

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Local Government Affairs
2 Subcommittee
3 Representative Perry offered the following:

Amendment

Remove everything after the enacting clause and insert:

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8 chapter 90-394, Laws of Florida, is repealed.

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

ARTICLE VII GAINESVILLE REGIONAL UTILITIES AUTHORITY

15 7.01 Establishment.—There is created a regional utilities
16 authority to be known as the "Gainesville Regional Utilities
17 Authority" ("authority"). Gainesville Regional Utilities ("GRU")

Amendment No. 1

18 shall be governed by the authority upon installation of the
19 authority's governing members pursuant to this article. The
20 authority shall operate as a unit of city government and, except
21 as otherwise provided in this article, the authority shall be
22 free from direction and control of the city commission and the
23 city charter officers. The authority is created for the express
24 purpose of acquiring, constructing, operating, providing
25 utility-related products and services, financing, and otherwise
26 having broad authority with respect to utilities.

27 7.02 Definitions.—For the purposes of this article, unless
28 otherwise designated, or the context otherwise requires, the
29 following terms have the following meanings:

30 (1) "Authority" means the Gainesville Regional Utilities
31 Authority of the City of Gainesville.

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

33 (3) "City commission" means the Gainesville City
34 Commission.

35 (4) "County" means Alachua County.

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

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

39 (7) "Utilities" means the electric utility system, water
40 utility system, wastewater utility system, reuse water utility
41 system, natural gas utility system, communications utility
42 system, and such other utility systems as may be acquired by GRU
43 in the future.

Amendment No. 1

44 7.03 Authority members.—

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

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

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

57 (c) Three members shall be competent and knowledgeable in
58 one or more specific fields substantially related to the duties
59 and functions of the authority, including, but not limited to,
60 law, economics, accounting, engineering, finance, or energy.

61 (2) All members of the authority shall:

62 (a) Maintain primary residence within the electric service
63 territory of GRU's electric utility system.

64 (b) Receive GRU electric utility system service at all
65 times during the term of appointment.

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

68 (d) Be a qualified elector of the city, except that a
69 minimum of one member must be a resident of the unincorporated

Amendment No. 1

70 area of Alachua County or a municipality in the county other
71 than the City of Gainesville.

72 (3) The composition of the authority shall be adjusted
73 upon expiration of any member's term or upon any authority
74 vacancy, to reflect the ratio of total electric meters serving
75 GRU electric customers outside the city boundaries to total
76 electric meters serving all GRU electric customers. For example,
77 upon expiration of a member's term or upon an authority vacancy,
78 if the ratio of total electric meters serving customers outside
79 the city boundaries to total electric meters serving all
80 electric customers reaches 40 percent, the city commission must
81 appoint a second member from outside the city boundaries to
82 serve the next term that would otherwise be served by a
83 qualified elector of the city. Conversely, upon expiration of
84 any member's term or upon any authority vacancy, if the ratio
85 subsequently falls below 40 percent, the city commission must
86 appoint a qualified elector of the city to serve the next term
87 that otherwise would be served by a resident from outside the
88 city boundaries.

89 (4) Until January 1, 2022, no current or previous elected
90 or appointed officer or official of the city or county having
91 held office after January 1, 2000, may become a member, except
92 that a member initially appointed to the authority may be
93 considered for subsequent reappointment if such individual
94 remains otherwise qualified and chooses to be considered for
95 reappointment.

Amendment No. 1

96 (5) A member who is appointed for three full consecutive
97 4-year terms may not succeed herself or himself.

98 7.04 Member terms.—

99 (1) The city commission shall make initial authority
100 member appointments within 120 calendar days after the approval
101 at referendum of the creation of this article. The initial terms
102 of office for the five members shall commence at 12 a.m. on
103 October 1, 2017. The initial appointments shall be as follows:
104 one member shall be designated to serve until 12 a.m. October 1,
105 2018; one member shall be designated to serve until 12 a.m.
106 October 1, 2019; one member shall be designated to serve until
107 12 a.m. October 1, 2020; and two members shall be designated to
108 serve until 12 a.m. October 1, 2021. Members subsequently
109 appointed shall be appointed for 4-year terms commencing at 12
110 a.m. on October 1 of the year in which they are appointed. If a
111 member is appointed to complete an unexpired term, the member's
112 term shall commence at the time of appointment and shall
113 continue through the remainder of the unexpired term.

114 (2) The city commission shall expeditiously schedule an
115 appointment session to fill any vacancy for the unexpired
116 portion of a term within 60 days after the vacancy occurs or
117 becomes known if the remainder of the term exceeds three months.

118 7.05 Member compensation.—Beginning October 1, 2017, each
119 member shall be paid an annual salary of \$18,000, adjusted
120 annually to the Consumer Price Index for All Urban Consumers as
121 defined by the United States Department of Labor, Bureau of

Amendment No. 1

122 Labor Statistics. Necessary expenses of members incurred in
123 carrying out and conducting the business of the authority shall
124 be paid in accordance with authority policy and procedures,
125 subject to the approval of a majority of the members of the
126 authority. No supplemental benefits shall be provided for a
127 member position.

128 7.06 Authority; oath; organization; and meeting.—

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

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

136 (3) The first official action of the authority shall be
137 election of a chairperson and a vice chairperson from among its
138 membership.

139 (4) The authority shall meet at least once each month,
140 except in case of emergency. All meetings of the authority shall
141 be noticed and open to the public, and minutes shall be kept of
142 all meetings as required by law, except that meetings related to
143 settlement of then existing litigation may be held in accordance
144 with law.

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

Amendment No. 1

148 7.07 Appointment and removal of chief executive
149 officer/general manager.-

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

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

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

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

159 7.08 Removal and suspension of members.-

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

162 (2) A member may be removed for failure to maintain all
163 member qualifications as specified in section 7.03 or for
164 violation of a provision of this article, or for violation of
165 rules or policies adopted by the authority.

166 (3) A member who is the subject of a proceeding to request
167 suspension or to remove under this section may not participate
168 in the authority's deliberations, debate, or vote on the matter.

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

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

173 7.09 General provisions.-

Amendment No. 1

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

177 (2) Consistent with the provisions and effective date of
178 this article, such previous applicable utilities-related
179 ordinances, policies, rates, fees, rules, regulations, budgets,
180 and other provisions previously adopted under the city charter
181 and in effect as of the effective date of this article are
182 deemed adopted, reenacted, or assumed by the authority for
183 transition purposes until such time that the authority, pursuant
184 to the powers granted by this article, shall make changes.

185 However, to the extent of conflict with this act, the city and
186 the county charter provisions, ordinances, resolutions, decrees,
187 or parts thereof, are hereby repealed. This subsection is not
188 intended to interfere with existing contractual arrangements
189 between the city and the county, regardless of whether those
190 arrangements are charter provisions, ordinances, resolutions,
191 decrees, or parts thereof.

192 (3) No franchise, right-of-way, license, permit, or usage
193 fee or tax may be levied upon the authority or its utilities by
194 the city or by the county unless allowed by general law. No
195 franchise, right-of-way, license, permit, or usage fee or tax
196 may be levied upon the authority or its utilities that impose an
197 unreasonable burden. Any additional allowable but not required
198 franchise, right-of-way, license, permit, tax or usage fee
199 assessed by the city as to the authority or any of the utilities

Amendment No. 1

200 under the authority's jurisdiction after April 30, 2016, shall
201 be totaled for each fiscal year and a like amount subtracted
202 from the subsequent fiscal year's transfer to the city's general
203 fund, unless such subtraction is waived by a vote of four
204 members of the authority three months before the start of each
205 subsequent fiscal year.

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

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

213 7.10 Powers and duties.-

214 (1) The authority's powers and duties shall be no less
215 extensive than those exercised by the city commission with
216 respect to GRU as existed on January 1, 2016, including the
217 powers and duties associated with the management, operation, and
218 control of the utilities; the acquisition, construction, and
219 financing of utility projects; and the provision of utility-
220 related products and services.

221 (2) The authority has the power to make and adopt rules,
222 policies, and regulations consistent with this act and
223 applicable law for the management, administration, operation,
224 and regulation of the fiduciary, business, and other affairs of
225 the authority.

Amendment No. 1

226 (3) The authority may not enact rules relating to the
227 disposal or sale of any GRU property which are more expansive
228 than the rules applicable to the city commission as were in
229 effect on January 1, 2016.

230 (4) The authority is authorized to exercise the power of
231 eminent domain for utilities purposes.

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

242 (6) No member of the authority shall be individually
243 responsible for authority debts.

244 (7) The authority shall ensure the development of an
245 ethics policy and a code of business conduct policy which aim to
246 achieve best practices for municipal utilities, which shall be
247 reviewed at least biennially.

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

Amendment No. 1

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

253
254 "Shall the Charter of the City of Gainesville be amended by
255 creating the Gainesville Regional Authority, to be the governing
256 board of Gainesville Regional Utilities and appointed by the
257 City Commission of the City of Gainesville?"

258 Yes

259 No

260 Section 5. This act shall take effect only upon its
261 approval by a majority vote of those qualified electors of the
262 City of Gainesville voting in a referendum to be held in March
263 2017, in conjunction with the citywide election to be held in
264 the City of Gainesville, except that this section and section 4
265 shall take effect upon becoming a law.