



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: May 13, 2002

FROM: Marion J. Radson, City Attorney

FIRST READING

SUBJECT: Ordinance No. 0-02-17


An ordinance of the City of Gainesville, Florida, setting April 8 as the date for the 2003 regular city election and April 22 as the date for the 2003 run-off election, if necessary; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.


The City Commission, at its meeting of April 22, 2002, authorized the City Attorney's Office to draft an ordinance setting the 2003 regular city election and run-off election dates.

By ordinance, the run-off election must be held on the second Tuesday following the first election between the candidates. New changes in the state election laws may necessitate a change in this ordinance provision and other sections of the ordinance. The City Attorney's Office will be making a presentation to the City Commission on potential recommended changes.

Prepared by:


Elizabeth A. Waratuke
Litigation Attorney

Submitted by:


Marion J. Radson
City Attorney

EAW/nmh

h:/EAW/elections/city elections-2003

ORDINANCE NO. 0002644
0-02-17

An ordinance of the City of Gainesville, Florida, setting April 8 as the date for the 2003 regular city election and April 22 as the date for the 2003 run-off election, if necessary; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, section 9-2 of the Code of Ordinances provides that the City Commission set the date of the regular election by ordinance; and

WHEREAS, section 9-2 of the Code of Ordinances provides that the Clerk of the Commission shall recommend a date for the election; and

WHEREAS, the Clerk of the Commission has recommended the regular election date of April 8, 2003; and

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 Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing 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 2003 regular election for the City of Gainesville shall be held on April 8, 2003; and, pursuant to section 9-2 of the Code of Ordinances, the date of the run-off election, if necessary, shall be April 22, 2003.

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

4 **Section 3.** All ordinances, or parts of ordinances, in conflict herewith are to the
5 extent of such conflict hereby repealed.

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

8 **PASSED AND ADOPTED** this ____ day of June, 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

This Ordinance passed on first reading this ____ day of May, 2002.

This Ordinance passed on second reading this _____ day of June, 2002.

