

Legislative #

191120



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.** 5.04 titled “Disposal of utilities” of Article V of the Charter of the City of  
9 Gainesville is amended to read as set forth below.

10 **5.04. - Disposal of utilities.**

11 The commission may not, in any manner, dispose of or agree to dispose of the city's  
12 ~~electrical or water production or distribution facilities~~ following city utility systems, or any part  
13 thereof, so as to materially reduce the capacity of ~~the city~~ that system to produce, ~~or distribute or~~  
14 treat electrical energy or water, ~~unless the commission does so by ordinance with the prior~~  
15 ~~approval of a majority vote of the qualified electors of the city voting at an election for the~~  
16 ~~purpose of approving the ordinance.;~~

17 (1) electric system;

18 (2) water system;

19 (3) natural gas system;

20 (4) wastewater system; or

21 (5) telecommunications system.

22 Unless the commission first adopts an ordinance approving of the disposition and submits that

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

1 ordinance to referendum vote and such referendum is approved by a majority vote of the  
2 qualified electors of the city voting at the election for the purpose of approving the ordinance.

3 **Section 2.** The following ballot title and question is approved for submission to the  
4 electors of the City of Gainesville, Florida, for approval or rejection at the election set for Tuesday,  
5 November 3, 2020:

6 CITY OF GAINESVILLE CHARTER AMENDMENT

7 LIMITING COMMISSION AUTHORITY TO DISPOSE OF CERTAIN UTILITY  
8 SYSTEMS

9 “SHALL THE CITY CHARTER BE AMENDED TO LIMIT THE AUTHORITY  
10 OF THE CITY COMMISSION TO DISPOSE OF THE CITY’S NATURAL GAS,  
11 WASTEWATER, OR TELECOMMUNICATIONS UTILITY SYSTEM, IN A  
12 MANNER THAT MATERIALLY REDUCES THE CAPACITY OF THAT  
13 SYSTEM TO PRODUCE, DISTRIBUTE OR TREAT, WITHOUT PRIOR  
14 APPROVAL OF THE QUALIFIED ELECTORS OF THE CITY, AS PROPOSED  
15 BY ORDINANCE NO. 191120?”

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

18 **Section 4.** In the event that the charter amendment proposed by Section 1 of this  
19 Ordinance is approved by affirmative vote of a majority of votes cast by the electors of the City of  
20 Gainesville, Florida at the November 3, 2020 election, then: 1) the codifier is directed to  
21 incorporate the amendments stated in Section 1 of this Ordinance in the Charter Laws of the City  
22 of Gainesville; and 2) the Clerk of the Commission is directed to file a true copy of this ordinance

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1 with the Florida Department of State.

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

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

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

8 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

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\_\_\_\_\_  
LAUREN POE  
MAYOR

ATTEST: Approved as to form and legality

\_\_\_\_\_  
OMICHELE D. GAINEY  
CLERK OF COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

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