



City of Gainesville Agenda Item Report

File Number: 2024-352

Agenda Date: April 18, 2024

Department: Office of the City Attorney

Title: 2024-352 Proposed Ordinance Calling for a Charter Amendment
Referendum Regarding the City of Gainesville's Local Public Utilities (Gainesville
Regional Utilities) Governance (B)

Department: City Attorney

Description: At its March 21, 2024 regular meeting, the City Commission provided direction to the Office of the City Attorney to draft an Ordinance for consideration calling for a Charter amendment ballot referendum. The proposed Charter amendment would delete Article VII of the City Charter entitled "Gainesville Regional Utilities Authority."

The ordinance is authorized by Florida Statutes section 166.031(1) and Charter 5.01, and adoption of the ordinance requires an affirmative four-fifths vote of the membership of the City Commission. Per Florida Statutes section 101.161(1) and controlling caselaw, the proposed ballot summary must be an explanatory statement that is "clear and unambiguous" and provides voters with the "chief purpose" of the referendum. It should be stated in the form of a question followed by the word "yes" for approval and "no" for rejection. The ballot title shall not exceed 15 words in length. The ballot summary shall not exceed 75 words in length.

If the Ordinance passes by the required four-fifths majority, the proposed Charter amendment shall be placed "to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose." The next general election is scheduled for Tuesday, November 5, 2024. The State primary election (which also serves as the regular election for City Commission seats) is scheduled for Tuesday, August 20, 2024. To place the ballot referendum on the November 5, 2024 general election ballot, the City must affirmatively notify the Supervisor of Elections no later than June 15, 2024, and provide the actual ballot language in English and Spanish no later than August 1, 2024. If the ordinance provides for a special election concurrent with the State primary election on August 20, 2024, such notice must be provided by May 31, 2024, and language submitted by June 15, 2024.

Recommendation: The City Commission review the draft proposed Ordinance, and provide direction to the Office of the City Attorney.