

LEGISTAR NO.

120369

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12/20/12

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ORDINANCE NO. 120369

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 odd-numbered years 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 March 19, 2013 regular municipal 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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12/20/12

1 OF GAINESVILLE, FLORIDA:

2 Section 1. The following proposed amendment to Chapter 90-394, Laws of Florida, 1990,
3 as amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is approved
4 for submission to the electors of the City of Gainesville, Florida, for approval or disapproval at the
5 municipal election set for Tuesday, March 19, 2013:

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 odd-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 2014 for the district 2, district 3, and at-large
15 commission seats shall be for terms of office ending when successors in
16 office are elected and qualified after the election held in 2017. The
17 election held in 2015 for the district 1 and at-large commission seats shall
18 be for terms of office ending when successors in office are elected and
19 qualified after the election held in 2019. The election held in 2016 for the
20 mayor and district 4 commission seats shall be for terms of office ending
21 when successors in office are elected and qualified after the election held

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12/20/12

1 ~~in 2019, providing more evenly staggered terms of office, in the regular~~
2 ~~municipal election held in 2003. The district seat added pursuant to Sec.~~
3 ~~2.01(3) of this Charter shall be elected for an initial term of office of one~~
4 ~~year, and the at large seat added pursuant to Sec. 2.01(3) of this Charter~~
5 ~~shall be elected for an initial term of two years. Thereafter Commencing~~
6 ~~with the regular election held in 2017, the terms of office for said the~~
7 ~~newly-elected seats shall be ~~3~~ four (4) years.~~

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

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

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

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12/20/12

- 1 (3) The terms of office of commissioners shall be staggered so that the terms of office
2 of all commissioners do not expire the same year. For the regular elections held in
3 2014, 2015, and 2016, ~~C~~commissioners hold office from 12 o'clock noon of the
4 Thursday following the first Tuesday in May of the year in which they are elected
5 until their successors in office are elected and qualified or until recalled as
6 provided by law. If a runoff election is necessary in 2014, 2015, or 2016,
7 commissioners hold office from 12 o'clock noon of the Thursday following the
8 third Tuesday in May of the year in which they are elected. For the regular
9 elections held in 2017 and thereafter, commissioners hold office from 12 o'clock
10 noon of the day of the first city commission meeting in January immediately
11 following the year in which they are elected until their successors in office are
12 elected and qualified or until recalled as provided by law. The city commission
13 shall hold a meeting no later than January 31st of each calendar year following an
14 election for the purpose of swearing-in the elected mayor and commissioners.
- 15 (4) Vacancies in office shall be filled in one of the following ways:
- 16 (a) If less than 6 months remain in the unexpired term or until the next regular
17 election, the commission by a majority vote of the remaining members
18 shall choose and appoint a successor, who is otherwise eligible under
19 section 2.03 of this act, to serve until a newly elected commissioner is
20 qualified.

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(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.

Section 2. The following ballot title and question is approved for submission to the electors of the City of Gainesville, Florida, for approval or rejection at the municipal election set for Tuesday, March 19, 2013:

CITY OF GAINESVILLE CHARTER AMENDMENT

CITY COMMISSION ELECTIONS AND TERMS OF OFFICE

“SHALL THE CITY CHARTER BE AMENDED TO REQUIRE REGULAR MUNICIPAL ELECTIONS EVERY OTHER YEAR IN ODD-NUMBERED YEARS RATHER THAN EVERY YEAR BEGINNING WITH THE REGULAR ELECTION IN 2017; AND TO CHANGE THE TERMS OF OFFICE OF THE MAYOR AND CITY COMMISSIONERS FROM THE CURRENT 3-YEAR TERMS COMMENCING IN MAY TO 4-YEAR TERMS COMMENCING IN JANUARY 2018; AND TO PROVIDE TRANSITIONAL TERMS OF OFFICE; AS PROPOSED BY ORDINANCE NO. 120369?”

Section 3. The amendment to the Charter Laws set out in Section 1 of this Ordinance is approved for submission to the electors of the City of Gainesville, Florida, for approval or rejection at the municipal election to be held on Tuesday, March 19, 2013.

Section 4. In the event that the charter amendment proposed by Section 1 of this

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12/20/12

1 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of
2 Gainesville, Florida at the March 19, 2013 municipal election, then: 1) the codifier is directed to
3 incorporate the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City
4 of Gainesville; and 2) the Clerk of the Commission is directed to file a true copy of this ordinance
5 with the Florida Department of State.

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

9 Section 6. All ordinances or parts of ordinances in conflict herewith are to the extent of
10 such conflict hereby repealed.

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

12 PASSED AND ADOPTED this ____ day _____, 2013.
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14
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16 _____
17 CRAIG LOWE
18 MAYOR

19 ATTEST:

Approved as to form and legality

20
21 _____
22 KURT M. LANNON
23 CLERK OF COMMISSION

24 _____
25 NICOLLE M. SHALLEY
26 CITY ATTORNEY

25 This ordinance passed on first reading this ____ day of _____, 2012.

26 This ordinance passed on second reading this ____ day of _____, 2013.

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