

ORDINANCE NO. 020289
0-02-46

An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article II of the Charter Laws, entitled “City Commission”, 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; providing for submission of the charter amendment to the voters for approval or disapproval at the November 5, 2002 special municipal election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective if approved by the voters and if the charter amendment keeping the number of commissioners at 5, as proposed by ordinance no. 020247, is not approved by the voters; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

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

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

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

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

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

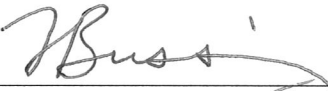
2 **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
3 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
4 affect the validity of the remaining portions of this ordinance.

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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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.