

Ordinance No. 090112  
0-09-28

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-2 (a) of the Code of Ordinances providing that runoff elections shall be held on the fourth Tuesday following the first election; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**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:**

**Section 1.** Subsection (a) of Section 9-2 of the Code of Ordinances of the City of Gainesville is amended to read as follows:

**Sec. 9-2. Date of regular elections for city commissioners and mayor.**

(a) Regular elections shall be held in March or April of each year, on a date set by the city commission by ordinance, for the election of city commissioners, including the mayor, whose terms of office expire or to fill vacancies that may occur. In the event no candidate receives a majority of the votes cast in an election to fill a district, mayoral or at large vacancy, a runoff election shall be held on the ~~third~~ fourth Tuesday following the first election between the two candidates for such district(s), mayoral or at large seat receiving the highest number of votes cast.

1 (b) The clerk of the commission shall recommend a date for the next regular  
2 election to the commission at or before the first regular city commission meeting in May  
3 of each year. The city commission shall determine the date and direct an ordinance be  
4 drafted and advertised setting the election date of the next regular election. This  
5 ordinance shall be adopted no later than July 1 of each year.

6 (c) If for any reason the city commission does not adopt an ordinance setting  
7 the date of the next regular election by July 1 of any year, the next regular election shall  
8 be held on the third Tuesday in March of the following year.

9 (d) When considering the date of the next election, the city commission may  
10 consider factors including, but not limited to:

11 (1) The schedules for Spring Break of the Alachua County School  
12 Board, Santa Fe Community College and the University of Florida;

13 (2) The transition time between the election and the start of the terms of  
14 office of the new commissioners; and

15 (3) The dates of county-wide or state-wide elections occurring at about  
16 the same time.

17 **Section 2.** It is the intention of the City Commission that the provisions of  
18 Section 1 of the Ordinance shall become and be made a part of the Code of  
19 Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of  
20 this Ordinance may be renumbered or relettered in order to accomplish such intentions.

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

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


4       **Section 5.** This ordinance shall take effect immediately upon its adoption.


5       **PASSED AND ADOPTED** this 2nd day of July, 2009.

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8         
9       PEGEEN HANRAHAN  
10       MAYOR

11  
12    ATTEST:

Approved as to form and legality

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14      
15    KURT M. LANNON  
16    CLERK OF THE COMMISSION

17      
18    MARION J. RADSON  
19    CITY ATTORNEY    JUL - 2 2009

18    This Ordinance passed on first reading this 18<sup>th</sup> day of June, 2009.

19    This Ordinance passed on second reading this 2<sup>nd</sup> day of July, 2009.