

1                   A bill to be entitled  
 2           An act relating to the City of Gainesville, Alachua  
 3           County; amending chapter 12760, Laws of Florida  
 4           (1927), as amended by chapter 90-394, Laws of Florida,  
 5           relating to the city's charter; repealing section 3.06  
 6           of the charter, relating to the general manager for  
 7           utilities of Gainesville Regional Utilities; creating  
 8           the Gainesville Regional Utilities Authority and  
 9           prescribing its authority over Gainesville Regional  
 10          Utilities; providing definitions; repealing applicable  
 11          existing and conflicting charter provisions and  
 12          ordinances; providing a ballot statement; requiring a  
 13          referendum; providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1. Section 3.06 of Article III of section 1 of  
 18 chapter 90-394, Laws of Florida, is repealed.

19           Section 2. Article VII is added to chapter 12760, Laws of  
 20 Florida (1927), as amended by chapter 90-394, Laws of Florida,  
 21 to read:

22  
 23                   ARTICLE VII GAINESVILLE REGIONAL UTILITIES AUTHORITY

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 25           7.01 Establishment.—There is created a regional utilities  
 26 authority to be known as the "Gainesville Regional Utilities

27 Authority" ("authority"). After the effective date of this  
28 article, Gainesville Regional Utilities ("GRU") shall be  
29 governed by the authority. The authority shall operate as a unit  
30 of city government and, except as otherwise provided in this  
31 article, the authority shall be free from direction and control  
32 of the city commission and the city charter officers. The  
33 authority is created for the express purpose of acquiring,  
34 constructing, operating, providing utility-related products and  
35 services, financing, and otherwise having broad authority with  
36 respect to utilities. The authority has the power to make and  
37 adopt rules, policies, and regulations consistent with this act  
38 and applicable law for the management, administration,  
39 operation, and regulation of the fiduciary, business, and other  
40 affairs of the authority.

41 7.02 Definitions.—For the purposes of this article, unless  
42 otherwise designated, or the context otherwise requires, the  
43 following terms have the following meanings:

44 (1) "Authority" means the Gainesville Regional Utilities  
45 Authority of the City of Gainesville.

46 (2) "City" means the City of Gainesville.

47 (3) "City commission" means the Gainesville City  
48 Commission.

49 (4) "County" means Alachua County.

50 (5) "GRU" means Gainesville Regional Utilities, a  
51 subdivision of the authority.

52 (6) "Member" means a member of the authority.

53 (7) "Utilities" means the electric utility system, water  
54 utility system, wastewater utility system, reuse water utility  
55 system, natural gas utility system, communications utility  
56 system, and such other utility systems as may be acquired by GRU  
57 in the future.

58 7.03 Authority members.—

59 (1) There shall be five members of the authority appointed  
60 by a simple majority vote of the city commission. Each member  
61 shall be a person of recognized ability and good business  
62 judgment identified by the commission who can and will perform  
63 his or her official duties in the best interests of the  
64 citizens. Appointments shall be made as follows:

65 (a) One member shall be a residential customer with  
66 substantial knowledge of GRU, its operations, and its history.

67 (b) One member shall be a private, nongovernment customer  
68 consuming at least 10,000 kilowatt hours per month of electric  
69 usage during the previous 12 months. This member may be the  
70 owner or representative of the user.

71 (c) Three members shall be competent and knowledgeable in  
72 specific fields, including, but not limited to, law, economics,  
73 accounting, engineering, finance, or energy.

74 (2) All members of the authority shall:

75 (a) Reside year-round within the electric service  
76 territory of GRU's electric utility system.

77 (b) Receive GRU electric utility system service at all  
78 times.

79 (c) Not have been convicted of a felony as defined by  
80 general law.

81 (d) Be a qualified elector of the city, except that a  
82 minimum of one voting member must be a resident of the  
83 unincorporated area of Alachua County or a municipality in the  
84 county other than the City of Gainesville.

85 (3) The composition of the authority shall be adjusted  
86 upon expiration of any member's term, and upon any authority  
87 vacancy, to reflect the ratio of total electric meters serving  
88 customers in the unincorporated area of Alachua County to total  
89 electric meters serving all electric customers. For example, at  
90 such time as the ratio of total electric meters serving  
91 customers in the unincorporated area of Alachua County to total  
92 electric meters serving all electric customers reaches 40  
93 percent, the city commission, upon expiration of a member's  
94 term, or upon an authority vacancy, must appoint a second voting  
95 member from a municipality in the county other than the city, or  
96 from the unincorporated area of the county to serve the next  
97 term that would otherwise be served by a qualified elector of  
98 the city. For example, if the ratio subsequently falls below 40  
99 percent, the city commission upon expiration of any member's  
100 term, or upon any authority vacancy, must appoint a qualified  
101 elector of the city to serve the next term that otherwise would  
102 be served by a qualified elector from the unincorporated area of  
103 the county or from a municipality in the county other than the  
104 city.

105        (4) Until January 1, 2022, no current or previous elected  
106 or appointed officer or official of the city or county having  
107 held office after January 1, 2000, may become a member, except  
108 that a member initially appointed to the authority may be  
109 considered for subsequent reappointment if such individual  
110 remains otherwise qualified and chooses to be considered for  
111 reappointment.

112        (5) A voting member who is appointed for three full  
113 consecutive 4-year terms may not succeed herself or himself.

114        7.04 Member terms.—

115        (1) The city commission shall make initial authority  
116 member appointments within 120 calendar days after the approval  
117 at referendum of the creation of this article. The initial terms  
118 of office for the five members shall commence at 12 a.m. on  
119 October 1, 2017. The initial appointments shall be as follows:  
120 one member shall be designated to serve until 12 a.m. October 1,  
121 2018; one member shall be designated to serve until 12 a.m.  
122 October 1, 2019; one member shall be designated to serve until  
123 12 a.m. October 1, 2020; and two members shall be designated to  
124 serve until 12 a.m. October 1, 2021. Members subsequently  
125 appointed shall be appointed for 4-year terms commencing at 12  
126 a.m. on October 1 of the year in which they are appointed, or  
127 until their successors in office are appointed, or as may  
128 otherwise be provided in this article.

129        (2) The city commission shall expeditiously schedule an  
130 appointment session and fill any authority voting member vacancy

131 within 60 days after a permanent vacancy occurs or becomes known  
132 if such remaining term exceeds three months.

133 7.05 Member compensation.—Beginning October 1, 2017, each  
134 member shall be paid an annual salary of \$18,000, adjusted  
135 annually to the Consumer Price Index for All Urban Consumers as  
136 defined by the United States Department of Labor, Bureau of  
137 Labor Statistics. Necessary expenses of members incurred in  
138 carrying out and conducting the business of the authority shall  
139 be paid in accordance with authority policy and procedures,  
140 subject to the approval of a majority of the members of the  
141 authority. No supplemental benefits shall be provided for a  
142 member position.

143 7.06 Authority; oath; organization; and meeting.—

144 (1) The first appointed authority shall initially meet at  
145 the chambers of the city commission at 6 p.m. on Wednesday,  
146 October 4, 2017.

147 (2) Before taking office for any term, each member shall  
148 be given an oath or affirmation by the Mayor or his or her  
149 designee similar to the oath or affirmation required of a member  
150 of the city commission.

151 (3) The first official action of the authority shall be  
152 election of a chairperson and a vice chairperson from among its  
153 voting membership.

154 (4) The authority shall meet at least once each month,  
155 except in case of emergency. All meetings of the authority shall  
156 be noticed and open to the public, and minutes shall be kept of

157 all meetings as required by law, except that meetings related to  
158 settlement of then existing litigation may be held in accordance  
159 with law.

160 (5) The Gainesville Regional Utilities' sitting general  
161 manager shall be responsible for providing adequate notice and  
162 office space for the initial meeting.

163 7.07 Appointment and removal of chief executive  
164 officer/general manager.—

165 (1) A chief executive officer/general manager ("CEO/GM")  
166 shall direct and administer utility functions.

167 (2) The authority, by a majority vote, shall appoint or  
168 remove the CEO/GM.

169 (3) The sitting general manager of GRU, absent action by  
170 the authority, shall be retained in office as CEO/GM of the  
171 authority.

172 (4) A sitting member of the authority may not be selected  
173 as the CEO/GM.

174 7.08 Removal and suspension of members.—

175 (1) Members may be removed or suspended from office in  
176 accordance with chapter 112, Florida Statutes.

177 (2) A member may be removed for failure to maintain all  
178 voting member qualifications as specified in section 7.03 or for  
179 violation of a provision of this article, or for violation of  
180 rules or policies adopted by the authority.

181 (3) A member who is the subject of a proceeding to request  
182 suspension or to remove under this section may not participate

183 in the authority's deliberations, debate, or vote on the matter.

184 (4) Request for suspension shall be by vote of at least  
185 three members of the authority.

186 (5) Removal or reinstatement shall be by vote of at least  
187 three members of the authority.

188 7.09 General provisions.—

189 (1) The city commission is required to create such  
190 instruments as are necessary for the authority to function in  
191 accordance with this article.

192 (2) Consistent with the provisions and effective date of  
193 this article, such previous applicable utilities-related  
194 ordinances, policies, rates, fees, rules, regulations, budgets,  
195 and other provisions previously adopted under the city charter  
196 are deemed adopted, reenacted, or assumed by the authority for  
197 transition purposes until such time that the authority shall  
198 make changes. However, to the extent of conflict with this act,  
199 the city and the county charter provisions, ordinances,  
200 resolutions, decrees, or parts thereof, are hereby repealed.  
201 This subsection is not intended to interfere with existing  
202 contractual arrangements between the city and the county,  
203 regardless of whether those arrangements are charter provisions,  
204 ordinances, resolutions, decrees, or parts thereof.

205 (3) No franchise, right-of-way, license, permit, tax, or  
206 usage fee may be levied upon the authority or its utilities by  
207 the city or by the county unless allowed by general law. No  
208 franchise, right-of-way, license, permit, tax, or usage fee may



209 be levied upon the authority or its utilities that impose an  
210 unreasonable burden. Any additional allowable but not required  
211 franchise, right-of-way, license, permit, tax or usage fee  
212 assessed by the city as to the authority or any of the utilities  
213 under the authority's jurisdiction after April 30, 2016, shall  
214 be totaled for each fiscal year and a like amount subtracted  
215 from each subsequent fiscal year's transfer to the city's  
216 general fund, unless such subtraction is waived by a vote of  
217 four members of the authority three months before the start of  
218 each subsequent fiscal year.

219 (4) The rights or privileges, if any, of persons who were  
220 GRU employees, including the general manager, immediately before  
221 the effective date of this article are not impaired.

222 (5) Any utility advisory boards created by the commission  
223 may continue to advise the city commission. However, such boards  
224 shall have no advisory role as to the authority, the utilities  
225 under its jurisdiction, or their employees.

226 7.10 Powers and duties.-

227 (1) The authority's powers and duties shall be no less  
228 extensive than those exercised by the city commission with  
229 respect to GRU as existed on January 1, 2016.

230 (2) The authority may not enact rules relating to the  
231 disposal or sale of any GRU property which are more expansive  
232 than the rules applicable to the city commission as were in  
233 effect on January 1, 2016.

234 (3) The authority is authorized to exercise the power of  
235 eminent domain for utilities purposes.

236 (4) Upon the effective date of this article, all existing  
237 City of Gainesville authority, laws, ordinances, resolutions,  
238 and administrative regulations, interpretations, franchises, and  
239 controls directly or indirectly affecting and controlling said  
240 utilities are exclusively vested in said authority. All rights,  
241 claims, actions, orders, and legal or administrative proceedings  
242 involving the authority immediately before the effective date of  
243 this article shall continue, except as modified by the authority  
244 pursuant to the provisions of and authority granted by this  
245 article.

246 (5) No member of the authority shall be individually  
247 responsible for authority debts.

248 (6) The authority shall ensure the development of an  
249 ethics policy and a code of business conduct policy which aim to  
250 achieve best practices for municipal utilities, which shall be  
251 reviewed at least biennially.

252 Section 3. In order to provide for the transitional  
253 administrative needs and orderly compliance with the provisions  
254 in this act, the chairperson or designee of the authority is  
255 authorized to execute documents required for the transition.

256 Section 4. The ballot statement shall read as follows:

257  
258 "Shall the Charter of the City of Gainesville be amended by  
259 creating the Gainesville Regional Authority, to be the governing

HB 1355

2016

260 board of Gainesville Regional Utilities and appointed by the  
261 City Commission of the City of Gainesville?"

262 Yes

263 No

264 Section 5. This act shall take effect only upon its  
265 approval by a majority vote of those qualified electors of the  
266 City of Gainesville voting in a referendum to be held in March  
267 2017, in conjunction with the citywide election to be held in  
268 the City of Gainesville, except that this section and section 4  
269 shall take effect upon becoming a law.