

ORDINANCE NO. 061129
0-07-28

An ordinance of the City Commission of the City of Gainesville, Florida, suspending the scheduling dates in Sections 9-2(b) and (c) relating to the setting of election dates for 2008; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, pursuant to Section 9-2(b) of the Code of Ordinances, the Clerk is to recommend a date for the next regular election to the City Commission at or before the first regular Commission meeting in May of each year;

WHEREAS, pursuant to Section 9-2(b) of the Code of Ordinances the City Commission is to adopt an ordinance setting the date of the next regular election by July 1st of each year;

WHEREAS, pursuant to Section 9-2(c) of the Code of Ordinances, the first Tuesday in March of the following year is automatically established as the election date if the City Commission fails to adopt an ordinance setting an election date by July 1st of any year;

WHEREAS, one of the factors the City Commission is to consider in setting the date of the next election is the date of any statewide election occurring at or about the same time;

WHEREAS, there is a bill pending in the House and Senate proposing that the date of the Florida Presidential Preference Primary be moved to one week after the New Hampshire Primary, which, if New Hampshire's Primary stays on the same schedule

1 would place Florida's Presidential Preference Primary Election on January 29, 2008;

2 **WHEREAS**, by mid-May 2007 it will be known what action will be taken by the
3 House and Senate as to the setting of a date for the Florida Presidential Preference
4 Primary;

5 **WHEREAS**, suspending the scheduling date contained in Sections 9-2(b) and (c)
6 would allow the City Commission to consider the date of the Florida Presidential
7 Preference Primary in scheduling the City Commission regular election;

8 **WHEREAS**, at least 10 days notice has been given once by publication in a
9 newspaper of general circulation notifying the public of this proposed ordinance and of a
10 Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

11 **WHEREAS**, a Public Hearing was held pursuant to the published notice
12 described at which hearing the parties in interest and all others had an opportunity to be
13 and were, in fact, heard;

14 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
15 **OF THE CITY OF GAINESVILLE, FLORIDA:**

16 **Section 1.** The scheduling date in Sections 9-2(b) and (c) Gainesville Code of
17 Ordinances are hereby temporarily suspended for purposes of the City Commission
18 elections to be held in 2008. The City Commission intends to schedule the 2008 elections
19 soon after the Florida Legislature sets the date for the 2008 Florida Presidential
20 Preference Primary election.

21 **Section 2.** If any section, sentence, clause or phrase of this ordinance is held to be
22 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
23 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 11th day of June, 2007.


PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

JUN 12 2007

This Ordinance passed on first reading this 14th day of May, 2007.

This Ordinance passed on second reading this 11th day of June, 2007.