

**LEGISTAR NO.**

**210851**

1 **ORDINANCE NO.**  
2

3 **An ordinance of the City of Gainesville, Florida; proposing an amendment to**  
4 **2.04 titled “Election and terms” of the Charter Laws of the City of Gainesville;**  
5 **providing for submission of the charter amendment to the voters for approval**  
6 **or disapproval at the November 8, 2022 election; approving the question to be**  
7 **placed on the ballot; providing that this charter amendment shall become**  
8 **effective if approved by the voters; providing directions to the codifier;**  
9 **providing directions to the city clerk; providing a severability clause; providing**  
10 **a repealing clause; and providing an immediate effective date.**

11 **WHEREAS,** pursuant to Section 5.01 of the City Charter, the City Commission may  
12  
13 propose amendments to the City Charter by adoption of an ordinance by four-fifths vote of the  
14 membership of the City Commission; and

15 **WHEREAS,** the City Commission has duly considered the charter amendment set forth in  
16 this ordinance and by passage of this ordinance indicates its desire to approve the charter  
17 amendment as set forth herein, subject to approval of the electorate at a municipal election; and

18 **WHEREAS,** at least 10 days’ notice has been given by publication in a newspaper of  
19 general circulation notifying the public of this proposed ordinance and of public hearings in the  
20 Auditorium of City Hall in the City of Gainesville; and

21 **WHEREAS,** the public hearings before the City Commission were held pursuant to the  
22 published notice described at which hearings the parties in interest and all others had an  
23 opportunity to be and were, in fact, heard;

24 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
25 **CITY OF GAINESVILLE, FLORIDA:**

26 The following proposed amendment to Chapter 90-394, Laws of Florida, 1990, as  
27 amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is approved for  
28 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) A vacancy in office may occur due to death or permanent disability, forfeiture of office  
7 as provided in this charter, suspension by the Governor as provided by law, voluntary  
8 resignation upon delivery of written notice stating an effective date to the City Clerk, or  
9 as otherwise provided by law. Upon the occurrence of a vacancy on the commission, a  
10 special election may be held to fill the vacancy for the remainder of the unexpired term  
11 as may be prescribed by ordinance.

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

21 (3) The terms of office of commissioners shall be staggered so that the terms of office of all  
22 commissioners do not expire the same year. For the regular elections held in 2019, 2020,

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1 and 2021, commissioners hold office from 12 o'clock noon of the Thursday following the  
2 first Tuesday in May of the year in which they are elected until their successors in office are  
3 elected and qualified or until recalled as provided by law. If a runoff election is necessary in  
4 2019, 2020, or 2021, commissioners hold office from 12 o'clock noon of the Thursday  
5 following the third Tuesday in May of the year in which they are elected. For the regular  
6 elections held in 2022 and thereafter, commissioners hold office from 12 o'clock noon of  
7 the day of the first city commission meeting in January immediately following the year in  
8 which they are elected until their successors in office are elected and qualified or until  
9 recalled as provided by law. The city commission shall hold a meeting no later than January  
10 31st of each calendar year following an election for the purpose of swearing-in the elected  
11 mayor and commissioners.

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

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

17 (b) If more than 6 months remain in the unexpired term and a general election is not  
18 scheduled within 6 months, the commission shall fill the vacancy by a special election  
19 to be ~~held~~ called not more than 60 days after the occurrence of the vacancy. A special  
20 election called to fill a vacancy shall be held as expeditiously as practicable,  
21 considering the existing demands upon elections equipment and personnel.

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

4                           CITY OF GAINESVILLE CHARTER AMENDMENT

5                   FILLING VACANCY IN OFFICE BY CALLING A SPECIAL ELECTION

6           “SHALL THE CITY CHARTER BE AMENDED TO PROVIDE THAT A  
7 VACANCY IN A CITY COMMISSION OFFICE BE FILLED BY SPECIAL  
8 ELECTION TO BE CALLED WITHIN 60 DAYS AND HELD  
9 EXPEDITIOUSLY, RATHER THAN HELD WITHIN 60 DAYS, AS  
10 PROPOSED BY ORDINANCE NO. \_\_\_\_\_?”

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

13           **Section 4.** In the event that the charter amendment proposed by Section 1 of this  
14 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of  
15 Gainesville, Florida at the November 8, 2022 election, then: 1) the codifier is directed to  
16 incorporate the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City  
17 of Gainesville; and 2) the City Clerk is directed to file a true copy of this ordinance with the  
18 Florida Department of State.

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

22           **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of

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1 such conflict hereby repealed.

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

3 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

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6  
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8  
9

\_\_\_\_\_  
LAUREN POE  
MAYOR

10

11 ATTEST: Approved as to form and legality

12

13 \_\_\_\_\_

14 OMICHELE D. GAINEY  
15 CITY CLERK

\_\_\_\_\_  
DANIEL M. NEE  
INTERIM CITY ATTORNEY

16

17 This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2022.

18 This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2022.

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