

ORDINANCE NO. 170717

An ordinance of the City of Gainesville, Florida; proposing an amendment to Section 5.01 titled "Charter amendments" of the Charter Laws of the City of Gainesville, to create a City Charter Review Commission with the power to review and propose amendments to the Charter Laws of the City of Gainesville every 10 years; providing for submission of this charter amendment to the voters for approval or disapproval at the March 19, 2019 City election; approving the title and 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 Section 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:

The following proposed amendment to Chapter 90-394, Laws of Florida, 1990, as

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1 amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is approved for
2 submission to the electors of the City of Gainesville, Florida, for approval or disapproval at the
3 City election set for March 19, 2019:

4 PROPOSED AMENDMENT

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

8 **5.01. Charter amendments.**

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

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

16 (2) City charter review commission.

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

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advisable for placement on the November general election ballot. Members of the CCRC shall receive no compensation. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

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

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

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

(e) The CCRC shall hold at least three (3) public hearings, that are a minimum of seven (7) calendar days apart, on any proposed charter amendment(s). No charter amendment shall be submitted to the city electorate for adoption unless favorably

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1 voted upon by a majority of the entire membership of the CCRC. The city charter
2 officers shall review and prepare a written analysis for each charter amendment that
3 the CCRC proposes to the city commission.

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

13 (g) If it does not submit any proposed charter amendments or revisions to the city
14 commission at least six (6) months prior to the November general election, the CCRC
15 shall be automatically dissolved. Otherwise, the CCRC shall be automatically
16 dissolved on the date of the November general election. Upon dissolution of the
17 CCRC, all city property used by the CCRC shall be turned over to the clerk of the
18 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 regular election set for
6 March 19, 2019:

7 CITY OF GAINESVILLE CHARTER AMENDMENT
8 TO CREATE A 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, WITH SUCH PROPOSED
13 AMENDMENTS BEING SUBJECT TO VETO BY THE CITY COMMISSION
14 AND SUBJECT TO APPROVAL BY VOTE OF THE CITY ELECTORS AT A
15 NOVEMBER GENERAL ELECTION; AS PROPOSED BY ORDINANCE NO.
16 170717?”

17 **Section 3.** The amendment to the Charter Laws set out in Section 1 of this Ordinance is
18 approved for submission to the electors of the City of Gainesville, Florida, for approval or rejection
19 at the city election to be held on March 19, 2019.

20 **Section 4.** In the event that the charter amendment proposed by Section 1 of this
21 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of
22 Gainesville, Florida at the March 19, 2019 city election, then: 1) the codifier is directed to

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1 incorporate the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City
2 of Gainesville; and 2) the Clerk of the Commission is directed to file a true copy of this ordinance
3 with the Florida Department of State.

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

7 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of
8 such conflict hereby repealed.

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

10 **PASSED AND ADOPTED this 2nd day of August, 2018.**

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LAUREN POE
MAYOR

ATTEST:


CLERK OF COMMISSION

Approved as to form and legality


NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this 19th day of July, 2018.

This ordinance passed on second reading this 2nd day of August, 2018.

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