

ORDINANCE NO. 020247
0-02-43

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"; keeping the number of commissioners at 5 by repealing the requirement to increase the number of commissioners when the population of the city reaches or exceeds 110,000; keeping the number of election districts at 3 by repealing the requirement to increase the number of districts to 4; providing for submission of these charter amendments 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 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 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.

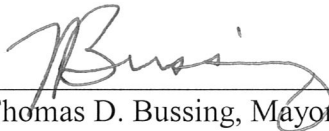
4 **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
6 affect the validity of the remaining portions of this ordinance.

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.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25




Thomas D. Bussing, Mayor

Approved as to form and legality

ATTEST:



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.