

# City of Gainesville

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Inter-Office Communication  
Office of the City Manager  
Mail Station 6  
334-5010

TO: Hon. Mayor and Members of  
The City Commission

DATE: December 9, 2004

FROM: Barbara Lipscomb  
Interim City Manager

SUBJECT: City Commission Terms & Elections

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There has been recent discussion regarding changing the terms of the City Commissioners to allow for more continuity on the Commission and to allow for a stable period in which all seats are filled and no one is running for office. These issues were raised as a result of the recent Norfolk – New Haven trip in which it was determined that those cities appear to have more continuity of leadership and the ability to successfully advance their communities as a result.

The Economic Development/University Community Committee (EDUCC) plans to recommend that the City Commission change the terms of office; however, they are still refining the recommendations of the various sub-committees. It is my understanding that the EDUCC committee is not recommending any specific framework for achieving this change. Because the City Commission has expressed an interest in considering the modification of their terms on the spring ballot (March 29, 2005), I am providing this brief report simply to facilitate this process:

- Comparison of election terms of other communities
- Several charts showing options on how the terms of office in Gainesville may be modified
- A proposed schedule to make the March election. This schedule may or may not be feasible at this point.

If a decision is made not to place this initiative on the spring ballot, the government committee of the EDUCC or a Charter Review committee may provide the necessary input and a specific recommendation to the City Commission.

## A. Information on Other Communities

Following is information on the terms of office of a select sample of Florida cities. The goal in selecting these cities was to try to find larger cities with seven member commissions. The commissions listed below range from five to eight members.

- Tallahassee (Council Manager)  
The Mayor and four city commissioners serve four-year terms. The terms of office are staggered. Elections are held in the even numbered years – two seats during one election, and three seats (including Mayor) two years later.

- Lakeland (Council Manager)  
The Mayor and six city commissioners each serve four year terms. All seats are elected at large, with four representing a specific district. The terms are staggered. Four seats will be elected in 2005. Three seats will be elected in 2007. Lakeland recently moved to elections on the odd years.
- Hollywood (Council Manager)  
The Mayor and six commissioners each serve four year terms. The terms are not staggered. The next election is in 2008.
- Daytona Beach (Council Manager)  
The Mayor and six commissioners each serve four year terms. The terms are not staggered. The next election will be held in 2005. They have recently revised their charter, and are phasing in the changes so that each will serve the four year terms. In '05, Districts 1,3 and 5 will be elected for four year terms. In '05 also, the Mayor and Districts 2,4 and 6 will again be elected for two years (the old pattern); then in '07, these positions will run for a four year term.
- Orlando (Strong Mayor)  
The Mayor and six commissioners each serve four year terms. The terms are staggered, with elections every two years. Three commission seats will be up in 2006; the Mayor and three commission seats will be elected in 2008.
- Tampa (Strong Mayor)  
The Mayor and seven council members all serve four year terms. Districts 1-3 are elected at large; districts 4-7 are individual districts. The terms of office are not staggered and all seats of the current City Council will expire in 2007
- West Palm Beach (Strong Mayor)  
The Mayor is elected to a four year term (2003-2007). The five council members each serve two year terms. The elections are staggered, with districts 2 and 4 expiring in 2005 and districts 1, 3, and 5 expiring in 2006.

B. Proposed City Commission Terms ( no particular order)

1. 4-Year Terms. Elections on "even" years

Incumbent	04	05	06	07	08	09	10	11	12	13	14
Hanrahan*	X				X				X		
Lowe	X				X				X		
Domenech		X					X				X
Bryant*		X					X				X
Braddy		X					X				X
Chestnut			X		X				X		
Nielsen*			X		X				X		

\* At Large Seat

Seats held by Chestnut and Nielsen would be elected in 2006 for a two year term and run again in 2008. From 2008 they would cycle to 4 year terms with the next election in 2012. Hanrahan and Lowe would hold over an additional year. Seats held by Domenech, Bryant, and Braddy would need to be extended from 2008 to 2010. Elections would not be held during "odd" years.

2. 4 Year terms. Elections on "odd" years

Incumbent	04	05	06	07	08	09	10	11	12	13	14	15	16	17
Hanrahan*	X			X				X				X		
Lowe	X			X				X				X		
Domenech		X				X				X				X
Bryant*		X				X				X				X
Braddy		X				X				X				X
Chestnut			X	X				X				X		
Nielsen*			X	X				X				X		

\* At Large Seat

Hanrahan and Lowe complete their normal three-year terms. Domenech, Bryant and Braddy run for a four-year term in 2005. Seats held by Nielsen and Chestnut would run in 2006 for a one-year term, and in 2007 for a four-year term.

C. Election Schedule (decision will be needed re: Charter Review Committee)

Local elections will be held on March 29, 2005. To meet this deadline, a decision would need to be made on the election terms and ballot language would need to be drafted by the City Attorney. Further, two hearings of the ordinance would need to occur, and the ballot language submitted to the Supervisor of Elections by February 4, 2005 (according to Beverly Hill). The Commission has the option of appointing a Charter Review Committee also. Additionally, there needs to be time for public information and education on the need for the change.

A proposed schedule would include the following:

- EDUCC Meeting – Presentation of proposals and recommendation to the City Commission – December 8<sup>th</sup>
- Discussion of the proposals at a City Commission Meeting – December 13, 2004
- Discussion and vote on a specific proposals – December 20, 2004
- Language drafted by City Attorney
- 1<sup>st</sup> Reading of the ordinance, January 10, 2005
- 2<sup>nd</sup> Reading of the ordinance, January 24, 2005
- Ballot language sent to the Supervisor of Elections by February 4, 2005
- Election Day – March 29, 2005

Concerns regarding this proposal are the limited amount of time for public dialogue, debate and education on this issue, as well as the limited amount of preparation time during the busy holiday season.

Respectfully submitted,

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Barbara Lipscomb  
Interim City Manager

BL:hh



BEVERLY HILL  
Supervisor

# SUPERVISOR OF ELECTIONS

Alachua County Administration Building  
12 S.E. 1st St.  
Gainesville, Florida 32601-6880  
Mailing: P.O. Box 1496  
Gainesville, Florida 32602-1496

Telephone: (352) 374-5252  
Fax: (352) 374-5264

December 9, 2004

Memo to: Barbara Lipscomb  
Interim City Manager

fm: Beverly Hill - *BH*  
Supervisor of Elections

Re: Deadline to put an issue on the 3/29 ballot

The deadline to put an issue on the March election ballot has to do with the time needed to print the ballot rather than a strictly legal deadline. Qualifying for the candidates is noon, February 7, to noon, February 11. Overseas ballots must be mailed at least 35 days before the election. That date is February 22. The ballot has to be printed before that, and we usually are able to send it off to the printer by the end of the last day of qualifying. We would like to have the ballot language by February 4<sup>th</sup>. We will also need a copy of the full ordinance or amendment for each polling place on election day.

There may be other legal requirements for putting an issue on the ballot, but the City Attorney would be the one to consult on that.

We all look forward to working with you on the upcoming election. As you know, I am leaving office, and the new Supervisor of Elections will be Pam Carpenter.

Cc: Pam Carpenter

## MUNICIPAL ELECTION CYCLES – ALACHUA COUNTY

Municipality	Date of Election	Conducted by Supervisor of Elections	Self-Conducted <sup>1</sup>
Alachua	2 <sup>nd</sup> Tues. in April; 4 <sup>th</sup> Tues. in April (Run-off)		<input checked="" type="checkbox"/>
Archer	1 <sup>st</sup> Tues. in Nov.		<input checked="" type="checkbox"/>
Gainesville	March or April each year (Set each year by City Commission)	<input checked="" type="checkbox"/>	
Hawthorne	2 <sup>nd</sup> Tues. in June; 4 <sup>th</sup> Tues. in June (Run-off)		<input checked="" type="checkbox"/>
High Springs	2 <sup>nd</sup> Tues. in Nov		<input checked="" type="checkbox"/>
LaCrosse	March of each year.		<input checked="" type="checkbox"/>
Micanopy	March 2005		<input checked="" type="checkbox"/>
Newberry	2 <sup>nd</sup> Tues. in Oct.		<input checked="" type="checkbox"/>
Waldo	1 <sup>st</sup> Tues. in Dec.; 3 <sup>rd</sup> Tues. in Dec. (Run-off)		<input checked="" type="checkbox"/>

*Source: Alachua County Supervisor of Elections.*

<sup>1</sup> According to the Alachua County Supervisor of Elections (SOP) on July 14, 2005, all municipalities other than the City of Gainesville conduct their own elections. However, the SOP prints their ballots, trains their poll workers, and provides the election and related equipment. The Archer election is on the November County ballot. Archer does qualifying, but the race is printed on the County ballot and absentees are issued by the SOE. Archer only has elections every other year. However, Archer does have a run-off, if necessary, which is conducted by Archer, two weeks after the General Election. High Springs is the same as Archer in the even years. In the off years, when there is no County election, High Springs does its own election except for printing the ballot and training poll workers. High Springs does not have a run-off.

(2) Population of 110,000 and over. At any time the population within the City reaches or exceeds 110,000 persons, as ascertained as of the effective date of any annexation under either: 1) the most recent decennial census of the population produced by the U.S. Bureau of the Census, or 2) the most recent estimates of populations of municipalities produced by the State of Florida, Office of the Governor, or the designated agency thereof, whichever number is greater, then the commission shall adopt a resolution which ratifies the number of persons in the City and authorizing the increase in the number of commissioners as provided in subsection (3). Until such time as the additional commissioners are elected and placed in office, however, the legislative power of the city shall remain vested in a commission of five members.

(3) The legislative power of the city shall be vested in a city commission of seven members including the mayor (when the population within the City reaches or exceeds 110,000 persons as provided in Subsection (2) above) elected in accordance with Sec. 2.04 of this Charter. Four members shall be elected by the qualified voters of each of four districts and two members and the mayor shall be elected by the qualified voters of the city at large as provided in Sec. 2.04. (Ord. No. 3752, § 1, 12-16-91, referendum of 3-10-92; Ord. No. 4053, § 1, 1-23-95)

## 2.02. Districts.

(1) For the purpose of electing three members of the commission (as long as the population within the City remains under 110,000 as provided in Sec. 2.01(1)), the commission shall, by ordinance, apportion the city into three consecutively numbered districts and shall adjust the boundary lines of the districts by subsequently enacted ordinances whenever, in its judgment, the districts are not ratably or equally proportioned in accordance with the State Constitution and the Constitution of the United States, but not less frequently than within the second year following each decennial census.

(2) For the purpose of electing four members of the commission (when the population within the City reaches or exceeds 110,000 as provided in

Sec. 2.01(2)), the commission shall, by ordinance, apportion the city into four consecutively numbered districts and shall adjust the boundary lines of the districts by subsequently enacted ordinances whenever, in its judgment, the districts are not ratably or equally proportioned in accordance with the State Constitution and the Constitution of the United States, but not less frequently than within the second year following each decennial census.

(Ord. No. 3752, § 1, 12-16-91; referendum of 3-10-92; Ord. No. 4053, § 1, 1-23-95)

## 2.03. Eligibility.

Each candidate for a district seat must be a qualified voter who is a resident of the district from which the person seeks to be elected for a period of not less than 6 months prior to the date the person qualifies to run for office. Each commissioner elected from a district shall continuously reside in the district during the commissioner's term of office, except that any commissioner who is removed from a district by redistricting may continue to serve during the remainder of the commissioner's term of office. Each candidate for an at-large seat, including the mayor's seat, must be a qualified voter of the city for at least six (6) months prior to the date the person qualifies to run for office. Each at-large commissioner and the mayor shall continuously reside within the city during their terms of office. Candidates for the commission shall, at the time of qualifying, designate the district seats, the mayor's seat, or at-large seats for which they intend to run. A commissioner may not serve on the commission for more than two (2) consecutive three-year terms. The mayor may not serve as mayor for more than two (2) consecutive three-year terms. For purposes of this section, service as the elected mayor shall not be considered to be service as a commissioner.

(Ord. No. 4053, § 1, 1-23-95)

## 2.04. Election and terms.

- (1) (a) Candidates for election to the commission shall qualify in the manner prescribed by ordinance.
- (b) Except as provided in Subsection (1)(c) herein, each commissioner shall be elected for a term of 3 years.

- (c) For the purpose of providing more evenly staggered terms of office, in the regular municipal election held in 2003, the district seat added pursuant to Sec. 2.01(3) of this Charter shall be elected for an initial term of office of one year, and the at-large seat added pursuant to Sec. 2.01(3) of this Charter shall be elected for an initial term of two years. Thereafter, the terms of office for said seats shall be 3 years.
- (d) The regular municipal election shall be held on the date as prescribed by ordinance.
- (e) Upon the occurrence of a vacancy on the commission, a special election may be held to fill the vacancy for the remainder of the unexpired term as may be prescribed by ordinance.

(2) The district candidate receiving a majority of the votes cast in a particular district shall be elected. The at-large candidate and the candidate for mayor receiving a majority of the votes cast within the city at large for such seat shall be elected. If a candidate does not receive a majority of the votes cast for a particular seat, as applicable, a runoff election shall be held between the two (2) candidates for that seat receiving the highest number of votes cast. In the case of a tie, the candidates shall be selected for the runoff election in the same manner as provided for other offices by general law. The candidate receiving more votes in the runoff election shall be elected.

(3) The terms of office of commissioners shall be staggered so that the terms of office of all commissioners do not expire the same year. Commissioners hold office from 12 o'clock noon of the Thursday following the first Tuesday in May of the year in which they are elected until their successors in office are elected and qualified or until recalled as provided by law. If a runoff election is necessary, commissioners hold office from 12 o'clock noon of the Thursday following the third Tuesday in May of the year in which they are elected.

(4) Vacancies in office shall be filled in one of the following ways:

- (a) If less than 6 months remain in the unexpired term or until the next regular elec-

tion, the commission by a majority vote of the remaining members shall choose and appoint a successor, who is otherwise eligible under section 2.03 of this act, to serve until a newly elected commissioner is qualified.

- (b) If more than 6 months remain in the unexpired term and a general election is not scheduled within 6 months, the commission shall fill the vacancy by a special election to be held not more than 60 days after the occurrence of the vacancy.

(Ord. No. 4053, § 1, 1-23-95; Ord. No. 020289, § 1, 8-27-02)

**2.05. Recall of commissioners.**

Commissioners including the mayor are subject to recall as provided by law.

**2.06. Commission as judge of qualifications of members; election of mayor-commissioner pro tempore; rules of procedure; punishment of members for misconduct; and quorum.**

The commission shall be the judge of the qualifications of its own members, subject to review by the courts, and shall elect one member as the mayor-commissioner pro tempore. The commission may determine its own rules of procedure and may punish its own members for misconduct. A majority of all the members of the commission constitutes a quorum to do business but a smaller number may adjourn.

(Ord. No. 4053, § 1, 1-23-95)

**2.07. Commission actions; majority vote necessary for adoption of ordinances and resolutions.**

The commission shall act by motion, proclamation, resolution, or ordinance. Unless otherwise provided in this act or by law, a motion or a proclamation is adopted when approved by the votes of a majority of the members present, and an ordinance or resolution is adopted when approved by the votes of four or more members of the commission.

(Ord. No. 4053, § 1, 1-23-95; Ord. No. 020749, § 1, 2-10-03)

REPORT OF BOARD OF CANVASSERS  
CITY OF GAINESVILLE, FLORIDA  
ELECTION HELD MARCH 10, 1992

The City Commission  
City of Gainesville  
Gainesville, Florida

Gentlemen:

Pursuant to the requirements of Chapter 9 of the Gainesville Code of Ordinances and Chapter 90-496 Special Acts, Laws of Florida, as amended by Chapter 91-382 Special Acts, Laws of Florida, the undersigned, constituting the Board of Canvassers for the election of the City of Gainesville City Commission, At-large, the referendum election concerning Annexation and the election referendum concerning City of Gainesville Charter Amendments, did meet on March 10, 1992, and continued thereafter in session and completed the canvassing of the absentee voter ballots and the ballots and returns of the Clerks and Inspectors, for the elections held on March 10, 1992.

The results of the at-large election are as follows:

<u>At-Large</u>	<u>City Commission</u>
Jack Carter	<u>355</u>
Charles S. "Chuck" Chestnut, IV	<u>1,975</u>
Bruce Delaney	<u>2,384</u>
Paula M. DeLaney	<u>6,970</u>
Clayton Proulx	<u>374</u>
Rick Trachsel	<u>2,703</u>

As indicated by the foregoing, a run-off election will be required as provided in Article II of the Gainesville Charter for the two candidates At-large receiving the highest number of votes which are as follows:

<u>At-Large</u>	<u>City Commission</u>
	<u>PAULA M. DELANEY</u>
	<u>RICK TRACHSEL</u>



ANNEXATION

The results of the annexation referendum election is as follows:

For annexation of property described in ordinance number 3745 of the City of Gainesville

5,978

Against annexation of property described in ordinance number 3745 of the City of Gainesville

6,186

Total vote of registered electors in property described in ordinance number 3745

12,164

As indicated by the foregoing, annexation of property described in ordinance number 3745 of the City of Gainesville ~~failed~~/passed by referendum on March 10, 1992.

CHARTER AMENDMENT 1

The results of the referendum election concerning City Charter Amendment Number 1 which relates to Article II, Sections 2.01 and 2.02, providing for an increase in number of commissioners under certain circumstances, is as follows:

For approval

10,612

For rejection

3,978

Total votes cast on Charter Amendment No. 1 - Number of Commissioners

14,590

As indicated by the foregoing Charter Amendment Number 1 has ~~failed~~/passed by referendum on March 10, 1992.

CHARTER AMENDMENT 2

The results of the referendum election concerning City Charter Amendment Number 2, which relates to Article II, Sections 2.03 and 2.04 providing for an increase in length of terms and scheduling of municipal elections is as follows:

For approval

5,108

For rejection

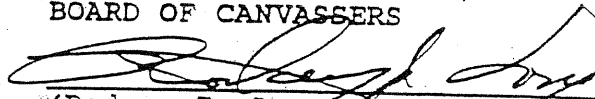
9,388


Total votes cast on Charter Amendment No. 2 - Length of Terms and Scheduling of Elections


14,496

As indicated by the foregoing Charter Amendment Number 2 has failed/~~passed~~ by referendum on March 10, 1992.

Respectively submitted,  
BOARD OF CANVASSERS

  
\_\_\_\_\_  
(Rodney J. Long)

  
\_\_\_\_\_  
(Tom McKnew)

  
\_\_\_\_\_  
(Joseph R. Hurt)