

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 repealing section 3.06, relating to the general
 6 manager for utilities; creating the Gainesville
 7 Regional Utilities Commission, a regional independent
 8 utilities commission, and prescribing its authority;
 9 repealing applicable existing and conflicting charter
 10 provisions and ordinances; providing a ballot
 11 statement; requiring a referendum; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 3.06 of Article III of section 1 of
 17 chapter 90-394, Laws of Florida, is repealed.

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

21
 22 ARTICLE VII GAINESVILLE REGIONAL UTILITIES COMMISSION

23
 24 7.01 Establishment.—

25 (1) There is hereby created and made a part of the
 26 government of the City of Gainesville, a regional independent

27 utilities commission to be known and designated as the
28 "Gainesville Regional Utilities Commission," ("utilities
29 commission") which shall consist of five voting members. For the
30 purposes of this act, unless otherwise designated, the term
31 "utilities commission" shall mean the Regional Utilities
32 Commission of the City of Gainesville as a legal entity,
33 organization, or governing body and the term "member" shall mean
34 a member of the utilities commission. The term "utilities" shall
35 mean, unless otherwise specified, the electric utility system,
36 water utility system, wastewater utility system, reuse water
37 utility system, natural gas utility system, communications
38 utility system, and such other utility systems as are acquired
39 in the future.

40 (2) As specified in this article, the utilities commission
41 shall be created and remain an independent, not-for-profit
42 enterprise and municipal legal entity with plenary authority and
43 shall be governed by an independent governing commission
44 consisting of five appointed members who are to be appointed by
45 the city commission in compliance with the provisions of this
46 act. Further, the utilities commission shall remain a part of
47 the government of the City of Gainesville. The utilities
48 commission is owned by the citizens of the City of Gainesville.

49 (3) The Regional Utilities Commission of the City of
50 Gainesville is created with plenary authority for the express
51 purpose of acquiring, constructing, operating, providing,

52 financing, and otherwise having complete authority with respect
53 to utilities.

54 7.02 Commission voting members.-

55 (1) The voting members of the utilities commission shall
56 be determined and appointed by the city commission and consist
57 of five members, each of whom resides year-round within the
58 utilities commission's electric service territory of the
59 electric utility system; is a customer of the utilities
60 commission; possesses, at a minimum, a 4-year baccalaureate
61 degree from an accredited institution with a major area of study
62 in a technical, business, accounting, law, or other similar
63 field of expertise; is a business owner or partner or officer in
64 a business with sales exceeding \$5 million dollars annually; has
65 not been convicted of a felony of the second degree or greater
66 as defined by general law or has not been convicted under a plea
67 of nolo contendere to any charge involving a felony of the
68 second degree or greater as defined by general law; and is
69 appointed to a staggered 4-year term by a simple majority vote
70 of the city commission. Voting members must, before and after
71 being appointed, maintain qualifications and representative
72 obligations as when appointed, and maintain other member
73 requirements defined and stipulated elsewhere in this article.
74 Voting members shall have the power to make and adopt such rules
75 and regulations, consistent with and not in violation of this
76 act and applicable law, as the utilities commission may deem
77 prudent for the management, administration, and regulation of

78 the fiduciary, business, and other affairs of the utilities
79 commission. All members to be appointed shall be qualified
80 electors of the City of Gainesville, except a minimum of one
81 member shall be a qualified elector of Alachua County, appointed
82 from the unincorporated area of Alachua County, ("county") until
83 such time as the proportional ratio of total electric meters
84 outside the city exceeds the next highest or next lowest full
85 integer that will occasion the next appointment by the city
86 commission to add or remove a member appointment from an
87 unincorporated area of the county, but in no case is the number
88 to fall below one member from the unincorporated area of the
89 county.

90 (2) Each voting member shall be and remain qualified as
91 stated within this act. Until January 1, 2020, no current or
92 previous employee having been employed with the city after
93 January 1, 2000, or with the county after January 1, 2000, nor
94 current or previous elected or appointed officer or official of
95 the city after January 1, 2000, or the county after January 1,
96 2000, shall become a member, except that a qualified voting
97 member initially first appointed to the utilities commission in
98 2016 as provided for in this act shall be considered for
99 subsequent reappointment provided that such individual remains
100 otherwise qualified and chooses to be considered for
101 reappointment. Further, no voting member who has been properly
102 appointed for two full, consecutive 4-year terms shall succeed
103 herself or himself.

104 7.03 Voting member terms.—

105 (1) The city commission shall make initial utilities
106 commission member appointments within 90 calendar days after the
107 approval of the referendum required by this act. The initial
108 terms of office for the five appointed members shall commence at
109 12:01 a.m. on October 4, 2016. The said appointments called for
110 in this act and shall be as follows: one member will be
111 designated to serve 1 year after the first Wednesday after said
112 appointment in 2016; one member will be designated to serve 2
113 years after the first Wednesday after said appointment in 2016;
114 one member will be designated to serve 3 years after the first
115 Wednesday after said appointment in 2016; one member will be
116 designated to serve 4 years after the first Wednesday after said
117 appointment in 2016; and one member will be designated to serve
118 5 years after the first Wednesday after said appointment in
119 2016. Members subsequently appointed in each respective year
120 beginning in 2017 will be appointed to and serve a full 4-year
121 term. Members will normally hold office for 4-year terms
122 commencing at 12:01 a.m. of the first Wednesday after the
123 referendum anniversary day of the year in which they are
124 appointed or until their successors in office are appointed or
125 as may be provided elsewhere in this act.

126 (2) The city commission shall expeditiously schedule an
127 appointment session and fill any utilities commission voting
128 member vacancy within 2 months after a permanent vacancy occurs
129 on the utilities commission or becomes known by virtue of

130 resignation, death, or removal in order to fill the remaining
131 period of the vacant member term provided that such remaining
132 term exceeds 3 months.

133 (3) As provided for elsewhere in this article, a voting
134 member may be removed from office as provided by law upon
135 conviction of malfeasance or misfeasance as a member or while
136 holding another public office or upon conviction of a felony. A
137 voting member may also be removed for failure to maintain all
138 voting member qualifications or for violation of a provision of
139 this act or a provision of stipulated governance policies as may
140 be subsequently adopted and enforced by the utilities
141 commission.

142 7.04 Utilities commission; initial meeting, organization,
143 and oath.—

144 (1) The first appointed utilities commission shall
145 initially meet at the utilities commission's headquarters at
146 6:00 p.m. on the second Wednesday of October after the initial
147 appointment of all members in 2016. The utilities commission
148 shall meet at least once each month at the offices of the
149 utilities commission or as otherwise may be determined. All
150 meetings of the utilities commission shall be open to the public
151 and minutes shall be kept of all meetings. The utilities
152 commission shall have plenary authority to promulgate policies,
153 rules, and regulations for the conduct of its meetings and the
154 operation and management of its utilities. The initial meeting
155 of the first appointed utilities commission and at each

156 subsequent first regular meeting of the utilities commission
157 after each regularly scheduled annual appointment occurs as
158 specified in section 7.03 shall include an organizational agenda
159 item during this organizational meeting in which the new
160 utilities member shall be sworn by the Mayor of the City of
161 Gainesville and the voting members shall elect a chairperson, a
162 vice chairperson, and a secretary/treasurer from among its
163 voting membership.

164 (2) Before taking office for any term each member shall
165 swear or affirm: "I do solemnly swear (or affirm) that I will
166 support, honor, protect, and defend the Constitution and
167 Government of the United States and of the State of Florida;
168 that I am duly qualified to hold office under the Constitution
169 of the State and under the Charter of the City of Gainesville,
170 or the Charter of the County of Alachua; that I am a full-time
171 city or county resident and customer within the electric service
172 territory of the Regional Utilities Commission of the City of
173 Gainesville; and that I will well and faithfully perform the
174 duties and maintain the qualifications of a member of the
175 Regional Utilities Commission of the City of Gainesville on
176 which I am now about to enter."

177 7.05 Member compensation.—Each member shall be paid such
178 salary as may change from time to time and shall be a salary of
179 60 percent each month of the salary of a city commissioner and
180 include adjustments linked to the consumer price index, and
181 necessary individual expenses incurred solely in carrying on and

182 conducting the business of the utilities commission shall be
183 paid in accordance with utilities commission policy and
184 procedures and subject to the approval of the utilities
185 commission. No supplemental benefits are provided for a member
186 position.

187 7.06 Appointment of chief executive officer/general
188 manager.-

189 (1) The utilities commission shall have full and exclusive
190 authority over the management, operation, and control, now or
191 hereafter, over the city's utilities and shall employ and
192 discharge all employees only through the chief executive
193 officer/general manager ("CEO/GM") who directs and administers
194 utilities functions under the policies and authority authorized
195 solely by the utilities commission.

196 (2) A member shall not be selected as the first CEO/GM.

197 7.07 General provisions.-

198 (1) All business of the utilities commission shall be
199 overseen by its members.

200 (2) The utilities commission shall operate only as a
201 municipally owned, cost-based, not-for-profit, and political
202 subdivision of the state with no ad valorem taxing authority.

203 (3) The utilities commission is comprised of voting and
204 nonvoting members. Nonvoting members shall consist of the
205 nondiscretionary utilities commission's CEO/GM at a minimum;
206 additional discretionary nonvoting members consisting of other
207 utilities commission staff executives with the concurrence of

208 the utilities commission's CEO/GM; and external individuals who
209 reside in the electric service area of the utilities commission
210 and who are appointed and removed solely by the utilities
211 commission. Such discretionary nonvoting members shall not
212 exceed a total of three members at any given time and shall not
213 retain such appointments for more than 2 years, and such
214 discretionary nonvoting members may only be designated as a
215 member of the utilities commission for administrative
216 participation purposes and serve only in the capacity as the
217 utilities commission formally shall designate. Such
218 discretionary nonvoting members may be reappointed once for no
219 more than 2 additional years. Such discretionary nonvoting
220 members shall receive no compensation for said service except
221 for necessary individual expenses incurred solely in carrying on
222 and conducting the business of the utilities commission only in
223 the capacity the utilities commission has formally designated
224 and in accordance with commission policy and procedures and
225 subject to the approval of the utilities commission.

226 (4) Members may only be removed from office by the
227 utilities commission acting in accordance with general law and
228 as contained in this act. In addition:

229 (a) Whenever a member is indicted for the utilities
230 commission of malfeasance, misfeasance, neglect of duty,
231 habitual drunkenness, incompetence, or permanent inability to
232 perform official duties, the utilities commission shall request

233 the Governor to temporarily suspend said member from office in
234 accordance with general law.

235 (b) Whenever any member is arrested for a felony or for a
236 misdemeanor related to the duties of office or is indicted or
237 informed against for the utilities commission of a federal
238 felony or misdemeanor or state felony or misdemeanor, the
239 utilities commission shall request the Governor to temporarily
240 suspend said member from office.

241 (c) The utilities commission, upon an affirmative,
242 unanimous vote of all of the members not having been so accused,
243 shall submit a request to the Governor to remove said member for
244 failure to maintain a member's qualification or for commission
245 of malfeasance or neglect of duty in the execution of said
246 member's responsibilities under this article. Upon consideration
247 of the facts as contained in such written independent report and
248 upon a nonunanimous vote of all of the members not having been
249 so accused, such alleged failure shall be dismissed.

250 (5) The private tangible and intangible property of any
251 individual member of the utilities commission shall not be
252 subject to the payment of, and no member of the utilities
253 commission shall be individually responsible for, commission
254 debts to any extent whatsoever.

255 (6) (a) Any person who is or was an officer, executive, or
256 member of the utilities commission and who is or was a party to
257 any threatened, pending, or completed proceeding, by reason of
258 the fact that he or she is or was an officer, executive, or

259 member of the utilities commission legitimately acting in the
260 course of his or her duties or is or was serving at the request
261 of the utilities commission as an officer, executive, or member
262 or agent of a corporation, company, partnership, joint venture,
263 trust, or other enterprise shall be indemnified by the utilities
264 commission to the full extent permitted by law against all
265 expenses and liabilities incurred in connection with such
266 proceeding, including any appeal thereof. Notwithstanding the
267 foregoing, the utilities commission shall indemnify such person
268 in connection with a proceeding initiated by that person only if
269 such proceeding was authorized by the utilities commission;
270 provided, however, that the utilities commission shall indemnify
271 such person in connection with a proceeding to enforce such
272 person's rights under this provision. Such person shall also be
273 entitled to advancement of expenses incurred in defending a
274 proceeding in advance of its final disposition to the full
275 extent permitted by law, subject to the conditions imposed by
276 law.

277 (b) Any indemnification or advance of expenses under this
278 article shall be paid promptly, but within 30 calendar days,
279 under any event after the receipt by the utilities commission of
280 a written request therefore from the person to be indemnified,
281 unless with respect to a claim for indemnification, the person
282 is not entitled to indemnification under this provision. Unless
283 otherwise provided by law, the burden of proving that the person

284 is not entitled to indemnification shall be on the utilities
285 commission.

286 (c) The right of indemnification under this article shall
287 be a contract right inuring to the benefit of the persons
288 entitled to be indemnified hereunder and no amendment or repeal
289 of this article shall adversely affect any right of such persons
290 existing at the time of such amendment or repeal.

291 (d) The indemnification provided hereunder shall inure to
292 the benefit of the heirs, executors, and administrators of a
293 person entitled to indemnification hereunder.

294 (e) The right of indemnification under this article shall
295 be in addition to and not exclusive of all other rights to which
296 persons entitled to indemnification hereunder may be entitled.
297 Nothing contained in this article shall affect any rights to
298 indemnification to which persons entitled to indemnification
299 hereunder may be entitled by contract or otherwise under law.

300 (7) To effect the unrestricted transfer of commission
301 governing authority and control of land, facilities, equipment,
302 licenses, debt, funds, entitlements, or any other appropriate
303 utilities activity exercised by the utilities commission under
304 the authority of this act, the city commission and the city
305 shall create such conveyance instruments, power of attorney, or
306 other appropriate instruments as necessary for execution by and
307 at the will of the utilities commission to be used in accordance
308 with this act. Furthermore, the city commission and the city
309 shall not encumber such conveyance by establishing conditions

310 precedent or administrative requirements before or after the
311 effective date of this article.

312 (8) A special meeting with the city commission shall be
313 held whenever called by the chairperson or if demanded by the
314 city commission in writing and delivered to the
315 secretary/treasurer.

316 (9) The CEO/GM, through assigned staff, is responsible for
317 providing an orientation and training program for new members
318 which includes providing information designed to familiarize new
319 members with the utilities commission's business and general
320 industry; its strategic plans; its significant financial,
321 accounting, and risk management issues; its compliance programs;
322 its code of business conduct and ethics; its principal officers
323 and executives; its internal and independent auditors; and its
324 key policies and practices. This orientation is designed to be
325 conducted within a reasonable period of time after the meeting
326 at which new members are sworn. In addition to the orientation
327 program, staff management also will periodically provide
328 materials or briefing sessions for all members on subjects that
329 would assist them in discharging their duties. Commission
330 members are also encouraged to attend appropriate sessions or
331 programs and review materials relating to the responsibilities
332 of members of publicly owned utilities.

333 7.08 Powers and duties.-

334 (1) Consistent with the provisions and effective date of
335 this act, such previous applicable utilities-related ordinances,

336 policies, rates, fees, rules, regulations, budgets, and other
337 provisions previously adopted under the Charter of the City of
338 Gainesville are hereby considered as adopted, reenacted, or
339 assumed by the utilities commission for transition purposes
340 until such time that the utilities commission alone, through
341 appropriate commission actions and resolutions, shall
342 subsequently change, publish, and enforce such policies, rates,
343 fees, rules, regulations, budgets, and other provisions and
344 requirements stipulated by this act.

345 (2) Exercise the power of eminent domain to acquire
346 property, except state or federal, located within Alachua
347 County, and exercise the power of eminent domain outside the
348 county where permitted by general law, for the sole purpose of
349 locating electrical generating, transmission, or distribution
350 facilities of any of its utilities; water production, treatment,
351 transmission, and distribution facilities; and for a nonstated
352 use by the utilities commission in the performance and exercise
353 of any of its duties, rights, or plenary authority.

354 (3) Have the exclusive power and authority to bill and
355 collect the prescribed fees or charges for all utilities and
356 services rendered under its control and, when collected, the
357 flow of funds shall be: first, the payment of all operating and
358 maintenance expenses of said utilities; second, the funding of
359 all commission discretionary or required reserves, including
360 those established by revenue certificates previously issued by
361 the city or said commission for projects under commission

362 control, including the debt service payments of all such revenue
363 certificates as the same become due; and, third, the payment to
364 the general fund of the city from revenues of the utilities
365 under the utilities commission's control a sum, after the
366 effective date of this legislation, not to exceed 9 percent or
367 to be less than 7 percent of the gross revenues. Said designated
368 payments by the utilities commission to the city's general fund
369 shall be made monthly. At the sole discretion of the utilities
370 commission, any surplus, if any, may be paid to the general fund
371 of the city after reserving an adequate fund for operation and
372 maintenance expenses, capital improvements, and other
373 contingencies as solely determined by the utilities commission.

374 (4) Submit to the city a monthly statement showing all
375 sums or amounts received, operating expenses, amount charged to
376 depreciation and extensions, reserve fund and amount
377 appropriated to interest, and sinking funds. The fiscal year of
378 the utilities commission shall begin October 1 and end September
379 30 of each year.

380 (5) Diligently enforce and collect all fees, rates, or
381 other charges for the services and facilities of the utilities,
382 and take all steps, actions, and proceedings for the enforcement
383 and collection of such fees, rates, or other charges which shall
384 become delinquent to the full extent permitted or authorized by
385 the laws of the State of Florida.

386 (6) Ensure that no entity of the city, county, or state,
387 no elected city or county official, no officer or executive of

388 the city or county, not the utilities commission, and no member
389 may dictate any employment for commission positions or in any
390 manner interfere with the independence of commission officers,
391 executives, or employees in the performance of their duties.
392 Except for the purpose of an inquiry for information or public
393 records, the city commission or the Alachua County Board of
394 County Commissioners and all of their members must communicate
395 with the utilities commission solely through the utilities
396 commission secretary/treasurer regarding commission business,
397 and the city commission, the Alachua County Board of County
398 Commissioners, any respective city or county commissioners, the
399 Gainesville Regional Utilities Commission, and members may not
400 give, either publicly or privately, any individual orders to or
401 interfere with any direct or indirect subordinates of the
402 CEO/GM, including staff officers and executives, employees,
403 contractors, consultants, or other agents.

404 (7) Ensure that individual members are granted complete
405 access to the utilities commission's management, any and all
406 records and documents, and any and all transactions in
407 accordance with law and subject to reasonable advance notice to
408 the CEO/GM and reasonable efforts to avoid disruption to
409 management, business, and operations. The utilities commission
410 and each committee shall have access to any independent legal,
411 financial, or other advisors, as they may deem necessary in
412 their sole discretion. However, inquiry and information requests
413 considered by the CEO/GM as excessive or interfering with an

414 employee's or work unit's performance of its duties may be
415 presented to the chairperson for mediation before filing a
416 formal interference complaint by the CEO/GM with the utilities
417 commission.

418 (8) Ensure that the utilities commission does not, in any
419 manner, dispose of or agree to sell or convey the utilities
420 commission's used and useful assets exceeding 5 percent of the
421 respective individual utility's total assets, using depreciated
422 book value, unless the utilities commission does so with the
423 prior approval of a simple majority vote of the city commission.

424 (9) Ensure that to the full extent permitted by law, the
425 city will not grant, cause, consent to, or allow the granting of
426 any franchise or permit to any person, firm, corporation, body,
427 agency, or instrumentality whatsoever, for the furnishing of
428 services which will compete with those of the utilities
429 commission. No discriminatory franchise, right-of-way, license,
430 permit, tax, or usage fee shall be levied upon the utilities
431 commission or its utilities by the city or by the county unless
432 provided by general law.

433 (10) Not render or cause to be rendered, directly or
434 indirectly, any free utilities, subsidies, sponsorships, grants,
435 contributions, donations, free services, or in-kind services of
436 any nature from the utilities or commission, nor will any
437 preferential rates be established for users of the same class;
438 the utilities commission and the city or county, including its
439 departments, agencies, and instrumentalities, shall use the

440 services provided by the utilities commission within the
441 utilities commission's service areas, or any part thereof, and
442 the same rates, fees, or charges applicable to other customers
443 receiving like services under similar circumstances shall be
444 charged to the utilities commission and the city or county and
445 any such department, agency, or instrumentality. Such charges
446 shall be paid as they become due. The revenues so received shall
447 be deemed to be revenues derived from the operation of the
448 utilities and shall be deposited and accounted for in the same
449 manner as other revenues derived from such operation of the
450 utilities.

451 (11) Ensure that all existing City of Gainesville
452 authority, laws, ordinances, resolutions, and administrative
453 regulations, interpretations, franchises, and controls directly
454 and indirectly affecting and controlling said utilities are
455 hereby conveyed to and exclusively vested within said commission
456 and its respective governance and authority as contained herein.
457 All rights, claims, actions, orders, and legal or administrative
458 proceedings involving the utilities commission immediately prior
459 to the effective date of this act shall continue, except as
460 modified pursuant to the provisions of and plenary authority
461 granted by this act.

462 (12) Shall ensure the development of an ethics policy and
463 a code of business conduct policy which shall be reviewed at
464 least biennially. Such policy and code shall be adhered to in
465 accordance with this act and any additional adherence

466 requirements which may subsequently be approved by the utilities
467 commission. Members, as well as all officers, executives, and
468 management and supervisory employees, shall each acknowledge
469 annually in writing their compliance with the utilities
470 commission's Code of Ethics and Business Conduct. Any waiver of
471 this requirement for a member, said officer, said executive, or
472 said employee shall only be granted unanimously by vote of the
473 full commission. Any member of the utilities commission
474 requesting the waiver shall be excluded from all meetings and
475 votes during which the requested matter is discussed or
476 deliberated, until decided.

477 (13) Upon discovery or presentation of information, the
478 utilities commission shall make a determination regarding the
479 validity of any past contract of the City of Gainesville doing
480 business as Gainesville Regional Utilities, a department of the
481 City of Gainesville, or regarding any contract of the utilities
482 commission in which any member or previous member of the City of
483 Gainesville has, or has had, or may, or may have had, a conflict
484 of interest. Any past, present, or future contract involving
485 utilities owned by the City of Gainesville in which any member
486 or previous member of the City of Gainesville has, or has had,
487 or may, or may have had, a conflict of interest is voidable by
488 the utilities commission.

489 (14) Ensure, except as otherwise specifically provided in
490 this act, that the rights or privileges, if any, of persons who

491 were city utility employees immediately before the effective
492 date of this act are not affected or impaired.

493 Section 3. (1) SEVERABILITY.—Headings and sections of
494 this act are not intended to be construed, limiting, or
495 interpreted in isolation from each other. If any word, phrase,
496 clause, paragraph, section, or provision of this act or the
497 application hereof to any person or circumstance is held invalid
498 or unconstitutional, such finding shall not affect the other
499 provisions or applications of this act which can be given effect
500 without the invalid or unconstitutional provisions or
501 application, and to this end the provisions of this act are
502 declared severable.

503 (2) TRANSITION.—In order to provide for the transitional
504 administrative needs and orderly compliance with the provisions
505 in this act, upon the effective date of this act, utility
506 commission functions as described in section 7.08(5) are
507 authorized and shall continue until amended, changed, or
508 repealed by the utilities commission. The chairperson and
509 secretary/treasurer are authorized, upon their respective
510 appointment by the utilities commission, to execute documents
511 required for the transition as may be appropriate or otherwise
512 determined by the utilities commission and to provide required
513 direction and administration of utilities functions for up to 60
514 calendar days during such time as the selection of the CEO/GM or
515 a conservator/CEO/GM, interim/CEO/GM, or temporary/CEO/GM is in
516 process as provided in section 7.06 of the charter.

517 (3) CONFLICT WITH LAWS.—All laws or parts of laws in
 518 conflict with this act are repealed. City of Gainesville and
 519 Alachua County Charter provisions, ordinances, resolutions,
 520 decrees, or parts thereof, in conflict herewith are to the
 521 extent of such conflict hereby also repealed.

522 Section 4. The referendum question shall be posed as
 523 follows:

524 Shall the Charter of the City of Gainesville be amended by
 525 creating the Gainesville Regional Utilities Commission, a
 526 municipally owned, independent, appointed, and representative
 527 commission?

528 Yes

529 No

530 Section 5. This act shall take effect only upon its
 531 approval by a majority vote of those qualified electors of the
 532 City of Gainesville voting in a referendum to be held in
 533 conjunction with the next presidential preference primary
 534 election to be held in Alachua County, except that this section
 535 and section 4 shall take effect upon becoming a law.