

Legislative #

210851

ORDINANCE NO.

An ordinance of the City of Gainesville, Florida; proposing an amendment to 2.04 titled "Election and terms" of the Charter Laws of the City of Gainesville; providing for submission of the charter amendment to the voters for approval or disapproval at the November 8, 2022 election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective if approved by the voters; providing directions to the codifier; providing directions to the city clerk; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, pursuant to Section 5.01 of the City Charter, the City Commission may propose amendments to the City Charter by adoption of an ordinance by four-fifths vote of the membership of the City Commission; and

WHEREAS, the City Commission has duly considered the charter amendment set forth in this ordinance 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 municipal election; 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 public hearings in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, the public hearings before the City Commission 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:

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 approved for submission to the electors of the City of Gainesville, Florida, for approval or disapproval at the

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1 election set for Tuesday, November 8, 2022:

2 PROPOSED AMENDMENT

3 **Section 1.** 2.04 titled "Election and terms" of Article II of the Charter of the City of
4 Gainesville is amended to read as set forth below.

5 **2.04. Election and terms.**

6 (1) (a) Candidates for election to the commission shall qualify in the manner prescribed by
7 ordinance.

8 (b) Except as provided in Subsection (1)(c) herein, each commissioner shall be elected for a
9 term of four (4) years.

10 (c) For the purposes of establishing municipal elections every other year in even-numbered
11 years, and changing regular terms of office from three (3) years to four (4) years, the
12 transitional terms of office filled by elections in the years following this change shall be
13 as provided in this subsection. The election held in 2019 for the mayor and district 4
14 commission seats shall be for terms of office ending when successors in office are
15 elected and qualified after the election held in 2022. The election held in 2020 for the
16 district 2 and district 3 commission seats shall be for terms of office ending when
17 successors in office are elected and qualified after the election held in 2022. The election
18 held in 2020 for the at-large, designated "at-large A", commission seat shall be for a
19 term of office ending when the successor in office is elected and qualified after the
20 election held in 2024. The election held in 2021 for the district 1 and at-large, designated
21 "at-large B", commission seats shall be for terms of office ending when successors in
22 office are elected and qualified after the election held in 2024. Commencing with the

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1 regular election held in 2022, the terms of office for the newly-elected seats shall be four
2 (4) years.

3 (d) The regular municipal election shall be held on the date as prescribed by ordinance.

4 Commencing with the regular election held in 2022, the regular municipal election shall
5 be held on the date to coincide with the statewide primary election.

6 ~~(e) Upon the occurrence of a vacancy on the commission, a special election may be held to~~
7 ~~fill the vacancy for the remainder of the unexpired term as may be prescribed by~~
8 ~~ordinance.~~

9 (2) The district candidate receiving a majority of the votes cast in a particular district shall be
10 elected. The at-large candidate and the candidate for mayor receiving a majority of the votes
11 cast within the city at large for such seat shall be elected. If a candidate does not receive a
12 majority of the votes cast for a particular seat, as applicable, a runoff election shall be held
13 between the two (2) candidates for that seat receiving the highest number of votes cast. In
14 the case of a tie, the candidates shall be selected for the runoff election in the same manner
15 as provided for other offices by general law. The runoff election shall be held on the date to
16 coincide with the statewide general election. The candidate receiving more votes in the
17 runoff election shall be elected.

18 (3) The terms of office of commissioners shall be staggered so that the terms of office of all
19 commissioners do not expire the same year. For the regular elections held in 2019, 2020,
20 and 2021, commissioners hold office from 12 o'clock noon of the Thursday following the
21 first Tuesday in May of the year in which they are elected until their successors in office are
22 elected and qualified or until recalled as provided by law. If a runoff election is necessary in

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1 2019, 2020, or 2021, commissioners hold office from 12 o'clock noon of the Thursday
2 following the third Tuesday in May of the year in which they are elected. For the regular
3 elections held in 2022 and thereafter, commissioners hold office from 12 o'clock noon of
4 the day of the first city commission meeting in January immediately following the year in
5 which they are elected until their successors in office are elected and qualified or until
6 recalled as provided by law. The city commission shall hold a meeting no later than January
7 31st of each calendar year following an election for the purpose of swearing-in the elected
8 mayor and commissioners.

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

10 (a) ~~If less than 6 months remain in the unexpired term or until the next regular election, the~~
11 ~~commission by a majority vote of the remaining members shall choose and appoint a~~
12 ~~successor, who is otherwise eligible under section 2.03 of this act, to serve until a~~
13 ~~newly elected commissioner is qualified. If a mayor or commission seat is vacated on~~
14 ~~or before a date six (6) weeks prior to the commencement of the qualifying period for~~
15 ~~the regular election that occurs in the middle of the term of the vacated seat, then the~~
16 ~~remaining two (2) years of that vacated term shall be filled at the next regular election.~~
17 The remaining members of the city commission shall appoint a person who is
18 otherwise eligible under section 2.03 of this act to serve until the prevailing candidate
19 at the next regular election takes office. The elected successor shall serve for the
20 remaining two (2) years of the vacated term of office.

21 (b) ~~If more than 6 months remain in the unexpired term and a general election is not~~
22 ~~scheduled within 6 months, the commission shall fill the vacancy by a special election~~

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1 ~~to be held not more than 60 days after the occurrence of the vacancy.~~ If a mayor or
2 commission seat is vacated on or after a date six (6) weeks prior to the commencement
3 of the qualifying period for the regular election that occurs in the middle of the term of
4 the vacated seat, then the remaining members of the city commission shall appoint a
5 person who is otherwise eligible under section 2.03 of this act to serve the remainder of
6 the vacated term of office.

7 **Section 2.** The following ballot title and question is approved for submission to the
8 electors of the City of Gainesville, Florida, for approval or rejection at the election set for Tuesday,
9 November 8, 2022:

10 CITY OF GAINESVILLE CHARTER AMENDMENT

11 FILLING VACANCY IN OFFICE BY CITY COMMISSION APPOINTMENT

12 “SHALL THE CITY CHARTER BE AMENDED TO PROVIDE THAT A
13 VACANCY IN A CITY COMMISSION OFFICE BE FILLED BY
14 APPOINTMENT BY THE REMAINING COMMISSION MEMBERS UNTIL
15 THE NEXT REGULAR ELECTION, AND ELIMINATE THE REQUIREMENT
16 THAT A SPECIAL ELECTION BE HELD, AS PROPOSED BY ORDINANCE
17 NO. _____?”

18 **Section 3.** The Supervisor of Elections is requested to place this ballot title and question
19 on the November 8, 2022 general election ballot.

20 **Section 4.** In the event that the charter amendment proposed by Section 1 of this
21 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of
22 Gainesville, Florida at the November 8, 2022 election, then: 1) the codifier is directed to

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1 incorporate the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City
2 of Gainesville; and 2) the City Clerk is directed to file a true copy of this ordinance with the
3 Florida Department of State.

4 **Section 5.** 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 affect
6 the validity of the remaining portions of this ordinance.

7 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of
8 such conflict hereby repealed.

9 **Section 7.** This ordinance shall become effective immediately upon final adoption.

10 **PASSED AND ADOPTED this ____ day of _____, 2022.**

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LAUREN POE
MAYOR

ATTEST: Approved as to form and legality

OMICHELE D. GAINEY
CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2022.

This ordinance passed on second reading this ____ day of _____, 2022.

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