

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 17 chapter 90-394, Laws of Florida, is repealed.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 ("city"), a regional

27 independent utilities commission to be known and designated as
 28 the "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) (a) There shall be five voting members of the utilities
 56 commission, each appointed by a simple majority vote of the city
 57 commission to a 4-year term, with terms staggered as set forth
 58 in this article.

59 (b) To qualify for appointment as a voting member, a
 60 person must:

61 1. Reside year-round within the utilities commission's
 62 electric service territory of the electric utility system.

63 2. Receive service as a customer of the utilities
 64 commission.

65 3. Possess, at a minimum, a 4-year baccalaureate degree
 66 from an accredited institution with a major area of study in
 67 public affairs, business, law, economics, accounting,
 68 engineering, finance, energy, or another field substantially
 69 related to the duties and functions of the utilities commission
 70 or, alternatively, be an owner of, or partner or officer in, a
 71 business with sales exceeding \$5 million in its fiscal year
 72 ended before the appointment.

73 4. Have not been convicted of a felony as defined by
 74 general law and have not been convicted under a plea of nolo
 75 contendere to any charge involving a felony as defined by
 76 general law.

77

78 Each voting member must maintain these qualifications and
79 representative obligations throughout the term of appointment
80 and comply with other member requirements established in this
81 article.

82 (c) In addition to these qualifications, each voting
83 member must be a qualified elector of the City of Gainesville,
84 except that:

85 1. At all times, a minimum of one voting member must be a
86 qualified elector of Alachua County, appointed from the
87 unincorporated area of Alachua County ("county").

88 2. The composition of the utilities commission shall be
89 adjusted to reflect the ratio of total electric meters serving
90 customers in the unincorporated area of Alachua County to total
91 electric meters serving all electric customers based on the most
92 recent annual information provided by the utilities commission
93 to the city commission. For example, at such time as the ratio
94 of total electric meters serving customers in the unincorporated
95 area of Alachua County to total electric meters serving all
96 electric customers reaches 40 percent, the city commission must
97 appoint a second voting member from the unincorporated area of
98 the county to serve the next term that would otherwise be served
99 by a qualified elector of the City of Gainesville. If the ratio
100 subsequently falls below 40 percent, the city commission must
101 appoint a qualified elector of the City of Gainesville to serve
102 the next term that would otherwise be served by a qualified
103 elector from the unincorporated area of the county.

104 (d) The utilities commission shall have the power to make
105 and adopt such rules and regulations, consistent with and not in
106 violation of this act and applicable law, as it deems prudent
107 for the management, administration, and regulation of the
108 fiduciary, business, and other affairs of the utilities
109 commission.

110 (2) Each voting member shall be and remain qualified as
111 stated within this act. Until January 1, 2020, no current or
112 previous employee having been employed with the city after
113 January 1, 2000, or with the county after January 1, 2000, nor
114 current or previous elected or appointed officer or official of
115 the city after January 1, 2000, or the county after January 1,
116 2000, shall become a member, except that a qualified voting
117 member initially first appointed to the utilities commission in
118 2016 as provided for in this act shall be considered for
119 subsequent reappointment provided that such individual remains
120 otherwise qualified and chooses to be considered for
121 reappointment. Further, no voting member who has been properly
122 appointed for two full, consecutive 4-year terms shall succeed
123 herself or himself.

124 7.03 Voting member terms.—

125 (1) The city commission shall make initial utilities
126 commission member appointments within 90 calendar days after the
127 approval of the referendum required by this act. The initial
128 terms of office for the five appointed members shall commence at
129 12:01 a.m. on October 4, 2016. The said appointments called for

130 in this act and shall be as follows: one member will be
131 designated to serve 1 year after the first Wednesday after said
132 appointment in 2016; one member will be designated to serve 2
133 years after the first Wednesday after said appointment in 2016;
134 one member will be designated to serve 3 years after the first
135 Wednesday after said appointment in 2016; one member will be
136 designated to serve 4 years after the first Wednesday after said
137 appointment in 2016; and one member will be designated to serve
138 5 years after the first Wednesday after said appointment in
139 2016. Members subsequently appointed in each respective year
140 beginning in 2017 will be appointed to and serve a full 4-year
141 term. Members will normally hold office for 4-year terms
142 commencing at 12:01 a.m. of the first Wednesday after the
143 referendum anniversary day of the year in which they are
144 appointed or until their successors in office are appointed or
145 as may be provided elsewhere in this act.

146 (2) The city commission shall expeditiously schedule an
147 appointment session and fill any utilities commission voting
148 member vacancy within 2 months after a permanent vacancy occurs
149 on the utilities commission or becomes known by virtue of
150 resignation, death, or removal in order to fill the remaining
151 period of the vacant member term provided that such remaining
152 term exceeds 3 months.

153 (3) As provided for elsewhere in this article, a voting
154 member may be removed from office as provided by law upon
155 conviction of malfeasance or misfeasance as a member or while

156 holding another public office or upon conviction of a felony. A
157 voting member may also be removed for failure to maintain all
158 voting member qualifications or for violation of a provision of
159 this act or a provision of stipulated governance policies as may
160 be subsequently adopted and enforced by the utilities
161 commission.

162 7.04 Utilities commission; initial meeting, organization,
163 and oath.—

164 (1) The first appointed utilities commission shall
165 initially meet at the utilities commission's headquarters at
166 6:00 p.m. on the second Wednesday of October after the initial
167 appointment of all members in 2016. The utilities commission
168 shall meet at least once each month at the offices of the
169 utilities commission or as otherwise may be determined. All
170 meetings of the utilities commission shall be open to the public
171 and minutes shall be kept of all meetings. The utilities
172 commission shall have plenary authority to promulgate policies,
173 rules, and regulations for the conduct of its meetings and the
174 operation and management of its utilities. The initial meeting
175 of the first appointed utilities commission and at each
176 subsequent first regular meeting of the utilities commission
177 after each regularly scheduled annual appointment occurs as
178 specified in section 7.03 shall include an organizational agenda
179 item during this organizational meeting in which the new
180 utilities member shall be sworn by the Mayor of the City of
181 Gainesville and the voting members shall elect a chairperson, a

182 vice chairperson, and a secretary/treasurer from among its
183 voting membership.

184 (2) Before taking office for any term each member shall
185 swear or affirm: "I do solemnly swear (or affirm) that I will
186 support, honor, protect, and defend the Constitution and
187 Government of the United States and of the State of Florida;
188 that I am duly qualified to hold office under the Constitution
189 of the State and under the Charter of the City of Gainesville,
190 or the Charter of the County of Alachua; that I am a full-time
191 city or county resident and customer within the electric service
192 territory of the Regional Utilities Commission of the City of
193 Gainesville; and that I will well and faithfully perform the
194 duties and maintain the qualifications of a member of the
195 Regional Utilities Commission of the City of Gainesville on
196 which I am now about to enter."

197 7.05 Member compensation.—Each member shall be paid such
198 salary as may change from time to time and shall be a salary of
199 60 percent each month of the salary of a city commissioner and
200 include adjustments linked to the consumer price index, and
201 necessary individual expenses incurred solely in carrying on and
202 conducting the business of the utilities commission shall be
203 paid in accordance with utilities commission policy and
204 procedures and subject to the approval of the utilities
205 commission. No supplemental benefits are provided for a member
206 position.

207 7.06 Appointment of chief executive officer/general
208 manager.—

209 (1) The utilities commission shall have full and exclusive
210 authority over the management, operation, and control, now or
211 hereafter, over the city's utilities and shall employ and
212 discharge all employees only through the chief executive
213 officer/general manager ("CEO/GM") who directs and administers
214 utilities functions under the policies and authority authorized
215 solely by the utilities commission.

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

217 7.07 General provisions.—

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

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

223 (3) The utilities commission is comprised of voting and
224 nonvoting members. Nonvoting members shall consist of the
225 nondiscretionary utilities commission's CEO/GM at a minimum;
226 additional discretionary nonvoting members consisting of other
227 utilities commission staff executives with the concurrence of
228 the utilities commission's CEO/GM; and external individuals who
229 reside in the electric service area of the utilities commission
230 and who are appointed and removed solely by the utilities
231 commission. Such discretionary nonvoting members shall not
232 exceed a total of three members at any given time and shall not

233 retain such appointments for more than 2 years, and such
234 discretionary nonvoting members may only be designated as a
235 member of the utilities commission for administrative
236 participation purposes and serve only in the capacity as the
237 utilities commission formally shall designate. Such
238 discretionary nonvoting members may be reappointed once for no
239 more than 2 additional years. Such discretionary nonvoting
240 members shall receive no compensation for said service except
241 for necessary individual expenses incurred solely in carrying on
242 and conducting the business of the utilities commission only in
243 the capacity the utilities commission has formally designated
244 and in accordance with commission policy and procedures and
245 subject to the approval of the utilities commission.

246 (4) (a) Members may only be removed or suspended from
247 office by the Governor, upon request by the utilities commission
248 acting in accordance with general law and as specified by this
249 act. Upon complaint or on its own motion, the utilities
250 commission, by unanimous resolution specifying facts sufficient
251 to advise a member as to the basis for the commission's action
252 and after reasonable notice to the member and an opportunity for
253 the member to be heard:

254 1. May request that the Governor suspend or remove a
255 member for malfeasance, misfeasance, neglect of duty, habitual
256 drunkenness, incompetence, permanent inability to perform
257 official duties, or failure to maintain the qualifications
258 established in this article.

259 2. May request that the Governor suspend a member who is
 260 arrested for a felony or for a misdemeanor related to the duties
 261 of office or who is indicted or informed against for the
 262 commission of any federal felony or misdemeanor or state felony
 263 or misdemeanor.

264 3. May request that the Governor remove from office any
 265 municipal board member who is convicted of a federal felony or
 266 misdemeanor or state felony or misdemeanor. For the purposes of
 267 this subparagraph, any person who pleads guilty or nolo
 268 contendere or who is found guilty shall be deemed to have been
 269 convicted, notwithstanding a suspension of sentence or the
 270 withholding of adjudication.

271 (b) Upon consideration of a written independent report
 272 prepared at the request of the utilities commission in relation
 273 to a matter for which the commission has requested suspension of
 274 a member, the utilities commission, by majority vote, may
 275 reinstate the member at any time before his or her removal.

276 (c) The suspension of a member by the Governor creates a
 277 temporary vacancy during the suspension which shall be filled by
 278 a temporary appointment by the city commission for the period of
 279 the suspension, not to extend beyond the term of the suspended
 280 member. The temporary appointment shall be made in the same
 281 manner as provided in this article for the filling of a
 282 permanent vacancy.

283 (d) If the member is acquitted or found not guilty or is
 284 otherwise cleared of the charges which were the basis of the

285 arrest, indictment, or information by reason of which he or she
 286 was suspended, the Governor shall revoke the suspension and
 287 reinstate the member to office.

288 (e) A member who is the subject of a proceeding to request
 289 suspension or removal or a proceeding to consider reinstatement
 290 under this paragraph may not participate in the utilities
 291 commission's deliberations, debate, or vote on the matter.

292 (5) The private tangible and intangible property of any
 293 individual member of the utilities commission shall not be
 294 subject to the payment of, and no member of the utilities
 295 commission shall be individually responsible for, commission
 296 debts to any extent whatsoever.

297 (6) (a) Any person who is or was an officer, executive, or
 298 member of the utilities commission and who is or was a party to
 299 any threatened, pending, or completed proceeding, by reason of
 300 the fact that he or she is or was an officer, executive, or
 301 member of the utilities commission legitimately acting in the
 302 course of his or her duties or is or was serving at the request
 303 of the utilities commission as an officer, executive, or member
 304 or agent of a corporation, company, partnership, joint venture,
 305 trust, or other enterprise shall be indemnified by the utilities
 306 commission to the full extent permitted by law against all
 307 expenses and liabilities incurred in connection with such
 308 proceeding, including any appeal thereof. Notwithstanding the
 309 foregoing, the utilities commission shall indemnify such person
 310 in connection with a proceeding initiated by that person only if

311 such proceeding was authorized by the utilities commission;
312 provided, however, that the utilities commission shall indemnify
313 such person in connection with a proceeding to enforce such
314 person's rights under this provision. Such person shall also be
315 entitled to advancement of expenses incurred in defending a
316 proceeding in advance of its final disposition to the full
317 extent permitted by law, subject to the conditions imposed by
318 law.

319 (b) Any indemnification or advance of expenses under this
320 article shall be paid promptly, but within 30 calendar days,
321 under any event after the receipt by the utilities commission of
322 a written request therefore from the person to be indemnified,
323 unless with respect to a claim for indemnification, the person
324 is not entitled to indemnification under this provision. Unless
325 otherwise provided by law, the burden of proving that the person
326 is not entitled to indemnification shall be on the utilities
327 commission.

328 (c) The right of indemnification under this article shall
329 be a contract right inuring to the benefit of the persons
330 entitled to be indemnified hereunder and no amendment or repeal
331 of this article shall adversely affect any right of such persons
332 existing at the time of such amendment or repeal.

333 (d) The indemnification provided hereunder shall inure to
334 the benefit of the heirs, executors, and administrators of a
335 person entitled to indemnification hereunder.

336 (e) The right of indemnification under this article shall
 337 be in addition to and not exclusive of all other rights to which
 338 persons entitled to indemnification hereunder may be entitled.
 339 Nothing contained in this article shall affect any rights to
 340 indemnification to which persons entitled to indemnification
 341 hereunder may be entitled by contract or otherwise under law.

342 (7) To effect the unrestricted transfer of commission
 343 governing authority and control of land, facilities, equipment,
 344 licenses, debt, funds, entitlements, or any other appropriate
 345 utilities activity exercised by the utilities commission under
 346 the authority of this act, the city commission and the city
 347 shall create such conveyance instruments, power of attorney, or
 348 other appropriate instruments as necessary for execution by and
 349 at the will of the utilities commission to be used in accordance
 350 with this act. Furthermore, the city commission and the city
 351 shall not encumber such conveyance by establishing conditions
 352 precedent or administrative requirements before or after the
 353 effective date of this article.

354 (8) A special meeting with the city commission shall be
 355 held whenever called by the chairperson or if demanded by the
 356 city commission in writing and delivered to the
 357 secretary/treasurer.

358 (9) The CEO/GM, through assigned staff, is responsible for
 359 providing an orientation and training program for new members
 360 which includes providing information designed to familiarize new
 361 members with the utilities commission's business and general

362 industry; its strategic plans; its significant financial,
363 accounting, and risk management issues; its compliance programs;
364 its code of business conduct and ethics; its principal officers
365 and executives; its internal and independent auditors; and its
366 key policies and practices. This orientation is designed to be
367 conducted within a reasonable period of time after the meeting
368 at which new members are sworn. In addition to the orientation
369 program, staff management also will periodically provide
370 materials or briefing sessions for all members on subjects that
371 would assist them in discharging their duties. Commission
372 members are also encouraged to attend appropriate sessions or
373 programs and review materials relating to the responsibilities
374 of members of publicly owned utilities.

375 7.08 Powers and duties.-

376 (1) Consistent with the provisions and effective date of
377 this act, such previous applicable utilities-related ordinances,
378 policies, rates, fees, rules, regulations, budgets, and other
379 provisions previously adopted under the Charter of the City of
380 Gainesville are hereby considered as adopted, reenacted, or
381 assumed by the utilities commission for transition purposes
382 until such time that the utilities commission alone, through
383 appropriate commission actions and resolutions, shall
384 subsequently change, publish, and enforce such policies, rates,
385 fees, rules, regulations, budgets, and other provisions and
386 requirements stipulated by this act.

387 (2) Exercise the power of eminent domain to acquire
388 property, except state or federal, located within Alachua
389 County, and exercise the power of eminent domain outside the
390 county where permitted by general law, for the sole purpose of
391 locating electrical generating, transmission, or distribution
392 facilities of any of its utilities; water production, treatment,
393 transmission, and distribution facilities; and for a nonstated
394 use by the utilities commission in the performance and exercise
395 of any of its duties, rights, or plenary authority.

396 (3) Have the exclusive power and authority to bill and
397 collect the prescribed fees or charges for all utilities and
398 services rendered under its control and, when collected, the
399 flow of funds shall be: first, the payment of all operating and
400 maintenance expenses of said utilities; second, the funding of
401 all commission discretionary or required reserves, including
402 those established by revenue certificates previously issued by
403 the city or said commission for projects under commission
404 control, including the debt service payments of all such revenue
405 certificates as the same become due; and, third, the payment to
406 the general fund of the city from revenues of the utilities
407 under the utilities commission's control a sum, after the
408 effective date of this legislation, not to exceed 9 percent or
409 to be less than 7 percent of the gross revenues. Said designated
410 payments by the utilities commission to the city's general fund
411 shall be made monthly. At the sole discretion of the utilities
412 commission, any surplus, if any, may be paid to the general fund

413 of the city after reserving an adequate fund for operation and
414 maintenance expenses, capital improvements, and other
415 contingencies as solely determined by the utilities commission.

416 (4) Submit to the city a monthly statement showing all
417 sums or amounts received, operating expenses, amount charged to
418 depreciation and extensions, reserve fund and amount
419 appropriated to interest, and sinking funds. The fiscal year of
420 the utilities commission shall begin October 1 and end September
421 30 of each year.

422 (5) Diligently enforce and collect all fees, rates, or
423 other charges for the services and facilities of the utilities,
424 and take all steps, actions, and proceedings for the enforcement
425 and collection of such fees, rates, or other charges which shall
426 become delinquent to the full extent permitted or authorized by
427 the laws of the State of Florida.

428 (6) Ensure that no entity of the city, county, or state,
429 no elected city or county official, no officer or executive of
430 the city or county, not the utilities commission, and no member
431 may dictate any employment for commission positions or in any
432 manner interfere with the independence of commission officers,
433 executives, or employees in the performance of their duties.
434 Except for the purpose of an inquiry for information or public
435 records, the city commission or the Alachua County Board of
436 County Commissioners and all of their members must communicate
437 with the utilities commission solely through the utilities
438 commission secretary/treasurer regarding commission business,

439 and the city commission, the Alachua County Board of County
440 Commissioners, any respective city or county commissioners, the
441 Gainesville Regional Utilities Commission, and members may not
442 give, either publicly or privately, any individual orders to or
443 interfere with any direct or indirect subordinates of the
444 CEO/GM, including staff officers and executives, employees,
445 contractors, consultants, or other agents.

446 (7) Ensure that individual members are granted complete
447 access to the utilities commission's management, any and all
448 records and documents, and any and all transactions in
449 accordance with law and subject to reasonable advance notice to
450 the CEO/GM and reasonable efforts to avoid disruption to
451 management, business, and operations. The utilities commission
452 and each committee shall have access to any independent legal,
453 financial, or other advisors, as they may deem necessary in
454 their sole discretion. However, inquiry and information requests
455 considered by the CEO/GM as excessive or interfering with an
456 employee's or work unit's performance of its duties may be
457 presented to the chairperson for mediation before filing a
458 formal interference complaint by the CEO/GM with the utilities
459 commission.

460 (8) Ensure that the utilities commission does not, in any
461 manner, dispose of or agree to sell or convey the utilities
462 commission's used and useful assets exceeding 5 percent of the
463 respective individual utility's total assets, using depreciated

464 book value, unless the utilities commission does so with the
465 prior approval of a simple majority vote of the city commission.

466 (9) Ensure that to the full extent permitted by law, the
467 city will not grant, cause, consent to, or allow the granting of
468 any franchise or permit to any person, firm, corporation, body,
469 agency, or instrumentality whatsoever, for the furnishing of
470 services which will compete with those of the utilities
471 commission. No discriminatory franchise, right-of-way, license,
472 permit, tax, or usage fee shall be levied upon the utilities
473 commission or its utilities by the city or by the county unless
474 provided by general law.

475 (10) Not render or cause to be rendered, directly or
476 indirectly, any free utilities, subsidies, sponsorships, grants,
477 contributions, donations, free services, or in-kind services of
478 any nature from the utilities or commission, nor will any
479 preferential rates be established for users of the same class;
480 the utilities commission and the city or county, including its
481 departments, agencies, and instrumentalities, shall use the
482 services provided by the utilities commission within the
483 utilities commission's service areas, or any part thereof, and
484 the same rates, fees, or charges applicable to other customers
485 receiving like services under similar circumstances shall be
486 charged to the utilities commission and the city or county and
487 any such department, agency, or instrumentality. Such charges
488 shall be paid as they become due. The revenues so received shall
489 be deemed to be revenues derived from the operation of the

490 utilities and shall be deposited and accounted for in the same
491 manner as other revenues derived from such operation of the
492 utilities.

493 (11) Ensure that all existing City of Gainesville
494 authority, laws, ordinances, resolutions, and administrative
495 regulations, interpretations, franchises, and controls directly
496 and indirectly affecting and controlling said utilities are
497 hereby conveyed to and exclusively vested within said commission
498 and its respective governance and authority as contained herein.
499 All rights, claims, actions, orders, and legal or administrative
500 proceedings involving the utilities commission immediately prior
501 to the effective date of this act shall continue, except as
502 modified pursuant to the provisions of and plenary authority
503 granted by this act.

504 (12) Shall ensure the development of an ethics policy and
505 a code of business conduct policy which shall be reviewed at
506 least biennially. Such policy and code shall be adhered to in
507 accordance with this act and any additional adherence
508 requirements which may subsequently be approved by the utilities
509 commission. Members, as well as all officers, executives, and
510 management and supervisory employees, shall each acknowledge
511 annually in writing their compliance with the utilities
512 commission's Code of Ethics and Business Conduct. Any waiver of
513 this requirement for a member, said officer, said executive, or
514 said employee shall only be granted unanimously by vote of the
515 full commission. Any member of the utilities commission who

516 requests a waiver may not participate in the deliberations,
517 debate, or vote on the request.

518 (13) Ensure, except as otherwise specifically provided in
519 this act, that the rights or privileges, if any, of persons who
520 were city utility employees immediately before the effective
521 date of this act are not affected or impaired.

522 Section 3. (1) SEVERABILITY.—Headings and sections of
523 this act are not intended to be construed, limiting, or
524 interpreted in isolation from each other. If any word, phrase,
525 clause, paragraph, section, or provision of this act or the
526 application hereof to any person or circumstance is held invalid
527 or unconstitutional, such finding shall not affect the other
528 provisions or applications of this act which can be given effect
529 without the invalid or unconstitutional provisions or
530 application, and to this end the provisions of this act are
531 declared severable.

532 (2) TRANSITION.—In order to provide for the transitional
533 administrative needs and orderly compliance with the provisions
534 in this act, upon the effective date of this act, utility
535 commission functions as described in section 7.08(5) are
536 authorized and shall continue until amended, changed, or
537 repealed by the utilities commission. The chairperson and
538 secretary/treasurer are authorized, upon their respective
539 appointment by the utilities commission, to execute documents
540 required for the transition as may be appropriate or otherwise
541 determined by the utilities commission and to provide required

542 direction and administration of utilities functions for up to 60
 543 calendar days during such time as the selection of the CEO/GM or
 544 a conservator/CEO/GM, interim/CEO/GM, or temporary/CEO/GM is in
 545 process as provided in section 7.06 of the charter.

546 (3) CONFLICT WITH LAWS.—All laws or parts of laws in
 547 conflict with this act are repealed. City of Gainesville and
 548 Alachua County Charter provisions, ordinances, resolutions,
 549 decrees, or parts thereof, in conflict herewith are to the
 550 extent of such conflict hereby also repealed.

551 Section 4. The referendum question shall be posed as
 552 follows:

553 Shall the Charter of the City of Gainesville be amended by
 554 creating the Gainesville Regional Utilities Commission, a
 555 municipally owned, independent, appointed, and representative
 556 commission?

557 Yes

558 No

559 Section 5. This act shall take effect only upon its
 560 approval by a majority vote of those qualified electors of the
 561 City of Gainesville voting in a referendum to be held in
 562 conjunction with the next presidential preference primary
 563 election to be held in Alachua County, except that this section
 564 and section 4 shall take effect upon becoming a law.