



Legislation Text

File #: 160811., **Version:** 2

House Bill 759 (2017) regarding governance of the City of Gainesville Utilities (B)

The City Commission: 1) hear an update from City staff on the status of House Bill 759 and 2) provide direction to City staff and the City's Lobbyist concerning House Bill 759

On February 9, 2017, State Representative Chuck Clemons Sr., filed House Bill 759 ("HB 759") to amend the City's Charter to significantly restructure governance and management of the City's electric, water, wastewater, reuse water, natural gas and communications utility assets. On March 2, 2017, State Senator Keith Perry filed a related bill (Senate Bill 1568) which is largely similar in substance to HB 759.

HB 759 requires the following question be placed on the March 2018 citywide election ballot: "Shall the Charter of the City of Gainesville be amended by creating the Gainesville Regional Utilities Authority as the governing board of Gainesville Regional Utilities and appointed by the City Commission of the City of Gainesville?" If the referendum is approved by majority vote of qualified electors voting in that election, the act shall take effect - meaning the City is then required to implement the charter amendment language contained in HB 759.

At the direction of the City Commission, the City's Charter Officers reviewed the charter amendment language contained in HB 759, together with the City's current Charter. That review effort was distilled into a Memorandum to the City Commission dated March 24, 2017 that provides an analysis and statement of anticipated impacts from the bill. A copy of the Memorandum is included in the back-up to this agenda item. From their review, the Charter Officers found that, in short, the charter amendment language in HB 759 removes utilities governance power from the City Commission and the Utility Advisory Board and removes utilities management power from the General Manager for Utilities and vests those powers: (1) in an appointed City governing board (referred to in the bill as the "Authority") that is to manage, operate and control the City's utility assets (with one exception described in Issue 4 in the Memorandum), and (2) in a utilities administrator (referred to in the bill as the "CEO/GM") who works under the direction and supervision of the Authority. The bill does not create a legal entity that is separate and distinct from the City, such as the Gainesville-Alachua County Regional Airport Authority.

HB 759 was referred to three committees in the House of Representatives. Two subcommittees have taken action on the bill as follows: The Local, Federal & Veterans Affairs Subcommittee heard HB 759 on March 8, 2017 and approved it by a vote of 11-4. The Energy & Utilities Subcommittee heard HB 759 on March 15, 2017 and approved it by a vote of 8-5. HB 759 is now pending in its final committee in the House, the Government Accountability Committee, and may be heard by the Committee as soon as Thursday, April 6th.

The City's Lobbyist has been working to discuss HB 759 with the Chair of the Government Accountability Committee and with the sponsor of the bill, Representative Clemons. Based on the discussions, input and direction is requested from the City Commission.