

ORDINANCE NO. 191115

An ordinance of the City of Gainesville, Florida; proposing an amendment to eliminate 5.06 titled “Funds for construction of paved surfaces in designated areas” of the Charter Laws of the City of Gainesville; providing for submission of the charter amendment to the voters for approval or disapproval at the November 3, 2020 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(2) of the City Charter, the City Charter Review Commission can deliver proposed charter amendments to the City Commission; and

WHEREAS, the City Charter Review Commission held at least 3 public hearings, each at least 7 calendar days apart, on this amendment, and after which a majority of the full City Charter Review Commission voted favorably on the proposed amendment; and

WHEREAS, the City Commission duly considered the charter amendment, had the opportunity to veto the proposed amendment by a two-thirds vote of the City Commission, and having not vetoed the proposed amendment, by passage of this ordinance, requests the Supervisor of Elections place the proposed amendment on the next November election ballot, 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 public hearings in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, the public hearings before the City Commission 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;

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

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.** 5.06 titled “Funds for construction of paved surfaces in designated areas” of
9 Article V of the Charter of the City of Gainesville is eliminated as set forth below.

10 ~~**5.06. Funds for construction of paved surfaces in designated areas.**~~

11 ~~— The City of Gainesville, Florida shall not expend, use, seek, permit or allow the use of~~
12 ~~any city, county, state, private or federal funds for the construction of any paved surfaces for~~
13 ~~trails or transportation corridors on City-owned land designated as Conservation, as shown on~~
14 ~~the map dated May 1998 and on file in the Office of the Clerk of the Commission, within the~~
15 ~~Hogtown Creek Watershed. This provision is not intended to restrict paving for parking or~~
16 ~~recreational facilities constructed on land designated as Recreation on the aforementioned map.~~

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 ELIMINATING RESTRICTIONS ON CONSTRUCTION OF PAVED SURFACES ON

22 CITY-OWNED LAND

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1 "SHALL THE CITY CHARTER BE AMENDED TO ELIMINATE THE
2 RESTRICTIONS IN 5.06 ON THE USE OF PUBLIC OR PRIVATE FUNDS
3 FOR THE CONSTRUCTION OF PAVED SURFACES ON CITY-OWNED
4 LAND, AS PROPOSED BY ORDINANCE NO. 191115?"

5 **Section 3.** The Supervisor of Elections is requested to place this ballot title and question
6 on the November 3, 2020 general election ballot.


7 **Section 4.** In the event that the charter amendment proposed by Section 1 of this
8 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of
9 Gainesville, Florida at the November 3, 2020 election, then: 1) the codifier is directed to
10 incorporate the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City
11 of Gainesville; and 2) the Clerk of the Commission is directed to file a true copy of this ordinance
12 with the Florida Department of State.

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


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

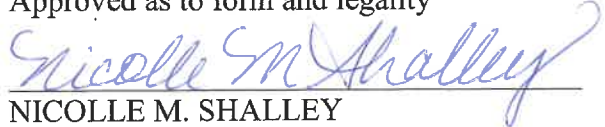
18 **Section 7.** This ordinance shall become effective immediately upon final adoption.

19 **PASSED AND ADOPTED this 18th day of June, 2020.**

20
21 
22 _____
23 LAUREN POE
24 MAYOR
25
26

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1 ATTEST:
2 
3 _____
4 OMICHELE D. GAINNEY
5 CLERK OF COMMISSION

Approved as to form and legality


NICOLLE M. SHALLEY
CITY ATTORNEY

6
7 This ordinance passed on first reading this 4th day of June, 2020.

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9 This ordinance passed on second reading this 18th day of June, 2020.

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