioners hold office from 12 o'clock noon of the Thursday
14 following the third Tuesday in May of the year in which they are elected.

15 (4) Vacancies in office shall be filled in one of the following ways:

16 (a) If less than 6 months remain in the unexpired term or until the next regular
17 election, the commission by a majority vote of the remaining members shall
18 choose and appoint a successor, who is otherwise eligible under section 2.03 of
19 this act, to serve until a newly elected commissioner is qualified.

20 (b) If more than 6 months remain in the unexpired term and a general election
21 is not scheduled within 6 months, the commission shall fill the vacancy by a
22 special election to be held not more than 60 days after the occurrence of the
23 vacancy.

1 **Section 2.** The following ballot title and question is approved for submission to the
2 electors of the City of Gainesville, Florida, for approval or rejection at the special municipal
3 election set for Tuesday, November 5, 2002:

4 **CITY OF GAINESVILLE CHARTER AMENDMENT**

5 **TERMS OF OFFICE OF ADDED CITY COMMISSION SEATS**

6 “IF THE CHARTER AMENDMENT KEEPING THE NUMBER OF
7 COMMISSIONERS AT 5 IS NOT APPROVED, SHALL THE CHARTER BE
8 AMENDED TO PROVIDE MORE EVENLY STAGGERED TERMS OF
9 COMMISSION OFFICES BY CHANGING THE INITIAL TERMS OF THE
10 ADDED AT-LARGE SEAT TO TWO YEARS AND THE ADDED DISTRICT
11 SEAT TO ONE YEAR, WITH SUBSEQUENT THREE-YEAR TERMS, AS
12 PROVIDED BY ORDINANCE NO. 020289?”

13 **Section 3.** The amendment to the Charter Laws set out in Section 1 of this ordinance is
14 approved for submission to the voters of the City of Gainesville, Florida, for approval or
15 rejection at the special municipal election to be held on Tuesday, November 5, 2002.

16 **Section 4.** In the event that the charter amendment proposed by Section 1 of Ordinance
17 No. 020247 is approved by the voters at the November 5, 2002 special municipal election, then
18 this charter amendment proposed by this Ordinance is deemed moot and shall not take effect.

19 **Section 5.** In the event that the charter amendment proposed by Ordinance No. 020247 is
20 disapproved by the voters at the November 5, 2002 special municipal election, and the charter
21 amendment proposed by Section 1 of this Ordinance is approved by the voters at the November
22 5, 2002 special municipal election, then: 1) the codifier is directed to incorporate this
23 amendment in the Charter Laws of the City of Gainesville; and 2) the Clerk of the Commission is

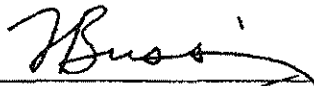
1 directed to file a true copy of this ordinance with the Florida Department of State.

2 **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
3 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
4 affect the validity of the remaining portions of this ordinance.

5 **Section 7.** All ordinances or parts of ordinances in conflict herewith are to the extent of
6 such conflict hereby repealed.


7 **Section 8.** This ordinance shall become effective immediately upon final adoption.


8 **PASSED AND ADOPTED** this 27th day of August, 2002.

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12 _____
13 Thomas D. Bussing, Mayor

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15 ATTEST:

Approved as to form and legality

16
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18 _____
19 Kurt M. Lannon
20 Clerk of the Commission

21 
22 _____
23 Marion J. Radson
City Attorney

AUG 27 2002

21 This Ordinance passed on first reading this 26th day of August, 2002.

22 This Ordinance passed on second reading this 27th day of August, 2002.

23

**CITY OF GAINESVILLE***Clerk of the Commission*

I hereby certify that a true record of this ordinance was made by me in

Ordinance Book No. 67 on this 28th day of

August, 2002 and that the title of this ordinance was published in

the Gainesville Sun.

A handwritten signature in black ink, appearing to read "Kurt M. Lannon, Jr.", is written over a horizontal line.

Kurt M. Lannon, Jr.
Clerk of the Commission

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RESOLUTION NO.020675

PASSED 11/25/02

A resolution of the City Commission of the City of Gainesville, Florida, accepting the reports of the Board of Canvassers for the City of Gainesville, Florida, special election held November 5, 2002; and providing an immediate effective date.

WHEREAS, on November 5, 2002, a special city election for the following

Charter Amendments was held in the City of Gainesville, Florida;

EQUAL OPPORTUNITY DIRECTOR

To amend the charter of the City of Gainesville to create a charter officer position of Equal Opportunity Director;

NUMBER OF COMMISSIONERS AND DISTRICTS

To amend the charter of the City of Gainesville to keep the number of commissioners at 5 and the number of election districts at 3;

TERMS OF OFFICE OF ADDED CITY COMMISSION SEATS

In the event that the charter amendment keeping the number of commissioners at 5 and the number of election districts at 3 does not pass, to amend the Charter of the City of Gainesville by changing the initial terms of the added at-large seat to two years and the added district seat to one year, with subsequent three-year terms; and

WHEREAS, the Board of Canvassers has now reported that the Charter Amendment "Equal Opportunity Director" passed; and

WHEREAS, the Board of Canvassers has now reported that the Charter Amendment "Number of Commissioners and Districts" failed; and

WHEREAS, the Board of Canvassers has now reported that the Charter Amendment "Terms of Office of Added City Commission Seats" passed;

1 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION**
2 **OF THE CITY OF GAINESVILLE, FLORIDA:**

3 1. The City Commission does hereby receive, accept and approve the reports
4 of the Board of Canvassers for the City of Gainesville, Florida, special election held on
5 November 5, 2002.

6 2. The Reports of the Board of Canvassers for the City of Gainesville, Florida
7 special election held November 5, 2002, are attached and made part of this resolution by
8 reference.

9 3. This Resolution shall become effective immediately upon adoption.

10 **PASSED AND ADOPTED** this 25th day of November, 2002.

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THOMAS D. BUSSING
MAYOR

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ATTEST:



KURT M. CANNON
CLERK OF THE COMMISSION

Approved as to form and legality



MARION J. RADSON
CITY ATTORNEY

NOV 26 2002

**CERTIFICATE OF RESULTS AND
REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD NOVEMBER 5, 2002**


CERTIFICATE OF RESULTS

Pursuant to section 9-14.1, Code of Ordinances, City of Gainesville, I hereby certify the following results of the election for the Charter Amendment:

EQUAL OPPORTUNITY DIRECTOR

“EQUAL OPPORTUNITY DIRECTOR IS CURRENTLY APPOINTED BY THE CITY MANAGER. SHALL THE CITY OF GAINESVILLE’S CHARTER BE AMENDED TO CREATE THE CHARTER OFFICER POSITION OF EQUAL OPPORTUNITY DIRECTOR, APPOINTED BY THE CITY COMMISSION, HAVING CERTAIN DUTIES RELATING TO DISCRIMINATION AND EQUAL OPPORTUNITY, ADDING DUTIES OF THE INTERNAL AUDITOR, AND REQUIRING ALL CHARTER OFFICERS IMPLEMENT WITHIN THEIR OFFICES EQUAL OPPORTUNITY AND HUMAN RELATIONS ORDINANCES AND PROGRAMS OF THE CITY, AS PROPOSED BY ORDINANCE NO. 020024?”

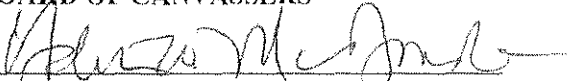
	Ballots from polls	Absentee ballots	Total
FOR Charter Amendment	12,329	2,291	14,620
AGAINST Charter Amendment	10,233	2,721	12,954


Beverly Hill, Supervisor of Elections


REPORT OF BOARD OF CANVASSERS

As indicated by the above certified results, the Charter Amendment Equal Opportunity Director proposed by ordinance 020024 passed/failed.

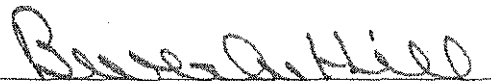
BOARD OF CANVASSERS



County Judge Ysleta McDonald



Commissioner Penelope Wheat



Beverly Hill, Supervisor of Elections

CERTIFICATE OF RESULTS AND
REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD NOVEMBER 5, 2002

CERTIFICATE OF RESULTS

Pursuant to section 9-14.1, Code of Ordinances, City of Gainesville, I hereby certify the following results of the election for the Charter Amendment:

TERMS OF OFFICE OF ADDED CITY COMMISSION SEATS

“IF THE CHARTER AMENDMENT KEEPING THE NUMBER OF COMMISSIONERS AT 5 IS NOT APPROVED, SHALL THE CHARTER BE AMENDED TO PROVIDE MORE EVENLY STAGGERED TERMS OF COMMISSION OFFICES BY CHANGING THE INTIAL TERMS OF THE ADDED AT-LARGE SEAT TO TWO YEARS AND THE ADDED DISTRICT SEAT TO ONE YEAR, WITH SUBSEQUENT THREE-YEAR TERMS, AS PROVIDED BY ORDINANCE NO. 020289?”

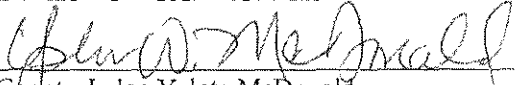
	Ballots from polls	Absentee ballots	Total
FOR Charter Amendment	22,223	4,970	27,193
AGAINST Charter Amendment	6,914	1,587	8,501


Beverly Hill, Supervisor of Elections

REPORT OF BOARD OF CANVASSERS

As indicated by the above certified results, the Charter Amendment Terms of Office of Added City Commission Seats proposed by ordinance 020289 passed/failed.


BOARD OF CANVASSERS



County Judge Ysleta McDonald



Commissioner Penelope Wheat



Beverly Hill, Supervisor of Elections

**CERTIFICATE OF RESULTS AND
REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD NOVEMBER 5, 2002**

CERTIFICATE OF RESULTS

Pursuant to section 9-14.1, Code of Ordinances, City of Gainesville, I hereby certify the following results of the election for the Charter Amendment:

**NUMBER OF COMMISSIONERS AND DISTRICTS
UNDER THE CHARTER, THE CITY COMMISSION
MUST INCREASE FROM 5 MEMBERS TO 7 MEMBERS
WHEN THE POPULATION OF THE CITY REACHES
OR EXCEEDS 110,000 PERSONS.**

**SHALL THE CHARTER BE AMENDED TO KEEP THE
NUMBER OF COMMISSIONERS AT 5 MEMBERS AND THE
NUMBER OF ELECTION DISTRICTS AT 3, AS PROPOSED
BY GAINESVILLE ORDINANCE NO. 020247?**

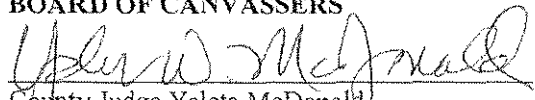
	Ballots from polls	Absentee ballots	Total
FOR Charter Amendment	10048	2582	12630
AGAINST Charter Amendment	12972	2520	15492



Beverly Hill, Supervisor of Elections


REPORT OF BOARD OF CANVASSERS

As indicated by the above certified results, the Charter Amendment Number of Commissioners and Districts proposed by ordinance 020247 passed/failed.

BOARD OF CANVASSERS


County Judge Ysleta McDonald


Commissioner Penelope Wheat


Beverly Hill, Supervisor of Elections

ORDINANCE NO. 020024
0-02-26

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4 **An ordinance of the City of Gainesville, Florida; approving certain**
5 **amendments to the Charter Laws of the City of Gainesville; providing for**
6 **additional duties of the City internal auditor; providing for creation of the**
7 **charter officer position entitled "equal opportunity director" to be appointed**
8 **by the city commission; providing powers and duties of such officer; making**
9 **the charter officers responsible for implementing the equal opportunity and**
10 **human relations ordinances and programs in their respective departments;**
11 **providing for application to persons covered under collective bargaining**
12 **agreements; providing for submission of the charter amendments to the**
13 **voters for approval or rejection at the November 5, 2002 special municipal**
14 **election; approving the question to be placed on the ballot; providing**
15 **directions to the codifier; providing for transition; providing directions to**
16 **the clerk of the commission; providing a severability clause; providing a**
17 **repealing clause; and providing an immediate effective date.**

18
19 **WHEREAS,** the City Commission has duly considered the charter amendments and by
20 passage of this ordinance indicates its desire to approve the charter amendments as set forth
21 herein, subject to approval of the electorate at a special municipal election; and

22 **WHEREAS,** the City Commission desires to amend the Charter Laws of the City of
23 Gainesville, Florida, pursuant to the procedures provided by law; and

24 **WHEREAS,** at least 10 days notice has been given by publication in a newspaper of
25 general circulation notifying the public of this proposed ordinance and of a Public Hearing in the
26 Auditorium of City Hall in the City of Gainesville; and

27 **WHEREAS,** the Public Hearings were held pursuant to the published notice described at
28 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
29 heard;

30 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
31 **CITY OF GAINESVILLE, FLORIDA:**

32 **Section 1.** Section 3.05 of Article III of the Charter of the City of Gainesville, as created

1 by Chapter 90-394, Laws of Florida, is amended to read:

2 **3.05.** City internal auditor.--

3 (1) The commission may appoint a city internal auditor who shall serve at the will of
4 the commission. The city internal auditor shall:

5 (a) Shall perform financial and compliance audits.

6 (b) Shall assist the commission in all its accountability functions.

7 (c) Shall perform compliance audits on the implementation of the city's human
8 relations and equal opportunity ordinances, policies, and programs pertaining to the activities of
9 the city within all departments of the city in accordance with schedules prescribed by the
10 commission.

11 (d) Shall perform all other duties assigned by the commission.

12 (2) All financial and compliance audits and other reports of the city internal auditor
13 shall be filed in the office of the clerk of the commission.

14 **Section 2.** Section 3.08 is added to Article III of the Charter of the City of Gainesville, as
15 created by Chapter 90-394, Laws of Florida, to read:

16 3.08. Equal opportunity director. -- The commission shall appoint an equal opportunity
17 director who shall serve at the will of the city commission. The equal opportunity director:

18 (1) Shall investigate complaints of discrimination, harassment, retaliation, and other
19 related matters, and propose remedial action, as prescribed by the city's human relations and
20 equal opportunity ordinances. No city employee shall suffer retaliation for filing a complaint or
21 testifying, assisting, or participating in any investigation under these ordinances, and such
22 complaints shall be held confidential to the extent allowed by federal and state law.

23 (2) Shall make reports, including an annual report, to the charter officers and the

1 commission, as appropriate, as to the activities of the year and the need, if any, to revise the
2 city's human relations and equal opportunity ordinances, policies, and programs pertaining to,
3 but not limited to, equal opportunity, affirmative action, local minority business and local small
4 business enterprise procurement program, fair housing, unlawful harassment, and accessibility to
5 the city's programs, services, and activities.

6 (3) Shall propose policies for the implementation of comprehensive equal opportunity
7 and diversity programs and adherence to equal opportunity laws, policies, procedures, and related
8 matters.

9 (4) Shall develop, prepare, and monitor the city's affirmative action plan.

10 (5) Shall develop training, conduct workshops, and propose strategies and initiatives
11 related to diversity and equal opportunity and related matters in employment, purchasing,
12 services, programs, and activities.

13 (6) Shall review all proposed changes to current or proposed new city employment
14 policies, procedures, and guidelines, job descriptions, and purchasing policies, procedures, and
15 guidelines for compliance with equal opportunity laws, policies, procedures, and guidelines, and
16 related matters.

17 (7) Shall monitor all hires, transfers, demotions, promotions, and terminations for
18 compliance with equal opportunity laws, policies, procedures, guidelines, and related matters.

19 (8) Shall develop instruments to monitor adherence to diversity and equal opportunity
20 laws, policies, procedures, guidelines, and related matters for city services, programs, activities,
21 employment, and purchasing.

22 (9) Shall participate in the assessment and review of the city's employment practices,
23 including recruitment, appointment, and promotion, as they pertain to all employees and

1 applicants at all levels of city employment.

2 (10) Shall compile various equal opportunity reports and related reports required of the
3 city by state and federal agencies or that are necessary for compliance purposes.

4 (11) Shall perform all other functions as prescribed by ordinances or as otherwise
5 directed by the commission.

6 **Section 3.** Section 5.07 is added to Article V of the Charter of the City of Gainesville,
7 as created by Chapter 90-394, Laws of Florida, to read:

8 5.07 Equal opportunity; duties of charter officers. – The charter officers shall apply the
9 city’s human relations and equal opportunity ordinances and implement its human relations and
10 equal opportunity programs within their respective departments and shall coordinate the efforts
11 of the various departments to optimize the effectiveness of their efforts. The charter officers
12 shall, from time to time, make individual and collective recommendations to the commission
13 pertaining to the effectiveness of the city’s human relations and equal opportunity ordinances and
14 programs pertaining to the activities of the city.

15 **Section 4.** Nothing in this ordinance shall abrogate the provisions of any collective
16 bargaining agreement or the city’s responsibility to negotiate terms and conditions of
17 employment.

18 **Section 5.** The question to be placed on the ballot for the referendum shall read as
19 follows:
20

21 **CITY OF GAINESVILLE CHARTER AMENDMENT**

22 **EQUAL OPPORTUNITY DIRECTOR**

23 “EQUAL OPPORTUNITY DIRECTOR IS CURRENTLY APPOINTED BY
24 THE CITY MANAGER. SHALL THE CITY OF GAINESVILLE’S CHARTER
25 BE AMENDED TO CREATE THE CHARTER OFFICER POSITION OF

1 EQUAL OPPORTUNITY DIRECTOR, APPOINTED BY THE CITY
2 COMMISSION, HAVING CERTAIN DUTIES RELATING TO
3 DISCRIMINATION AND EQUAL OPPORTUNITY, ADDING DUTIES OF
4 THE INTERNAL AUDITOR, AND REQUIRING ALL CHARTER OFFICERS
5 IMPLEMENT WITHIN THEIR OFFICES EQUAL OPPORTUNITY AND
6 HUMAN RELATIONS ORDINANCES AND PROGRAMS OF THE CITY, AS
7 PROPOSED BY ORDINANCE NO. 020024?"

8 **Section 6.** The amendments to the Charter Laws set out in Sections 1 thru 3 inclusive
9 of this ordinance are approved for submission to the voters of the City of Gainesville, Florida, for
10 approval or rejection at the special municipal election to be held on November 5, 2002. In the
11 event that the amendment is approved by the voters, the codifier is directed to incorporate these
12 amendments in the Charter Laws of the City of Gainesville.

13 **Section 7.** In the event that the amendment is approved by the voters, the City
14 Manager, General Manager for Utilities, City Attorney, City Auditor and Clerk of the
15 Commission shall continue to implement and apply the City's human relations and equal
16 opportunity ordinances, policies, and programs, as prescribed therein, until the appointment of
17 the Charter Officer of Equal Opportunity Director. Thereafter, the Equal Opportunity Director
18 shall perform the duties prescribed by the City Charter and the ordinances, programs and policies
19 of the City as prescribed in the Charter and the ordinances, programs and policies of the City.

20 **Section 8.** In the event that the amendment is approved by the voters, the Clerk of the
21 Commission is directed to file a true copy of this ordinance with the Florida Department of State.

22 **Section 9.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
23 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way

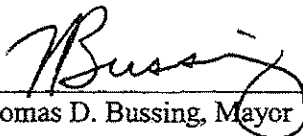
1 affect the validity of the remaining portions of this ordinance.

2 **Section 10.** All ordinances or parts of ordinances in conflict herewith are to the extent of
3 such conflict hereby repealed.

4 **Section 11.** This ordinance shall become effective immediately upon final adoption.

5 **PASSED AND ADOPTED** this 8th day of July, 2002.

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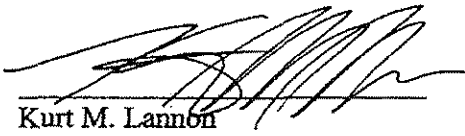

Thomas D. Bussing, Mayor

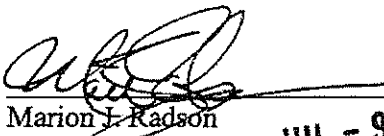
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11

12 ATTEST:

Approved as to form and legality

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Kurt M. Lannon
Clerk of the Commission

Marion J. Radson
City Attorney

JUL - 9 2002

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This Ordinance passed on first reading this 24th day of June, 2002.

This Ordinance passed on second reading this 8th day of July, 2002.

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RESOLUTION NO. 020675

PASSED 11/25/02

**A resolution of the City Commission of the City of Gainesville,
Florida, accepting the reports of the Board of Canvassers for the
City of Gainesville, Florida, special election held November 5, 2002;
and providing an immediate effective date.**

13 **WHEREAS**, on November 5, 2002, a special city election for the following

14 Charter Amendments was held in the City of Gainesville, Florida;

15 **EQUAL OPPORTUNITY DIRECTOR**

16 To amend the charter of the City of Gainesville to create a
17 charter officer position of Equal Opportunity Director;

18 **NUMBER OF COMMISSIONERS AND DISTRICTS**

19 To amend the charter of the City of Gainesville to keep the
20 number of commissioners at 5 and the number of election
21 districts at 3;

22 **TERMS OF OFFICE OF ADDED CITY**
23 **COMMISSION SEATS**

24 In the event that the charter amendment keeping the number
25 of commissioners at 5 and the number of election districts
26 at 3 does not pass, to amend the Charter of the City of
27 Gainesville by changing the initial terms of the added at-
28 large seat to two years and the added district seat to one
29 year, with subsequent three-year terms; and
30

31 **WHEREAS**, the Board of Canvassers has now reported that the Charter

32 Amendment "Equal Opportunity Director" passed; and

33 **WHEREAS**, the Board of Canvassers has now reported that the Charter

34 Amendment "Number of Commissioners and Districts" failed; and

35 **WHEREAS**, the Board of Canvassers has now reported that the Charter

36 Amendment "Terms of Office of Added City Commission Seats" passed;
37

1 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION**
2 **OF THE CITY OF GAINESVILLE, FLORIDA:**


3 1. The City Commission does hereby receive, accept and approve the reports
4 of the Board of Canvassers for the City of Gainesville, Florida, special election held on
5 November 5, 2002.

6 2. The Reports of the Board of Canvassers for the City of Gainesville, Florida
7 special election held November 5, 2002, are attached and made part of this resolution by
8 reference.

9 3. This Resolution shall become effective immediately upon adoption.

10 **PASSED AND ADOPTED** this 25th day of November, 2002.


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THOMAS D. BUSSING
MAYOR

ATTEST:


KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality


MARION J. RADSON
CITY ATTORNEY **NOV 26 2002**

**CERTIFICATE OF RESULTS AND
REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD NOVEMBER 5, 2002**


CERTIFICATE OF RESULTS

Pursuant to section 9-14.1, Code of Ordinances, City of Gainesville, I hereby certify the following results of the election for the Charter Amendment:

EQUAL OPPORTUNITY DIRECTOR

“EQUAL OPPORTUNITY DIRECTOR IS CURRENTLY APPOINTED BY THE CITY MANAGER. SHALL THE CITY OF GAINESVILLE’S CHARTER BE AMENDED TO CREATE THE CHARTER OFFICER POSITION OF EQUAL OPPORTUNITY DIRECTOR, APPOINTED BY THE CITY COMMISSION, HAVING CERTAIN DUTIES RELATING TO DISCRIMINATION AND EQUAL OPPORTUNITY, ADDING DUTIES OF THE INTERNAL AUDITOR, AND REQUIRING ALL CHARTER OFFICERS IMPLEMENT WITHIN THEIR OFFICES EQUAL OPPORTUNITY AND HUMAN RELATIONS ORDINANCES AND PROGRAMS OF THE CITY, AS PROPOSED BY ORDINANCE NO. 020024?”


	Ballots from polls	Absentee ballots	Total
FOR Charter Amendment	12,329	2,291	14,620
AGAINST Charter Amendment	10,233	2,721	12,954


Beverly Hill, Supervisor of Elections

REPORT OF BOARD OF CANVASSERS

As indicated by the above certified results, the Charter Amendment Equal Opportunity Director proposed by ordinance 020024 passed/failed.


BOARD OF CANVASSERS



County Judge Ysleta McDonald



Commissioner Penelope Wheat



Beverly Hill, Supervisor of Elections

**CERTIFICATE OF RESULTS AND
REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD NOVEMBER 5, 2002**

CERTIFICATE OF RESULTS

Pursuant to section 9-14.1, Code of Ordinances, City of Gainesville, I hereby certify the following results of the election for the Charter Amendment:

TERMS OF OFFICE OF ADDED CITY COMMISSION SEATS

“IF THE CHARTER AMENDMENT KEEPING THE NUMBER OF COMMISSIONERS AT 5 IS NOT APPROVED, SHALL THE CHARTER BE AMENDED TO PROVIDE MORE EVENLY STAGGERED TERMS OF COMMISSION OFFICES BY CHANGING THE INTIAL TERMS OF THE ADDED AT-LARGE SEAT TO TWO YEARS AND THE ADDED DISTRICT SEAT TO ONE YEAR, WITH SUBSEQUENT THREE-YEAR TERMS, AS PROVIDED BY ORDINANCE NO. 020289?”

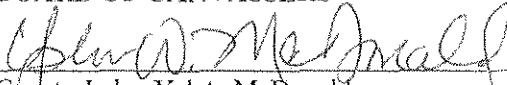
	Ballots from polls	Absentee ballots	Total
FOR Charter Amendment	22,223	4,970	27,193
AGAINST Charter Amendment	6,914	1,587	8,501


Beverly Hill, Supervisor of Elections

REPORT OF BOARD OF CANVASSERS

As indicated by the above certified results, the Charter Amendment Terms of Office of Added City Commission Seats proposed by ordinance 020289 passed/failed.


BOARD OF CANVASSERS



County Judge Ysleta McDonald



Commissioner Penelope Wheat



Beverly Hill, Supervisor of Elections

**CERTIFICATE OF RESULTS AND
REPORT OF BOARD OF CANVASSERS
CITY OF GAINESVILLE, FLORIDA
ELECTION HELD NOVEMBER 5, 2002**

CERTIFICATE OF RESULTS

Pursuant to section 9-14.1, Code of Ordinances, City of Gainesville, I hereby certify the following results of the election for the Charter Amendment:

**NUMBER OF COMMISSIONERS AND DISTRICTS
UNDER THE CHARTER, THE CITY COMMISSION
MUST INCREASE FROM 5 MEMBERS TO 7 MEMBERS
WHEN THE POPULATION OF THE CITY REACHES
OR EXCEEDS 110,000 PERSONS.**

**SHALL THE CHARTER BE AMENDED TO KEEP THE
NUMBER OF COMMISSIONERS AT 5 MEMBERS AND THE
NUMBER OF ELECTION DISTRICTS AT 3, AS PROPOSED
BY GAINESVILLE ORDINANCE NO. 020247?**

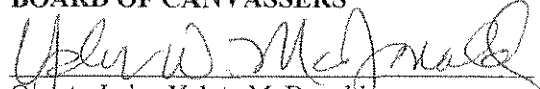
	Ballots from polls	Absentee ballots	Total
FOR Charter Amendment	10048	2582	12630
AGAINST Charter Amendment	12972	2520	15492


Beverly Hill, Supervisor of Elections


REPORT OF BOARD OF CANVASSERS

As indicated by the above certified results, the Charter Amendment Number of Commissioners and Districts proposed by ordinance 020247 passed/failed.

BOARD OF CANVASSERS


County Judge Ysleta McDonald


Commissioner Penelope Wheat


Beverly Hill, Supervisor of Elections

ORDINANCE NO. 020749
0-03-08

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4 **An ordinance of the City of Gainesville, Florida; approving an amendment to**
5 **the Charter Laws of the City of Gainesville; amending Article II of the**
6 **Charter Laws, entitled "City Commission", by changing the number of votes**
7 **required to adopt an ordinance or resolution from three to four; providing**
8 **for submission of the charter amendment to the voters for approval or**
9 **disapproval at the April 8, 2003 regular municipal election; approving the**
10 **ballot title and summary to be placed on the ballot; providing that this**
11 **charter amendment shall become effective at the first meeting of the seven-**
12 **member commission in May, 2003 if approved by the voters; providing**
13 **directions to the codifier; providing directions to the clerk of the commission;**
14 **providing a severability clause; providing a repealing clause; and providing**
15 **an immediate effective date.**

16
17 **WHEREAS,** the City Commission has duly considered the charter amendment as
18 recommended by the Charter Review Committee, and by passage of this ordinance indicates its
19 desire to approve the charter amendment as set forth herein, subject to approval of the electorate
20 at the next municipal election; and

21 **WHEREAS,** the City Commission desires to amend the Charter Laws of the City of
22 Gainesville, Florida, pursuant to the procedures provided by law; and

23 **WHEREAS,** at least 10 days notice has been given by publication in a newspaper of
24 general circulation notifying the public of this proposed ordinance and of a Public Hearing in the
25 Auditorium of City Hall in the City of Gainesville; and

26 **WHEREAS,** the Public Hearings were held pursuant to the published notice described at
27 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
28 heard;

29 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
30 **CITY OF GAINESVILLE, FLORIDA:**

31 **Section 1.** The following proposed amendment to Section 2.07 of Article II of the

1 Charter Laws of the City of Gainesville, Florida, as created by Chapter 90-394, Laws of Florida,
2 as amended, is approved for submission to the electors of the City of Gainesville, Florida, for
3 approval or rejection at the next municipal election set for Tuesday, April 8, 2003:

4 **2.07 Commission actions; majority vote necessary for adoption of ordinances**
5 **and resolutions.**

6 The commission shall act by motion, proclamation, resolution, or ordinance. Unless
7 otherwise provided in this act or by law, a motion or a proclamation is adopted when
8 approved by the votes of a majority of the members present, and an ordinance or
9 resolution is adopted when approved by the votes of ~~three~~ four or more members of
10 the commissioners.

11 **Section 2.** The following ballot title and summary is approved for submission to the
12 electors of the City of Gainesville, Florida, for approval or rejection at the next municipal
13 election set for Tuesday, April 8, 2003:

14 CITY OF GAINESVILLE CHARTER AMENDMENT
15 NUMBER OF VOTES NEEDED TO ADOPT AN ORDINANCE OR
16 RESOLUTION
17

18 The city commission is expanding from 5 to 7 commissioners in May.

19 Currently, the city charter requires at least 3 commissioners to adopt an
20 ordinance or resolution. Shall the city charter be amended to require at least
21 4 members of the commission to adopt an ordinance or resolution, as provided
22 by Ordinance No. 020749?

23 _____ Yes

24 _____ No

25 **Section 3.** In the event that the charter amendment proposed by Section 1 of this

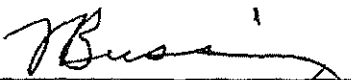
1 Ordinance is approved by the voters at the April 8, 2003 municipal election, then: 1) the charter
2 amendment will become effective at the first meeting of the seven-member city commission in
3 May, 2003; 2) the codifier is directed to incorporate this amendment in the Charter Laws of the
4 City of Gainesville; and 3) the Clerk of the Commission is directed to file a true copy of this
5 ordinance with the Florida Department of State.

6 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
7 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
8 affect the validity of the remaining portions of this ordinance.

9 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
10 such conflict hereby repealed.

11 **Section 6.** This ordinance shall become effective immediately upon final adoption.


12 **PASSED AND ADOPTED** this 10th day of February, 2003.

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17 
18 Thomas D. Bussing, Mayor

19 Approved as to form and legality

20 ATTEST:

21 
22
23 Kurt M. Langston
24 Clerk of the Commission

25 
26 Marion J. Radson
City Attorney

FEB 11 2003

25 This Ordinance passed on first reading this 27th day of January, 2003.

26 This Ordinance passed on second reading this 10th day of February, 2003.

1 RESOLUTION NO. 021093

2
3 PASSED April 14, 2003

4
5 A resolution of the City Commission of the City of Gainesville,
6 Florida, accepting the reports of the Board of Canvassers for the
7 City of Gainesville, Florida, election held April 8, 2003; and
8 providing an immediate effective date.
9

10
11 WHEREAS, on April 8, 2003, a city election for the election of commissioners for
12 At-Large Seat 1, At-Large Seat 2, district 4 and for Charter Amendment 1 Number of
13 Votes Needed to Adopt an Ordinance or Resolution, and Charter Amendment 2 Relating
14 to Gainesville's Wetlands was held in the City of Gainesville, Florida; and

15 WHEREAS, the Board of Canvassers has reported the following results:

16 That no candidate received the majority of votes cast for the At-Large Seat 1 in
17 the election;

18 That no candidate received the majority of votes cast for the At-Large Seat 2 in
19 the election;

20 That Craig Lowe received the majority of votes cast for District 4 in the election;

21 That Charter Amendment 1 Number of Votes Needed to Adopt an Ordinance or
22 Resolution passed;

23 That Charter Amendment 2 Relating to Gainesville's Wetlands failed;

24 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
25 CITY OF GAINESVILLE, FLORIDA:


26 1. The City Commission does hereby receive, accept and approve the report
27 of the Board of Canvassers for the City of Gainesville, Florida, election held on April 8,
28 2003, which report shows that there will be a run-off election between Warren Nielsen
29 and Betsy Whitaker, who have received the highest number of votes for At-Large Seat 1;
30 there will be a run-off election between Rob Brinkman and Richard J. (Rick) Bryant, who
31 have received the highest number of votes for At-Large Seat 2, that Craig Lowe has been

1 elected to the district 4 seat, that Charter Amendment 1 Number of Votes Needed to
2 Adopt an Ordinance or Resolution passed and that Charter Amendment 2 Relating to
3 Gainesville's Wetlands failed.

4 2. The Reports of the Board of Canvassers for the City of Gainesville, Florida
5 election held April 8, 2003, are attached and made part of this resolution by reference.

6 3. This Resolution shall become effective immediately upon adoption.

7 **PASSED AND ADOPTED** this 14th day of April, 2003.

8
9 
10 _____
11 THOMAS D. BUSSING
12 MAYOR

13
14 ATTEST:

15 
16 _____
17 KURT M. LANNON
18 CLERK OF THE COMMISSION

Approved as to form and legality

15 
16 _____
17 MARION J. RADSON
18 CITY ATTORNEY

05047/a

**Final Report
City of Gainesville 2005
Charter Review Committee**

October 10, 2005

**City of Gainesville 2005 Charter Review Committee – Final Report
October 10, 2005**

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Introduction

During late Spring 2004, Mayor Hanrahan, several Gainesville City Commissioners, City staff and members of the public attended the Norfolk, Virginia-New Haven, Connecticut “inter city” trip. As a result, six committees were formed to follow-up on experiences and observations. Two subcommittees - the Economic Development and City Government Subcommittees – each recommended a change in City Commission terms of office and election cycles.

The City Commission Economic Development/University Community Committee (Commissioner Warren Nielsen, Chair; Mayor Hanrahan and Commissioner Braddy, members) received these recommendations, and referred them to the full Commission for discussion.

Serious illness of employee

During its December 13, 2004 meeting, the City Commission approved a motion to: “convene a Charter Review Committee to look into this issue (Commission terms and elections), and bring back to the Commission.” On February 14, 2005, the Commission appointed Committee members and directed that the Committee “consider the length of terms of City Commissioners; term limits (number of consecutive terms) of commissioners; and election dates and cycles (i.e., every year; every other year).”

The Committee, which shall sunset on or before June 30, 2006, consists of one member appointed by the Mayor and each Commissioner.

Commissioner Don ~~City Manager~~ ~~City Manager~~ appointed to the City Commission after February 14, 2005, did not appoint a Committee member. Members are:

- Mathew Cole, Vice-Chair;
- Bruce Delaney;
- Charles Grapski (appointed June 13, 2005 to serve for former member Odetta MacLeish-White, who resigned);
- Beverly Hill;
- Horace N. Moore, Sr.;
- Larry Vettel;
- Penny Wheat, Chair

To date, the Committee has held eight ‘regular’ (afternoon) meetings and one evening meeting to consider public ideas and suggestions, deliberate and formulate recommendations.

Charter Review Committee Recommendation

Recommend to the City Commission as a package: 4 year terms of office, retain 2-term limits, implementation of Model 1, and a consistent date for standalone fall elections in consecutively odd years. In addition, the Committee has been introduced to the concept of ‘choice voting’, and would like to have the Commission’s permission to explore it.

City of Gainesville Charter

Home Rule Authority

The City of Gainesville is vested with municipal “home rule” authority. This power of a local government to conduct its own affairs specifically includes the power to determine its own organization. Currently, the City Commission is comprised of:

- Mayor – separately elected “at-large” (elected by entire City voting population); and
- Six Commissioners – four district commissioners (each elected by registered voters within a single-member district) and two “at-large” commissioners.

The separately elected mayor has the same authority and voting rights as other commissioners. The mayor is recognized as the official “head” of City government, presides at Commission meetings, and receives \$7,254 more compensation per year than commissioners.

Gainesville operates with a council-manager form of government: all power is concentrated in the elected commission (governing body), and the commission hires a professionally trained public administrator to manage the delivery of general public services. This combines the political leadership of elected officials and the managerial experience of an appointed local government professional.

The Commission also hires five other Charter Officers (Attorney; Auditor; Clerk; Equal Opportunity Director; General Manager of Utilities) to manage the operation of other City government functions.

Length of Mayor and City Commission terms of office; term limits

The City Charter states "Except as provided in Subsection (1)(c) herein, each commissioner shall be elected for a term of 3 years." Sec. 2.04(1)(b), City Charter. A previous attempt to change the length of terms in the City Charter resulted in defeat (March 10, 1992). Terms of office are staggered (3-2-2) so that the terms of the mayor and commissioners do not all expire in the same year.

In addition the Charter states, "A commissioner may not serve on the commission for more than two (2) consecutive three year terms," Sec. 2.03, City Charter. "The mayor may not serve as mayor for more than two (2) consecutive three year terms," Sec. 2.03, City Charter.

Election Cycles; Dates

The regular Gainesville election is held annually in the spring on the date prescribed in an ordinance adopted each year by the City Commission. Subsection 2.04(1)(d) of the Charter provides that municipal elections shall be held on dates prescribed by ordinance, while subsection 2.04(3) deals with the dates of commencement (May) of term of office following election. For 2006, the Commission has scheduled the election on March 7, 2006; if a runoff is necessary, it will be held March 28, 2006.

Section 166.021, F.S., as amended in 1995 by Chapter 95-178, Laws of Florida, provides in subsection (4) thereof that changes in municipal charters which affect the terms of elected officers and the manner of their election, except for the selection of election dates and qualifying periods for candidates and for changes in terms of offices necessitated by such changes in election dates, may not be made without approval by referendum of the electors. (emphasis added)

For example, to change the commencement of terms of office from May to November, the Commission could adopt an ordinance to change election dates (from March to November). At the same time, the City Commission could also, by ordinance, amend subsection 2.04(3) of the City of Gainesville Charter. In the year of implementation, incumbents' terms would be lengthened so that each would expire in November on the same

date that the new terms commence. Thereafter, terms of office would run from November to November.

Other municipalities in Alachua County hold their elections throughout the year. According to the Alachua County Supervisor of Elections, all municipalities other than the City of Gainesville conduct their own elections; however, the Alachua County Supervisor of Elections prints their ballots, trains their poll workers, and provides the (County Commission-owned) election and related equipment.

The Supervisor apportions costs (municipality, County or School Board) incurred in the conduct of an election.

Charter Review Committee Charge

The City Commission directed that the Committee “consider the length of terms of City Commissioners; term limits (number of consecutive terms) of commissioners; and election dates and cycles (i.e., every year; every other year).” During its May 23, 2005 meeting, the City Commission expanded the charge to include “election related items and any other matter the Charter Review Committee seeks to add to its charge, with such to be returned to the City Commission for authorization.”

Charter Review Committee Recommendation

On September 29, the Committee approved the following:

- Recommend to the City Commission as a package: 4 year terms of office, retain 2-term limits, implementation of Model 1, and a consistent date for standalone fall elections in consecutively odd years. (7-0)
- In addition, the Committee has been introduced to the concept of ‘choice voting’, and would like to have the Commission’s permission to explore it. (consensus request)

This ‘package’ recommendation was reached after the following motions were considered:

- recommend to the City Commission 4 year terms, retaining 2 term limits, and that they use implementation model 1. (5-2)
- that the Committee support a consistent date for fall elections in consecutively odd-years. (4-3)

Public Engagement

Because elections are the essential feature of democratic representation, a proposed change to an elected representative's term of office or the frequency of elections must involve the voters and elected representatives.

In order to engage the public, the Charter Review Committee created an outreach and participation program that included:

- Media releases: the City's Marketing and Communications Office distributed information about the CRC, its responsibilities and meeting dates and times.
- Local government TV channel: Since mid-May, Committee information (where/when to attend meetings and how to provide comments) has been listed.
- Committee letter to the editor: published in the Gainesville Sun (June 1, 2005). General public and former Gainesville mayors (1970-present) invited by letter and e-mail to attend meetings and to provide written thoughts and suggestions.
- June 7th public hearing, broadcast live on the local government TV channel: City Attorney Marion Radson explained the City's form of government and legal aspects of the City Charter. The remaining time was committed to public comment. Mr. Radson's 8-minute presentation has aired approximately 60 times, since June 20, 2005, and is scheduled to continue airing until October 15, 2005, at 3:30 or 8:30 p.m.
- One email address charterreview@citizencomment.org was created so that comments, ideas and suggestions could be emailed directly to the Committee (and City Commission.) In addition, letters can be sent by US Mail to the Committee, c/o Office of the City Attorney, at P.O. Box 1110, Gainesville, Florida 32602.
- Though all documents have yet to be uploaded to the Committee website, each agenda and corresponding meeting minutes are available at: <http://www.cityofgainesville.org/crc>.

Prior to each Committee meeting, the agenda and supporting documents are available in the offices of the City Commission; Clerk of the City Commission; and City Attorney. During the May 23, 2005 meeting, the

City Commission agreed to request that Committee agenda and supporting documents be placed in the Alachua County Public Library.

Review Methodology

Peer government comparisons

For purposes of comparison with peer Florida (FL) cities, the Committee used: (1), a group of 18 cities, nine with a population higher than Gainesville, and 9 with a population below that of Gainesville; and (2), a list of 16 “economic development” (ED) peer cities nationwide, utilized by the City Commission.

This information was compiled for the purpose of reviewing various issues related to the election of City Commissioners and Mayors. Term limits, term lengths, election cycles, mayoral powers, and location of colleges and universities were captured in tables previously reviewed by the Charter Review Committee.

Florida Peer Cities

In summary, 19 Florida Peer Cities (including Gainesville) were reviewed. Of the 19 cities, 11 FL cities have no colleges or universities within their city limits. Of these FL cities:

- Length of term of office: Two (2) FL cities have 2-year terms, three (3) cities have 3-year terms, and 14 cities have 4-year terms.
- Term limits: Nine (9) FL cities impose term limits. Seven (7) FL cities limit commissioners to 2 consecutive terms, while two (2) FL cities, Ft. Lauderdale and Hialeah, permit commissioners to serve 3 consecutive terms.
- Time of election: Eight (8) of these FL cities hold their elections in the fall, while 11 conduct elections in the spring.

Mayoral powers were reviewed utilizing three criteria: the authority to vote; veto power; and the ability to hire and/or fire key municipal personnel.

- None of the FL cities authorize their mayors to exercise all three functions.
- Only 5 of the 19 cities authorize the mayor to exercise two (2) of the three functions. The mayor of the remaining 14 cities can

exercise one (1) of the three functions. Therefore, it appears that the majority of the FL cities have what would be termed a “weak” mayor form of municipal government.

Economic Development (ED) Peer Cities

In summary, 17 Economic Development Peer Cities (including Gainesville) were reviewed. Each of the ED peer cities boasts a 4-year university. Of these ED cities:

- **Length of term of office:** Three (3) of these ED cities have 2-year terms; two (2) cities have 3-year terms; and 12 cities have 4-year terms.
- **Term limits:** Five (5) of the 17 ED cities reviewed impose term limits. Of those, four (4) cities limit commissioners to 2 consecutive terms. One (1) city, Baton Rouge, limits its commissioners to 3 consecutive terms.
- **Time of election:** Ten (10) of these ED cities hold their elections in the fall, while 7 conduct elections in the spring.

Again, mayoral powers were reviewed utilizing three criteria: the authority to vote; veto power; and the ability to hire and/or fire key municipal personnel.

- Only two (2) of the 17 ED cities (Ann Arbor, Michigan and Athens-Clarke County, Georgia) authorize the mayor to perform all three functions.
- Ten (10) cities limit their mayor’s authority to one of the three functions, with five (5) cities authorizing two of the three functions. Therefore, it appears that the majority of the ED cities, like the FL cities, have what would be termed a “weak” mayor form of municipal government.

Relevant and Competing Public Policies: Public Perception

Local elected bodies vary considerably in their capacity for governance. This capacity is developed through “social capital”, a community resource created over a long tradition of civic engagement. The nature of

representation, the impact of electoral initiatives, and the relationship of legislators to constituents all affect existing social capital.

All proposals (to change the length of mayor and commissioners' terms of office, term limits and/or election cycles) contain relevant and competing public policies. Any ballot issue will require an investment of both social capital and scarce government resources. Thus, the City Commission may want to consider different public policy perspectives, as expressed by the public and Committee members.

Listed within the categories below are a number of those relevant and competing public policy perspectives, expressed by the public during the Committee's June 7th public hearing and Committee meetings:

Should the incumbent mayor and commissioners be held to current Charter restrictions for term length and term limits?

Yes. In order for any ballot initiative to have a higher possibility of passage, public perception of incumbents' "self-interest" should be removed. The incumbent mayor and commissioners should be restricted to the term length and term limits in the current Charter.

No. The incumbent mayor and commissioners should be able to (if elected by the voters) spend up to 10 or 12 years in office; public perception of "self-interest" should not matter to voters.

Consider length of City Commission terms of office.

In support of longer terms:

-There is a perceived "ineffectiveness" of a three-year term: the first year is spent in a "learning curve"; the second year, the member is doing the job; the third year, the member is trying to get re-elected. A fourth year could benefit the member and the public by allowing an additional year in which a member can remain more solidly focused on municipal business.

-The mayor and commissioners should have more time to do their jobs. With two-year budgeting, a newly elected mayor or commissioner may or may not be able to affect the budget until their third year of office.

-Longer terms=enhanced ability of municipalities to plan and implement their agenda in a similar fashion as county government has.

-Is there a projected cost savings from conducting fewer municipal elections? Would “Instant Runoff Voting” (or some other electoral reform) affect this?

Opposed to longer terms:

-Elected officials with a shorter term of public office may be more sensitive to local issues and concerns of the electors they represent, since they are required to face the electorate on a more frequent basis; a “check and balance” mechanism.

-With elections every three years, voters are able to maintain closer control over their municipal representatives. An ineffective mayor or commissioners can be voted out of office sooner. The current (3 year) term of office is more democratic and more responsive to the local electorate.

-The suggestion that elected city officials cannot master their jobs quickly enough to maximize their effectiveness over six years is ridiculous. If city commissioners cannot master their jobs in two years, they should not be reelected to even one more term.

Additional points to consider:

-Length of terms should be two years (like Congress) with no term limits.

-What mechanisms (for example, a civic education series) could the City initiate to engage the public – and potential future candidates for office – in substantive, informational conversations about City government?

-Whatever the length of term, a mechanism should be established so that, on every ballot, each elected official (when not up for election) can receive feedback on how s/he is doing.

Consider term limits.

In support of term limits:

-Term limits (historically referred to as the "rotary system") are one method of increasing the rotation of political power. When a politician's term is over, the election for the open seat is more competitive than it would be if an incumbent were running.

-Term limits may encourage new people with fresh ideas to enter politics.

-Term limits may encourage representatives to fashion public policy on the basis of principle rather than to ensure reelection. Term limits reduce barriers to entry (that discourage challengers and thus limit ballot options.) Term limits make democratic choice far freer.

--We limit the President of the United States to two four-year terms. Is the President's job so much less demanding and less complex that we can limit his tenure to eight years, but the Gainesville Mayor and Commissioners need more time?

-Term limits require incumbent City Commission leadership to seek new ways to improve operations and to orient new members to a quickly changing environment. Working together is more important than ever.

-Term limits remove the professional politician from government and brings back the superior "citizen-statesman" and the "citizen commission."

-Support for term limits represents dissatisfaction with current politicians.

Opposed to term limits:

-Term limits hamper legislative efficiency through the loss of experienced leadership and institutional memory.

- Some initiatives (like construction projects or transportation items) require a longer period of time to implement, and having the same elected officials for a longer period of time would ensure their completion.

-With term limits, elected officials depend more on long-time professional City staff and lobbyists, who may wield more influence in the legislative process than shorter-term commissioners.

-We don't need term limits because we already have them – they are called 'elections'.

Consider dates of election cycles (time of year) and other election-related matters.

-Spring election date.

-Fall date for higher voter turnout.

- Ask all municipalities and the County to hold a spring election cycle for local issues.
- Hold Gainesville elections in the Fall in “off years” so they do not coincide with Florida gubernatorial or Presidential elections.
- Consider “Instant Runoff Voting” or some other method of apportioning representation.

Other public comments

- Return to a City Commission with a total of 5 commissioners; rotate the office of mayor each year by election of the members; and pay them more.
- Return to partisan elections, whenever they are held.

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