



Legislation Text

File #: 210851., Version: 4

Charter Amendment Addressing Vacancies in Office (B)

Ordinance No. 210851

An ordinance of the City of Gainesville, Florida; proposing an amendment to 2.04 titled "Election and terms" 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 8, 2022 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 city clerk; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Currently per City Charter 2.04(4):

(4) Vacancies in office shall be filled in one of the following ways:

(a) If less than 6 months remain in the unexpired term or until the next regular election, the commission by a majority vote of the remaining members shall choose and appoint a successor, who is otherwise eligible under section 2.03 of this act, to serve until a newly elected commissioner is qualified.

(b) If more than 6 months remain in the unexpired term and a general election is not scheduled within 6 months, the commission shall fill the vacancy by *a special election to be held not more than 60 days after the occurrence of the vacancy. [emphasis added]*

In the time since this Charter provision was enacted, requirements and procedures regarding elections have expanded such that it is extremely difficult, and impossible in some instances, to call and conduct an election within 60 days. The recent City special election held to fill a vacancy resulted from a voluntary resignation for which the resigning commissioner provided 30 days' notice, thus expanding the time to hold the special election. Even still, the City benefitted greatly from a fortuitous calendar and the extraordinary commitment and sacrifice by the Alachua County Supervisor of Elections and her staff. If an unexpected vacancy in office were to result from a sudden death, incapacity, or removal from office the City would be hard-pressed to meet the 60-day deadline set forth in the Charter.

At the February 10, 2022 General Policy Committee meeting, the Office of the City Attorney proposed placing a Charter Amendment on the ballot for the November 8, 2022 election to avoid logistically difficult and costly special elections when a commission seat is vacated prior to the end of the term of office. The proposed Charter Amendment would have allowed the remaining members of the City Commission to appoint a person to fill a vacancy until the next possible (given qualifying deadline) biennial City election. The City Commission did not support the proposed amendment, but, rather, directed that the issue be scheduled for further discussion. At the June 2, 2022 City Commission meeting, the Office of the City Attorney was directed to prepare a proposed Charter Amendment providing that a special election be "called" rather than "held" within 60 days and conducted expeditiously based on conditions including the existing elections calendar. At

the June 16, 2022 City Commission meeting, the Office of the City Attorney was directed to advertise and place the proposed ordinance on the next available agenda. Of course, any changes to the Charter would be subject to voter referendum.

If the Commission reaches consensus on a desired Charter Amendment, the Charter and state law require that the ballot title, ballot question, and text of the Charter Amendment be embodied in an enabling ordinance that must be approved by four-fifths of the Commission members, which is 6 of 7 Commission members. The Alachua County Supervisor of Elections has indicated that any proposed referendum to be presented on the November 8, 2022 ballot must be provided to her office in proper form, in English and Spanish, by the end of July, 2022.

The City Commission adopt the proposed ordinance.