Legislative # 191050

1	ORDINANCE NO.
2	
3 4	An ordinance of the City of Gainesville, Florida; proposing an amendment to 3.03 titled "City attorney" of the Charter Laws of the City of Gainesville, to
5	expressly state that the City Commission shall appoint a city attorney; providing
6	for submission of the charter amendment to the voters for approval or
7	disapproval at the November 3, 2020 election; approving the question to be
8	placed on the ballot; providing that this charter amendment shall become
9 10	effective if approved by the voters; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability
11	clause; providing a repealing clause; and providing an immediate effective date.
12	
13	WHEREAS, pursuant to 5.01(2) of the City Charter, the City Charter Review Commission
14	can deliver proposed charter amendments to the City Commission; and
15	WHEREAS, the City Charter Review Commission held at least 3 public hearings, each at
16	least 7 calendar days apart, on this amendment, and after which a majority of the full City Charter
17	Review Commission voted favorably on the proposed amendment; and
18	WHEREAS, the City Commission duly considered the charter amendment, had the
19	opportunity to veto the proposed amendment by a two-thirds vote of the City Commission, and
20	having not vetoed the proposed amendment, by passage of this ordinance, requests the Supervisor
21	of Elections place the proposed amendment on the next November election ballot, subject to
22	approval of the electorate at a municipal election; and
23	WHEREAS, at least 10 days' notice has been given by publication in a newspaper of
24	general circulation notifying the public of this proposed ordinance and of public hearings in the
25	Auditorium of City Hall in the City of Gainesville; and
26	WHEREAS, the public hearings before the City Commission were held pursuant to the
27	published notice described at which hearings the parties in interest and all others had an
28	opportunity to be and were, in fact, heard;

CODE: Words stricken are deletions; words underlined are additions.

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1	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY	
2	OF GAINESVILLE, FLORIDA:	
3	The following proposed amendment to Chapter 90-394, Laws of Florida, 1990, as	
4	amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is approved for	
5	submission to the electors of the City of Gainesville, Florida, for approval or disapproval at the	
6	election set for Tuesday, November 3, 2020:	
7	PROPOSED AMENDMENT	
8	Section 1. 3.03 titled "City attorney" of Article III of the Charter of the City of Gainesville	
9	is amended to read as set forth below.	
10	3.03 – City attorney.	
11	The commission shall appoint a city attorney. The city attorney must be admitted to the	
12	practice of law in the state, and shall be the legal advisor to and attorney for the city. The city	
13	attorney shall serve at the will of the commission. The city attorney shall prosecute and defend all	
14	suits, complaints, and controversies for and on behalf of the city, unless otherwise directed by the	
15	commission, and shall review all contracts, bonds and other instruments in writing in which the	
16	city is to be a party, and shall endorse on each approval as to form and legality.	
17	Section 2. The following ballot title and question is approved for submission to the	
18	electors of the City of Gainesville, Florida, for approval or rejection at the election set for Tuesday,	
19	November 3, 2020:	
20	CITY OF GAINESVILLE CHARTER AMENDMENT	
21	REQUIRING A CHARTER OFFICER CITY ATTORNEY	
22	"SHALL THE CITY CHARTER BE AMENDED TO EXPRESSLY STATE	

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1	THAT THE CITY COMMISSION SHALL APPOINT A CHARTER OFFICER		
2	CITY ATTORNEY, AS PROPOSEI	BY ORDINANCE NO?"	
3	Section 3. The Supervisor of Elections is requested to place this ballot title and question		
4	on the November 3, 2020 general election ballot.		
5	Section 4. In the event that the charter amendment proposed by Section 1 of this		
6	Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of		
7	Gainesville, Florida at the November 3, 2020 election, then: 1) the codifier is directed to		
8	incorporate the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City		
9	of Gainesville; and 2) the Clerk of the Commission is directed to file a true copy of this ordinance		
10	with the Florida Department of State.		
11	Section 5. If any section, sentence, clause or phrase of this ordinance is held to be invalid		
12	or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affec		
13	the validity of the remaining portions of this ordinance.		
14	Section 6. All ordinances or parts of ordinances in conflict herewith are to the extent of		
15	such conflict hereby repealed.		
16	Section 7. This ordinance shall become effective immediately upon final adoption.		
17 18 19 20	PASSED AND ADOPTED this	day of, 2020.	
21 22 23 24		LAUREN POE MAYOR	
23 25 26 27	ATTEST:	Approved as to form and legality	
28	OMICHELE D. GAINEY	NICOLLE M. SHALLEY	

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1 CLERK OF COMMISSION CITY ATTORNEY 2 2 3 This ordinance passed on first reading this _____ day of ______, 2020. 4 This ordinance passed on second reading this _____ day of ______, 2020.

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