

ORDINANCE NO. _____

An ordinance of the City of Gainesville, Florida; proposing an amendment to 5.04 titled “Disposal of utilities” of the Charter Laws of the City of Gainesville, to further limit the authority of the City Commission to dispose of certain of the city’s utility systems without the prior approval of a majority of the qualified electors of the city; 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

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1 opportunity to be and were, in fact, heard;

2 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY
3 OF GAINESVILLE, FLORIDA:

4 The following proposed amendment to Chapter 90-394, Laws of Florida, 1990, as
5 amended, otherwise known as the Charter Laws of the City of Gainesville, Florida, is approved for
6 submission to the electors of the City of Gainesville, Florida, for approval or disapproval at the
7 election set for Tuesday, November 3, 2020:

8 PROPOSED AMENDMENT

9 **Section 1.** 5.04 titled “Disposal of utilities” of Article V of the Charter of the City of
10 Gainesville is amended to read as set forth below.

11 **5.04. - Disposal of utilities.**

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

18 (1) electric system;

19 (2) water system;

20 (3) natural gas system;

21 (4) wastewater system; or

22 (5) telecommunications system.

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1 Unless the commission first adopts an ordinance approving of the disposition and submits that
2 ordinance to referendum vote and such referendum is approved by a majority of the qualified
3 electors of the city.

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 election set for Tuesday,
6 November 3, 2020:

7 CITY OF GAINESVILLE CHARTER AMENDMENT

8 LIMITING COMMISSION AUTHORITY TO DISPOSE OF CERTAIN UTILITY
9 SYSTEMS

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

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

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

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1 of Gainesville; and 2) the Clerk of the Commission is directed to file a true copy of this ordinance
2 with the Florida Department of State.

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

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

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

9 **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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