

ORDINANCE NO. 0-10-05

An ordinance of the City of Gainesville, Florida, repealing obsolete Section 2-357(e) prohibiting members of the Gainesville Energy Advisory, while serving, from becoming candidates for election to any public office; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at the Gainesville Energy Advisory Committee emerged from a negotiated settlement agreement between the Sierra Club and the City of Gainesville's Regional Utilities Board, now Gainesville Regional Utility;

WHEREAS, the negotiated settlement agreement and Stipulation have no requirement for the provision of Section 2-357(e), which excludes candidates for public office from membership on the board;

WHEREAS, there is no legal requirement for the existence of such provision in 2-357(e);

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 City Commission Auditorium in City Hall, 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:

1           **Section 1.** Section 2-357(e) is repealed from the Code of Ordinances, City of  
2 Gainesville, Florida, and Section 2-357 is to read as follows:

3 Section 2-357. Membership.

4           (a) The energy advisory committee shall consist of nine members appointed by the  
5 city commission, each of whom, following initial appointments, shall be appointed for a  
6 term of three years. The terms of appointment shall be staggered such that only three  
7 terms shall expire in any given year. Each term shall expire on September 30.

8           (b) When any member of the committee resigns or is removed as provided for in  
9 section 2-247, such member shall then be deemed to have been removed and a vacancy  
10 created. The city commission shall fill these and all other vacancies for the unexpired  
11 terms.

12           (c) The committee members shall serve without pay, but shall be reimbursed for  
13 necessary expense incurred in the performance of their official duties, upon approval of  
14 the city commission.

15           (d) All members of the committee shall be residents of the county, with preference  
16 being given to those persons residing in the Gainesville urban area. The city commission  
17 shall, to the extent possible, select members of the committee who are broadly  
18 representative of the community interests.

19           ~~(e) Members, while serving, shall not become candidates for election to any~~  
20 ~~public office.~~

21           **Section 2.** It is the intention that Section 1 of this Ordinance shall become and be made  
22 a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and

1 paragraphs of this ordinance may be renumbered or re-lettered in order to accomplish such  
2 intentions.

3 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this  
4 ordinance or the application hereof to any person or circumstance is held invalid or  
5 unconstitutional, such finding shall not affect the other provisions or applications of the  
6 ordinance which can be given effect without the valid or unconstitutional provisions or  
7 application, and to this end the provisions of this ordinance are declared severable.

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

10 **Section 5.** This ordinance shall become effective immediately upon final  
11 adoption.

12 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.  
13  
14  
15  
16  
17

18 \_\_\_\_\_  
19 PEGEEN HANRAHAN,  
20 MAYOR

21 ATTEST

APPROVED AS TO FORM AND LEGALITY

22  
23  
24  
25 \_\_\_\_\_  
26 KURT M. LANNON  
27 CLERK OF THE COMMISSION  
28

\_\_\_\_\_

MARION J. RADSON  
CITY ATTORNEY

29 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

30 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.