

MEMORANDUM

Office of the City Attorney

Registrar No. 040796

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

JULY 11, 2005

TO: Mayor and City Commission

FROM: Marion J. Radson, City Attorney

SUBJECT: Ordinance No. 0-05-71

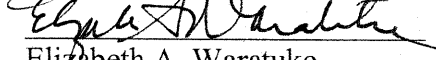
DATE: ~~XXXXXXXXXXXXXX~~
June 27, 2005
~~XXXXXXXXXXXXXX~~


~~FIRST READING~~
SECOND READING

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-5 of the Code of Ordinances, providing that the proclamation calling the election shall be issued at least thirty days prior to the election; renumbering Section 9-11 to Section 9-10 of the Code of Ordinances, providing that this section only pertains to qualifications of candidates for city commission; creating a new Section 9-11 of the Code of Ordinances, providing for campaign contribution limitations and campaign finance reports; providing directions to the Codifier; 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 December 13, 2004, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 9, Elections, of the Code of Ordinances, regulating city commission campaign contributions the same as the limitations of Alachua County. Additionally, this Office has initiated an amendment to Section 9-5 of the Code clarifying that the mayor issues a proclamation calling the election at least 30 days prior to the election.

Prepared by: 
Elizabeth A. Waratuke
Litigation Attorney

Submitted by: 
Marion J. Radson
City Attorney

EAW/cgow

PASSED ON FIRST READING BY A VOTE OF 5-1.

DRAFT

Ordinance No. 040796
0-05-71

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-5 of the Code of Ordinances, providing that the proclamation calling the election shall be issued at least thirty days prior to the election; renumbering Section 9-11 to Section 9-10 of the Code of Ordinances, providing that this section only pertains to qualifications of candidates for city commission; creating a new Section 9-11 of the Code of Ordinances, providing for campaign contribution limitations and campaign finance reports; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Commission finds that the financing of political campaigns for City government elected officials is a matter of substantial concern to the residents of the City of Gainesville; and

WHEREAS, expenditures for city elections have risen substantially in the past decade; and

WHEREAS, it is in the City's best interest to increase public confidence in City government by regulating campaign contributions to insure elections are not being unduly influenced by special interests; and

WHEREAS, the City Commission desires to regulate campaign finance contribution limitations to candidates for City Commission offices; and

WHEREAS, Alachua County has imposed the same campaign contribution limitations for Alachua County government elected officers; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of

1 general circulation notifying the public of this proposed ordinance and of a Public Hearing in the
2 City Commission Auditorium in City Hall, City of Gainesville; and

3 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at
4 which hearing the parties in interest and all others had an opportunity to be and were, in fact,
5 heard;

6 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
7 **CITY OF GAINESVILLE, FLORIDA:**

8 **Section 1.** Section 9-5 of the Code of Ordinances of the City of Gainesville is amended
9 to read as follows:

10 **Sec. 9-5. Mayor to issue proclamation; contents; publication.**

11 At least ~~Thirty~~ days prior to any and all elections for mayor or commissioners the mayor
12 shall issue a proclamation calling the election. The proclamation shall specify what officers are
13 to be elected, the length of time the officers are to serve and the time and date of holding the
14 election. Such proclamation shall be published once in a newspaper of general circulation
15 published in the city.

16 **Section 2.** Section 9-11 of the Code of Ordinances of the City of Gainesville is
17 renumbered to 9-10 and is amended to read as follows:

18 **Sec. 9-101. Qualifications of candidates for city commission; ~~campaign finance~~**
19 **reports.**

20 (a) Any person who meets the eligibility requirements described in Article II of the
21 Charter may become a candidate for the office of mayor or city commissioner of the city by filing
22 the necessary qualifying papers as provided in Florida Statutes with the supervisor, at any time
23 after noon of the first day for qualifying which shall be the fiftieth day prior to the day of the

1 election, but not later than noon of the 46th day prior to the day of the election. Provided,
2 however, as a condition precedent to having his/her name printed on the ballot for such election
3 such person shall pay to the supervisor the election assessment imposed by Fla. Stat. §99.093(1),
4 or be exempted from such payment of assessment pursuant to the provisions of Fla. Stat.
5 §99.093(2). Any person who is seeking election as a write-in candidate shall not be required to
6 pay a filing fee or submit a petition. A write-in candidate shall not be entitled to have his/her
7 name printed on any ballot; however, space for his/her name to be written in shall be provided on
8 the ballot. No person may qualify as a write-in candidate if the person has also otherwise
9 qualified for nomination or election to such office. All write-in candidates must submit their
10 qualifying paperwork to the supervisor by the end of the qualifying period set out above.

11 ~~(b) — Reports of all contributions received, and all expenditures made by:~~

12 ~~(1) — A candidate; or~~

13 ~~(2) — A political committee, as that term is defined in Fla. Stat. Ch. 106, that has~~
14 ~~made contributions or expenditures to influence the results of a city~~
15 ~~election, shall be filed on the 32nd, 18th and fourth days immediately~~
16 ~~preceding the regular or special election, and, if a run-off is required, on~~
17 ~~the fourth day immediately preceding the run-off election.~~

18 (be) For purposes of determining the eligibility requirements of Article II of the
19 Charter, a person who resides in an area that is redistricted into another
20 district (hereinafter the “new district”) shall be deemed to be a resident of
21 the new district if the person resides anywhere within the area that is
22 placed in the new district for a period of not less than six months prior to
23 the date the person qualifies to run for office.

1 **Section 3.** A new Section 9-11 of the Code of Ordinances of the City of Gainesville is
2 created and added to the Code of Ordinances, to read as follows:

3 **Sec. 9-11. Campaign contribution limitations; campaign finance reports.**

4 (a) Candidates shall not accept campaign contributions made by persons as defined in
5 Section 106.011, Florida Statutes, political committees, and committees of continuous existence
6 in an amount exceeding \$250.00 per election. For purposes of this section, a runoff election is
7 considered a separate election. This limitation does not apply to contributions from political
8 parties.

9 (b) Reports of all contributions received, and all expenditures made by:

10 (1) A candidate; or

11 (2) A political committee, as that term is defined in Fla. Stat. Ch. 106, that has
12 made contributions or expenditures to influence the results of a city election, shall be
13 filed on the 32nd, 18th and fourth days immediately preceding the regular or special
14 election, and, if a run-off is required, on the fourth day immediately preceding the run-off
15 election.

16 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1
17 through 3 of the Ordinance shall become and be made a part of the Code of Ordinances of the
18 City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be
19 renumbered or relettered in order to accomplish such intentions.

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

23 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the

1 extent of such conflict hereby repealed.

2 **Section 7.** This ordinance shall take effect immediately upon its adoption.

3 **PASSED AND ADOPTED** this _____ day of July, 2005.

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PEGEEN HANRAHAN
MAYOR

10 ATTEST:

Approved as to form and legality

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14 _____
KURT M. LANNON
15 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

16 This Ordinance passed on first reading this ____ day of June, 2005.

17 This Ordinance passed on second reading this _____ day of July, 2005.

18

0001**LEGALS****ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF
ORDINANCE
BY CITY COMMISSION,
GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 27th day of June, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 11th day of July, 2005, at the City Commission meeting. The meetings begin at 6:00p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE
ORDINANCE NO. 040796
WORKING NO. 0-05-71**

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-5 of the Code of Ordinances, providing that the proclamation calling the election shall be issued at least thirty days prior to the election; renumbering Section 9-11 to Section 9-10 of the Code of Ordinances, providing that this section only pertains to qualifications of candidates for city commission; creating a new Section 9-11 of the Code of Ordinances, providing for campaign contribution limitations and campaign finance reports; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

July 1, 2005
Publish Date

Clerk of the Commission

27688, 7/1/05
#A000020087

