Legislative # 191120

1	ORDINANCE NO. 191120
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3	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,
4 5	to further limit the authority of the City Commission to dispose of certain of the
6	city's utility systems without prior approval of the qualified electors of the city;
7	providing for submission of the charter amendment to the voters for approval
8	or disapproval at the November 3, 2020 election; approving the question to be
9 10	placed on the ballot; providing that this charter amendment shall become effective if approved by the voters; providing directions to the codifier;
11	providing directions to the clerk of the commission; providing a severability
12	clause; providing a repealing clause; and providing an immediate effective date.
13	
14	WHEREAS, pursuant to 5.01(2) of the City Charter, the City Charter Review Commission
15	can deliver proposed charter amendments to the City Commission; and
16	WHEREAS, the City Charter Review Commission held at least 3 public hearings, each at
17	least 7 calendar days apart, on this amendment, and after which a majority of the full City Charter
18	Review Commission voted favorably on the proposed amendment; and
19	WHEREAS, the City Commission duly considered the charter amendment, had the
20	opportunity to veto the proposed amendment by a two-thirds vote of the City Commission, and
21	having not vetoed the proposed amendment, by passage of this ordinance, requests the Supervisor
22	of Elections place the proposed amendment on the next November election ballot, subject to
23	approval of the electorate at a municipal election; and
24	WHEREAS, at least 10 days' notice has been given by publication in a newspaper of
25	general circulation notifying the public of this proposed ordinance and of public hearings in the
26	Auditorium of City Hall in the City of Gainesville; and
27	WHEREAS, the public hearings before the City Commission were held pursuant to the
28	published notice described at which hearings the parties in interest and all others had an
29	opportunity to be and were, in fact, heard;

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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 eity'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

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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	<u>SYSTEMS</u>
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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with the Florida Department of State.	
Section 5. If any section, sentence, o	clause or phrase of this ordinance is held to be invalid
or unconstitutional by any court of competer	nt jurisdiction, then said holding shall in no way affect
the validity of the remaining portions of this	ordinance.
Section 6. All ordinances or parts of	f ordinances in conflict herewith are to the extent of
such conflict hereby repealed.	
Section 7. This ordinance shall beco	ome effective immediately upon final adoption.
PASSED AND ADOPTED this	day of, 2020.
	LAUREN POE
	MAYOR
ATTEST:	Approved as to form and legality
OMICHELE D. GAINEY	NICOLLE M. SHALLEY
CLERK OF COMMISSION	CITY ATTORNEY
This ordinance passed on first reading this _	day of . 2020.
This ordinance passed on second reading th	

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