

Legislative #

170717A

**DRAFT – FOR DISCUSSION PURPOSES**

**ORDINANCE NO. \_\_\_\_\_**

**An ordinance of the City of Gainesville, Florida; proposing an amendment to the Charter Laws of the City of Gainesville; amending Article V. of the Charter Laws, titled “Special Provisions”, by providing for proposed amendments to the Charter Laws of the City of Gainesville by a Charter Review Commission; providing for submission of the charter amendment to the voters for approval or disapproval at the March 12, 2019 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**, pursuant to 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 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 OF GAINESVILLE, FLORIDA:**

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1 The following proposed amendment to Chapter 90-394, Laws of Florida, 1990, as  
2 amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is approved for  
3 submission to the electors of the City of Gainesville, Florida, for approval or disapproval at the  
4 election set for March 12, 2019:

5 PROPOSED AMENDMENT

6 **Section 1.** Section 5.01. titled "Charter amendments." of Article V. of the Charter of the  
7 City of Gainesville is amended to read as set forth below. Except as amended herein, the  
8 remainder of Article V. remains in full force and effect.

9 **Section 5.01. – Charter amendments.**

10 This act may be amended pursuant to this section or as otherwise provided by general  
11 law.

12 (1) *Petition.* An amendment may be proposed by a petition signed by 10 percent of the  
13 registered voters of the city, or by an ordinance adopted by a four-fifths vote of the  
14 membership of the commission. The commission shall place the proposed amendment to  
15 a vote of the electors at the next general election or at a special election called for that  
16 purpose.

17 (2) *City Charter review commission.*

18 (a) A city charter review commission (CCRC) consisting of eleven (11) registered voters  
19 of the city shall be appointed by the city commission at least twelve (12) months but  
20 not more than eighteen (18) months before the general election occurring in  
21 November 2020 and at least twelve (12) months but not more than eighteen (18)  
22 months before the general election occurring every ten (10) years thereafter. to review

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1 the city charter and propose any amendments which may be advisable for placement  
2 on the general election ballot. No member of the state legislature or the city  
3 commission shall be a member of the CCRC. Members of the CCRC shall receive no  
4 compensation. Vacancies shall be filled within thirty (30) days in the same manner as  
5 the original appointments.

6 (b) The CCRC shall meet for the purpose of organization within thirty (30) days after the  
7 appointments have been made. The CCRC shall elect a chairman and vice chairman  
8 from among its membership. Further meetings shall be held upon the call of the  
9 chairman or a majority of the members of the CCRC. All meetings shall be held in  
10 accordance with Florida's Government in the Sunshine Law. A majority of the  
11 members of the CCRC shall constitute a quorum. The CCRC may adopt such other  
12 rules for its operations and proceedings as it deems necessary, subject to approval by  
13 the city attorney as to form and legality.

14 (c) The city commission shall budget funds for the operation of the CCRC. Expenditures  
15 of the CCRC shall be approved in advance by a majority vote of the membership of  
16 the CCRC and shall be made in accordance with city ordinances, policies and  
17 procedures and within the budgeted funds approved by the city commission.

18 (d) The clerk of the commission, or designee, shall serve as the clerk and administrator of  
19 the CCRC. The city attorney, or designee, shall serve legal counsel to the CCRC.  
20 The city manager, general manager for utilities, city auditor and equal opportunity  
21 director shall provide staff to assist the CCRC in its work, as needed.

22 (e) The CCRC shall hold at least three (3) public hearings, that are a minimum of seven

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1 (7) calendar days apart, on any proposed charter amendment(s). No charter  
2 amendment shall be submitted to the city electorate for adoption unless favorably  
3 voted upon by a majority of the entire membership of the CCRC. The city charter  
4 officers shall review and prepare a written analysis and impact statement for each  
5 charter amendment that the CCRC proposes to the city commission.

6 (f) No later six (6) months prior to the general election, the CCRC shall deliver its  
7 proposed charter amendments to the city commission. The city commission may veto  
8 a proposed charter amendment by a two-thirds vote of the membership of the city  
9 commission. For all proposed amendments that are not vetoed, the city commission  
10 shall adopt a resolution requesting the county supervisor of elections place those  
11 proposed amendments on the next general election ballot. The clerk of the  
12 commission shall deliver this resolution to the county supervisor of elections no later  
13 than four (4) months prior to the general election.

14 (g) If it does not submit any proposed charter amendments or revisions to the city  
15 commission at least six (6) months prior to the general election, the CCRC shall be  
16 automatically dissolved. Otherwise, the CCRC shall be automatically dissolved on  
17 the date of the general election. Upon dissolution of the CCRC, all city property used  
18 by the CCRC shall be turned over to the clerk of the commission.

19 (23) *Notice.* The full proposed amendment must be published once each week for 4  
20 consecutive weeks prior to the election in a newspaper of general circulation published in  
21 the city.

22 (34) *Effect of election.* A proposed amendment receiving an affirmative vote of a majority

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1 of the votes cast shall be effective as an amendment to this act not later than the 90th  
2 calendar day after the day on which the vote was taken unless otherwise provided in the  
3 proposed amendment.

4 **Section 2.** The following ballot title and question is approved for submission to the  
5 electors of the City of Gainesville, Florida, for approval or rejection at the election set for March  
6 12, 2019:

7 CITY OF GAINESVILLE CHARTER AMENDMENT

8 CREATION OF CITY CHARTER REVIEW COMMISSION

9 “SHALL THE CITY CHARTER BE AMENDED TO CREATE A CITY  
10 CHARTER REVIEW COMMISSION APPOINTED BY THE CITY  
11 COMMISSION WITH POWER TO REVIEW AND PROPOSE AMENDMENTS  
12 TO THE CITY CHARTER EVERY TEN YEARS, SUBJECT TO VETO OF THE  
13 CITY COMMISSION; AS PROPOSED BY ORDINANCE NO. \_\_\_\_\_?”

14 **Section 3.** The amendment to the Charter Laws set out in Section 1 of this Ordinance is  
15 approved for submission to the electors of the City of Gainesville, Florida, for approval or rejection  
16 at the election to be held on March 12, 2019.

17 **Section 4.** In the event that the charter amendment proposed by Section 1 of this  
18 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of  
19 Gainesville, Florida at the March 12, 2019 election, then: 1) the codifier is directed to incorporate  
20 the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City of  
21 Gainesville; and 2) the Clerk of the Commission is directed to file a true copy of this ordinance  
22 with the Florida Department of State.

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