

Phone: 334-5011/Fax 334-2229 **Box 46** 

TO:

Mayor and City Commission

DATE:

May 9, 2005

FROM:

Marion J. Radson, City Attorney

FIRST READING

**SUBJECT:** 

Ordinance No. 0-05-50

An ordinance of the City of Gainesville, Florida, setting March 7 as the date for the 2006 regular city election and March 28 as the date for the 2006 run-off election, if necessary; providing a severability clause; providing a repealing

clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The City Commission, at its meeting of April 25, 2005, authorized the City Attorney's Office to draft an ordinance setting the 2006 regular city election and run-off election dates.

Prepared by:

Elizabeth A. Waratuke

Litigation Attorney

Submitted by:

EAW/cgow

| 1  |   |  |  |
|----|---|--|--|
| 2  | ORDINANCE NO. <u>041239</u>   |  |  |
| 3  | 0-05-50   |  |  |
| 4  |   |  |  |
| 5  |   |  |  |
| 6  | An ordinance of the City of Gainesville, Florida, setting March                               |  |  |
| 7  | 7 as the date for the 2006 regular city election and March 28 as                              |  |  |
| 8  | the date for the 2006 run-off election, if necessary; providing a                             |  |  |
| 9  | severability clause; providing a repealing clause; and providing an immediate effective date. |  |  |
| 11 | providing an immediate effective date.  |  |  |
| 12 |   |  |  |
| 13 | WHEREAS, section 9-2 of the Code of Ordinances provides that the City                         |  |  |
| 14 | Commission set the date of the regular election by ordinance; and                             |  |  |
| 15 | WHEREAS, section 9-2 of the Code of Ordinances provides that the Clerk of the                 |  |  |
| 16 | Commission shall recommend a date for the election; and                                       |  |  |
| 17 | WHEREAS, the Clerk of the Commission has recommended the regular election                     |  |  |
| 18 | date of March 7, 2006; and  |  |  |
| 19 | WHEREAS, at least 10 days notice has been given once by publication in a                      |  |  |
| 20 | newspaper of general circulation notifying the public of this proposed ordinance and of a     |  |  |
| 21 | Public Hearing in the Auditorium of City Hall in the City of Gainesville; and                 |  |  |
| 22 | WHEREAS, a Public Hearing was held pursuant to the published notice                           |  |  |
| 23 | described at which hearing the parties in interest and all others had an opportunity to be    |  |  |
| 24 | and were, in fact, heard;   |  |  |
| 25 | NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION   |  |  |
| 26 | OF THE CITY OF GAINESVILLE, FLORIDA:  |  |  |
| 27 | Section 1. The 2006 regular election for the City of Gainesville shall be held on             |  |  |
| 28 | March 7, 2006; and, pursuant to section 9-2 of the Code of Ordinances, the date of the        |  |  |
| 20 | run-off election, if necessary shall be March 28, 2006  |  |  |

| Section 2. If any section, sentence, clause or phrase of this ordinance is held to be       |                                   |  |
|---|-----------------------------------|--|
| invalid or unconstitutional by any court of competent jurisdiction, then said holding shall |                                   |  |
| in no way affect the validity of the remaining portions of this ordinance.                  |                                   |  |
| Section 3. All ordinances, or parts of ordinances, in conflict herewith are to the          |                                   |  |
| extent of such conflict hereby repealed.  |                                   |  |
| Section 4. This ordinance shall become effective immediately upon final                     |                                   |  |
| adoption.   |                                   |  |
| PASSED AND ADOPTED this day of May 2005.  |                                   |  |
|   |                                   |  |
|   | PEGEEN HANRAHAN                   |  |
|   | MAYOR                             |  |
| ATTEST:   | Approved as to form and legality  |  |
| KURT M. LANNON  | MADION I DADCON                   |  |
| CLERK OF THE COMMISSION   | MARION J. RADSON<br>CITY ATTORNEY |  |
| This Ordinance passed on first reading  | this day of May, 2005.            |  |
| This Ordinance passed on second readi   | ng this day of May, 2005.         |  |