

**LEGISTAR NO.**

**160876**

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**ORDINANCE NO. 160876**

**An ordinance of the City of Gainesville, Florida; proposing an amendment to the Charter Laws of the City of Gainesville; amending Article II of the Charter Laws, entitled "City Commission", by requiring regular municipal elections to be held every other year in even-numbered years coinciding with statewide elections rather than every year, by changing the terms of office of the Mayor and City Commissioners from 3-year terms to 4-year terms, by providing transitional terms of office at specified lengths to achieve the changes; by specifying the commencement date of terms of office; providing for submission of the charter amendment to the voters for approval or disapproval at the November 6, 2018 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 clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

WHEREAS, the City Commission has duly considered the charter amendment 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, the City Commission desires to amend the Charter Laws of the City of Gainesville, Florida, pursuant to the procedures provided by law; 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 a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, the Public Hearings 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

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1 OF GAINESVILLE, FLORIDA:

2 The following proposed amendment to Chapter 90-394, Laws of Florida, 1990, as  
3 amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is approved for  
4 submission to the electors of the City of Gainesville, Florida, for approval or disapproval at the  
5 election set for Tuesday, November 6, 2018:

6 PROPOSED AMENDMENT

7 **Section 1.** Section 2.03 titled “Eligibility” and section 2.04 titled “Election and terms” of  
8 Article II of the Charter of the City of Gainesville is amended to read as set forth below. Except as  
9 amended herein, the remainder of Article II remains in full force and effect.

10 **Section 2.03 – Eligibility.**

11 Each candidate for a district seat must be a qualified voter who is a resident of the district  
12 from which the person seeks to be elected for a period of not less than 6 months prior to the date  
13 the person qualifies to run for office. Each commissioner elected from a district shall  
14 continuously reside in the district during the commissioner's term of office, except that any  
15 commissioner who is removed from a district by redistricting may continue to serve during the  
16 remainder of the commissioner's term of office. Each candidate for an at-large seat, including the  
17 mayor's seat, must be a qualified voter of the city for at least six (6) months prior to the date the  
18 person qualifies to run for office. Each at-large commissioner and the mayor shall continuously  
19 reside within the city during their terms of office. Candidates for the commission shall, at the  
20 time of qualifying, designate the district seats, the mayor's seat, or at-large seats for which they  
21 intend to run. A commissioner may not serve on the commission for more than two (2)

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1 consecutive ~~three-year~~ terms, excluding filling a term created by vacancy. The mayor may not  
2 serve as mayor for more than two (2) consecutive ~~three-year~~ terms, excluding filling a term  
3 created by vacancy. For purposes of this section, service as the elected mayor shall not be  
4 considered to be service as a commissioner.

5 **Section 2.04 – Election and terms.**

- 6 (1) (a) Candidates for election to the commission shall qualify in the manner  
7 prescribed by ordinance.
- 8 (b) Except as provided in Subsection (1)(c) herein, each commissioner shall  
9 be elected for a term of ~~3~~ four (4) years.
- 10 (c) For the purposes of establishing municipal elections every other year in  
11 even-numbered years, and changing regular terms of office from three (3)  
12 years to four (4) years, the transitional terms of office filled by elections in  
13 the years following this change shall be as provided in this subsection.  
14 The election held in 2019 for the mayor and district 4 commission seats  
15 shall be for terms of office ending when successors in office are elected  
16 and qualified after the election held in 2022. The election held in 2020 for  
17 the district 2 and district 3 commission seats shall be for terms of office  
18 ending when successors in office are elected and qualified after the  
19 election held in 2022. The election held in 2020 for the at-large,  
20 designated “at-large A”, commission seat shall be for a term of office  
21 ending when the successor in office is elected and qualified after the

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1                   election held in 2024. The election held in 2021 for the district 1 and at-  
2                   large, designated “at-large B”, commission seats shall be for terms of  
3                   office ending when successors in office are elected and qualified after the  
4                   election held in 2024. providing more evenly staggered terms of office, in  
5                   the regular municipal election held in 2003, the district seat added  
6                   pursuant to Sec. 2.01(3) of this Charter shall be elected for an initial term  
7                   of office of one year, and the at large seat added pursuant to Sec. 2.01(3)  
8                   of this Charter shall be elected for an initial term of two years. Thereafter  
9                   Commencing with the regular election held in 2022, the terms of office for  
10                  ~~said~~ the newly-elected seats shall be ~~3~~ four (4) years.

11                  (d)     The regular municipal election shall be held on the date as prescribed by  
12                  ordinance. Commencing with the regular election held in 2022, the  
13                  regular municipal election shall be held on the date to coincide with the  
14                  statewide primary election.

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

18                  (2)     The district candidate receiving a majority of the votes cast in a particular district  
19                  shall be elected. The at-large candidate and the candidate for mayor receiving a  
20                  majority of the votes cast within the city at large for such seat shall be elected. If a  
21                  candidate does not receive a majority of the votes cast for a particular seat, as

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1 applicable, a runoff election shall be held between the two (2) candidates for that  
2 seat receiving the highest number of votes cast. In the case of a tie, the candidates  
3 shall be selected for the runoff election in the same manner as provided for other  
4 offices by general law. The runoff election shall be held on the date to coincide  
5 with the statewide general election. The candidate receiving more votes in the  
6 runoff election shall be elected.

7 (3) The terms of office of commissioners shall be staggered so that the terms of office  
8 of all commissioners do not expire the same year. For the regular elections held in  
9 2019, 2020, and 2021, ~~C~~commissioners hold office from 12 o'clock noon of the  
10 Thursday following the first Tuesday in May of the year in which they are elected  
11 until their successors in office are elected and qualified or until recalled as  
12 provided by law. If a runoff election is necessary in 2019, 2020, or 2021,  
13 commissioners hold office from 12 o'clock noon of the Thursday following the  
14 third Tuesday in May of the year in which they are elected. For the regular  
15 elections held in 2022 and thereafter, commissioners hold office from 12 o'clock  
16 noon of the day of the first city commission meeting in January immediately  
17 following the year in which they are elected until their successors in office are  
18 elected and qualified or until recalled as provided by law. The city commission  
19 shall hold a meeting no later than January 31st of each calendar year following an  
20 election for the purpose of swearing-in the elected mayor and commissioners.

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

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1 (a) If less than 6 months remain in the unexpired term or until the next regular  
2 election, the commission by a majority vote of the remaining members  
3 shall choose and appoint a successor, who is otherwise eligible under  
4 section 2.03 of this act, to serve until a newly elected commissioner is  
5 qualified.

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

10 **Section 2.** The following ballot title and question is approved for submission to the  
11 electors of the City of Gainesville, Florida, for approval or rejection at the election set for Tuesday,  
12 November 6, 2018:

13 CITY OF GAINESVILLE CHARTER AMENDMENT

14 CITY COMMISSION ELECTIONS AND TERMS OF OFFICE

15 “SHALL THE CITY CHARTER BE AMENDED TO REQUIRE ELECTIONS  
16 FOR MAYOR AND COMMISSIONERS EVERY OTHER YEAR IN EVEN-  
17 NUMBERED YEARS COINCIDING WITH STATEWIDE ELECTIONS,  
18 RATHER THAN EVERY YEAR, BEGINNING WITH THE REGULAR  
19 ELECTION IN 2022; AND TO CHANGE THE TERMS OF OFFICE OF THE  
20 MAYOR AND CITY COMMISSIONERS FROM THE CURRENT 3-YEAR  
21 TERMS COMMENCING IN MAY TO 4-YEAR TERMS COMMENCING IN

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1 JANUARY 2023; AND TO PROVIDE TRANSITIONAL TERMS OF OFFICE;  
2 AS PROPOSED BY ORDINANCE NO. 160876?"

3 **Section 3.** The amendment to the Charter Laws set out in Section 1 of this Ordinance is  
4 approved for submission to the electors of the City of Gainesville, Florida, for approval or rejection  
5 at the election to be held on Tuesday, November 6, 2018.

6 **Section 4.** In the event that the charter amendment proposed by Section 1 of this  
7 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of  
8 Gainesville, Florida at the November 6, 2018 election, then: 1) the codifier is directed to  
9 incorporate the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City  
10 of Gainesville; and 2) the Clerk of the Commission is directed to file a true copy of this ordinance  
11 with the Florida Department of State.

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

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

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

18 **PASSED AND ADOPTED** this \_\_\_\_ day \_\_\_\_\_, 2018.  
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23 \_\_\_\_\_  
24 LAUREN POE  
25 MAYOR

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ATTEST:

Approved as to form and legality

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2017.  
This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

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# PROPOSED CHANGES TO CITY COMMISSION TERMS AND DATES BASED ON FALL, EVEN-YEAR ELECTIONS

**ASSUMPTIONS:**

- 1) CHANGE TO FALL ELECTIONS
- 2) CHANGE TO EVEN-NUMBERED YEARS TO COINCIDE WITH COUNTY ELECTIONS
- 3) ELECTIONS SHALL BE HELD EVERY EVEN-NUMBERED YEAR, ON A 3/4 SCHEDULE (NO MORE THAT 4 RACES AT A TIME)
- 4) EXISTING TERMS WILL NOT BE LENGTHENED OR SHORTENED
- 5) CHANGES SHALL TAKE EFFECT AS OF THE ELECTION IN WHICH THE CHARTER AMENDMENTS ARE APPROVED
- 6) EACH CITY ELECTION SHALL INCLUDE ALL CITY ELECTORS (I.E., INCLUDING EITHER MAYORAL OR AT-LARGE RACE)
- 7) NO TERMS SHALL BE <2.5 YEARS OR >4.5 YEARS

## TRANSITION TO 4-YEAR TERMS ON EVEN YEARS IF APPROVED IN SPRING 2018 ELECTION

(FULL IMPLEMENTATION IN 11/2024)

	5/16	11/16	5/17	11/17	5/18	11/18	5/19	11/19	5/20	11/20	5/21	11/21	5/22	11/22	5/23	11/23	5/24	11/24	5/25	11/25	5/26	11/26	5/27	11/27	5/28	11/28
Mayor	3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 1	<< 3 YEAR TERM				4.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 2	<< 3 YEAR TERM				3 YEAR TERM				4.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 3	<< 3 YEAR TERM				3 YEAR TERM				4.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 4	3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
At Large (1)	<< 3 YEAR TERM				4.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
At Large (2)	<< 3 YEAR TERM				3 YEAR TERM				4.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					

## TRANSITION TO 4-YEAR TERMS ON EVEN YEARS IF APPROVED IN FALL 2018 OR SPRING 2019 ELECTION (selected by CCOM on 10/5/2017)

(FULL IMPLEMENTATION IN 11/2024)

	5/16	11/16	5/17	11/17	5/18	11/18	5/19	11/19	5/20	11/20	5/21	11/21	5/22	11/22	5/23	11/23	5/24	11/24	5/25	11/25	5/26	11/26	5/27	11/27	5/28	11/28
Mayor	3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 1	<< 3 YEAR TERM				3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 2	<< 3 YEAR TERM				3 YEAR TERM				2.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 3	<< 3 YEAR TERM				3 YEAR TERM				2.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 4	3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
At Large (1)	<< 3 YEAR TERM				3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
At Large (2)	<< 3 YEAR TERM				3 YEAR TERM				4.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					

## TRANSITION TO 4-YEAR TERMS ON EVEN YEARS IF APPROVED IN FALL 2019 OR SPRING 2020 ELECTION

(FULL IMPLEMENTATION IN 11/2024)

	5/16	11/16	5/17	11/17	5/18	11/18	5/19	11/19	5/20	11/20	5/21	11/21	5/22	11/22	5/23	11/23	5/24	11/24	5/25	11/25	5/26	11/26	5/27	11/27	5/28	11/28
Mayor	3 YEAR TERM				3 YEAR TERM				2.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 1	<< 3 YEAR TERM				3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 2	<< 3 YEAR TERM				3 YEAR TERM				2.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 3	<< 3 YEAR TERM				3 YEAR TERM				2.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 4	3 YEAR TERM				3 YEAR TERM				2.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
At Large (1)	<< 3 YEAR TERM				3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
At Large (2)	<< 3 YEAR TERM				3 YEAR TERM				2.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					

## TRANSITION TO 4-YEAR TERMS ON EVEN YEARS IF APPROVED IN FALL 2020 OR SPRING 2021 ELECTION

(FULL IMPLEMENTATION IN 11/2026)

	5/16	11/16	5/17	11/17	5/18	11/18	5/19	11/19	5/20	11/20	5/21	11/21	5/22	11/22	5/23	11/23	5/24	11/24	5/25	11/25	5/26	11/26	5/27	11/27	5/28	11/28
Mayor	3 YEAR TERM				3 YEAR TERM				2.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 1	<< 3 YEAR TERM				3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
District 2	<< 3 YEAR TERM				3 YEAR TERM				3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				>>					
District 3	<< 3 YEAR TERM				3 YEAR TERM				3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				>>					
District 4	3 YEAR TERM				3 YEAR TERM				2.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
At Large (1)	<< 3 YEAR TERM				3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				4 YEAR TERM				>>					
At Large (2)	<< 3 YEAR TERM				3 YEAR TERM				3 YEAR TERM				3.5 YEAR TERM				4 YEAR TERM				>>					