

041239



MEMORANDUM

Office of the City Attorney

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

MAY 23, 2005

TO: Mayor and City Commission

DATE: ~~XXXXXX~~
May 9, 2005

FROM: Marion J. Radson, City Attorney

~~FIRST READING~~
SECOND READING

SUBJECT: Ordinance No. 0-05-50

An ordinance of the City of Gainesville, Florida, setting March 7 as the date for the 2006 regular city election and March 28 as the date for the 2006 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 25, 2005, authorized the City Attorney's Office to draft an ordinance setting the 2006 regular city election and run-off election dates.

Prepared by: Elizabeth A. Waratuke
Elizabeth A. Waratuke
Litigation Attorney

Submitted by: Marion J. Radson
Marion J. Radson
City Attorney

EAW/cgow

PASSED ON FIRST READING BY A VOTE OF 7-0.

1
2 **ORDINANCE NO. 041239**
3 **0-05-50**
4
5

6 **An ordinance of the City of Gainesville, Florida, setting March**
7 **7 as the date for the 2006 regular city election and March 28 as**
8 **the date for the 2006 run-off election, if necessary; providing a**
9 **severability clause; providing a repealing clause; and**
10 **providing an immediate effective date.**
11

12
13 **WHEREAS**, section 9-2 of the Code of Ordinances provides that the City

14 Commission set the date of the regular election by ordinance; and

15 **WHEREAS**, section 9-2 of the Code of Ordinances provides that the Clerk of the

16 Commission shall recommend a date for the election; and

17 **WHEREAS**, the Clerk of the Commission has recommended the regular election

18 date of March 7, 2006; and

19 **WHEREAS**, at least 10 days notice has been given once by publication in a

20 newspaper of general circulation notifying the public of this proposed ordinance and of a

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

22 **WHEREAS**, a Public Hearing was held pursuant to the published notice

23 described at which hearing the parties in interest and all others had an opportunity to be

24 and were, in fact, heard;

25 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**

26 **OF THE CITY OF GAINESVILLE, FLORIDA:**

27 **Section 1.** The 2006 regular election for the City of Gainesville shall be held on

28 March 7, 2006; and, pursuant to section 9-2 of the Code of Ordinances, the date of the

29 run-off election, if necessary, shall be March 28, 2006.

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 May 2005.

9
10
11
12
13
14
15
16
17
18
19

PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

24 This Ordinance passed on first reading this _____ day of May, 2005.

26 This Ordinance passed on second reading this _____ day of May, 2005.