

# LEGISLATIVE FILE #170902

April 12, 2018

DIVISION 7. - UTILITY ADVISORY BOARD<sup>[13]</sup>

Footnotes:

1 Sec. 2-356. - Intent.

2 It is the intent of the city commission to create, empower, staff, and fund a utility board to study the city's  
3 utility and make policy recommendations regarding the utility's management, operations, and finances.  
4 The utility board shall issue a Utility Policy for consideration and adoption by the city commission, which  
5 shall serve as the guiding document for future decisions regarding the utility, and shall recommend  
6 amendments and updates as needed. The board shall also provide ongoing fiscal oversight of the utility.

7 Sec. 2-357. - Definitions.

8 [The following words, terms and phrases, when used in this division, shall have the meanings  
9 ascribed to them in this section, except where the context clearly indicates a different meaning:]

10 *Customer* means the natural person or legal entity that has a utility services account in his/her/its  
11 name and is responsible for payment for utility services at that specific location.

12 *Utility* means the city doing business as Gainesville regional utilities.

13 *Utility board* means the advisory board created by this division and includes both voting and non-  
14 voting members

15 *Utility governance* means the making and administering of the utility's course of action. Governance  
16 decisions are those decisions designed to influence and guide management's decisions, actions and  
17 other matters of the utility. The responsibilities of utility governance are more specifically described in  
18 Subsections 1.04(2), (3), (4), (5), (6), (7), and (8), of the City Charter.

19 *Utility management* means the directing, supervising or carrying on of utility business affairs in a  
20 manner as directed by the city commission. The responsibility for utility management is more specifically  
21 described in Section 3.06 of the City Charter.

22 *Utility services* means the electric, gas, telecommunications, water, and wastewater services  
23 provided by the city doing business as Gainesville regional utilities.

24 Sec. 2-358. - Creation.

25 (a) *Establishment*. The utility board is hereby created as an advisory board to advise the city  
26 commission regarding all matters of utility governance as more fully described in section 2-360.

27 Sec. 2-359. - Utility board; voting membership; non-voting membership; terms; officers; procedural rules.

28 (a) *Voting Membership*. The utility board shall have seven voting members. All voting members shall  
29 reside within the utility service area and receive utility service. A minimum of one voting member

1 shall reside outside the Gainesville city limits. When selecting voting members, the city commission  
2 will consider applicants with the following qualities:

- 3 (1) experience as a utility demand customer;
- 4 (2) experience as a utility service provider;
- 5 (3) investment banking, financial or certified public accounting experience;
- 6 (4) experience in energy and water conservation;
- 7 (5) experience with business, contract or corporate law, or contract administration;
- 8 (6) engineering experience; and
- 9 (7) any other qualifications the city commission deems relevant or beneficial to service on the  
10 board.

11 (b) *Non-Voting Membership.* The utility board shall have two non-voting members. One non-voting  
12 member will be an appointee of the Alachua County Commission. The second non-voting member  
13 will be an appointee of the Alachua County School Board. Non-voting members will be  
14 representatives of their respective appointing bodies, and will represent the official position of those  
15 bodies pertaining to issues brought before the board. Non-voting members will have the right to  
16 speak on each item brought before the board, regardless of whether a motion on that item is then  
17 under consideration, but will not have the power to make motions or to vote on motions under  
18 consideration. Non-voting members will receive all communications sent to voting members of the  
19 board.

20 (c) *Term.*

- 21 (1) Each voting member shall be appointed to a four-year term, provided however that for the first  
22 seven appointees, three will serve an initial term of two years and four will serve an initial term  
23 of four years. The city commission will designate which of its initial appointees will serve the  
24 two-year terms.
- 25 (2) Voting members may be reappointed for consecutive terms and may hold office after expiration  
26 of their term until a successor has been appointed and qualified. Voting members may serve no  
27 more than three consecutive terms.
- 28 (3) When a voting position becomes vacant before the end of the term, the city commission shall  
29 appoint a substitute voting member to fill the vacancy for the duration of the vacated term.

30 (d) *Officers.* The voting members of the utility board shall annually elect a chair and vice-chair from  
31 among their membership.

32 (e) *Compensation of members.* The voting members shall not be deemed employees of the city, nor  
33 entitled to compensation, pension, or other retirement benefits on account of service on the utility

1 board. Voting members may be paid for mileage, travel and any other such expenses incurred on  
2 board business from funds budgeted by the city commission pursuant to city financial policies and  
3 procedures.

4 (f) *Attendance.* Voting members are required to attend all regular and special meetings of the utility  
5 board. Each voting member shall be granted four absences per calendar year. A voting member  
6 shall notify the board secretary of an absence prior to the meeting, if practicable.

7 (g) *Removal from board.* A voting member may be removed for cause by the city commission. Non-  
8 voting members may only be removed from the board by official action of their appointing bodies.

9 (h) *Rules of procedure.*

10 (1) The utility board shall adopt rules of procedure to carry out its purposes. All rules must conform  
11 to this code and state law and must be approved by the city commission.

12 (2) The utility board shall meet at least once each calendar month, unless cancelled by the board or  
13 its chair. The utility board may meet more often at the call of the chair, the city commission, or  
14 two or more voting members of the utility board. When the most efficient use of utility staff time  
15 and city resources dictate, the utility board may meet concurrently with the city commission.

16 (3) A quorum shall consist of a majority of the voting members of the utility board; however, a  
17 smaller number may adjourn a meeting. Official action may be taken by majority vote when a  
18 quorum is present.

19 (4) The utility board and its voting members shall be subject to the provisions of Florida's  
20 Government in the Sunshine Law (F.S. § 286.012), Florida's Code of Ethics for Public Officers  
21 and Employees (F.S. Ch. 112, Pt. III), and Florida Public Record's Law (F.S. Ch. 119), all as  
22 may be amended from time to time.

23 Sec. 2-360. - Functions, powers and duties of the utility board.

24 The utility board has full authority to make and shall make independent recommendations regarding  
25 all aspects of utility governance to the city commission. Utility board recommendation prior to city  
26 commission consideration of an item is not required if the utility business item is an emergency or a time-  
27 sensitive item. If the utility board fails to timely make recommendations to the city commission, the city  
28 commission may take action on the item as it deems necessary. The utility board shall serve as a channel  
29 of communications between the city commission, utility staff, and the utility customers. The functions,  
30 powers, and duties of the utility board include, but are not limited to:

31 (a) *Utility Policy:* The utility board shall develop and recommend a Utility Policy for the city of  
32 Gainesville for consideration and adoption by the city commission. The Utility Policy shall  
33 evaluate energy and utility issues based on a triple bottom line approach of equity, economy,

1 and environment. The utility board shall recommend updates and revisions to the Utility policy  
2 as necessary. Issues addressed by the Utility Policy shall include, but not be limited to:

- 3 (1) Delivering safe, reliable, cost-effective (which shall include a reasonable return on the city  
4 of Gainesville's investment), and environmentally responsible utility service;
- 5 (2) The future utility needs of the city of Gainesville and opportunities to coordinate integrated  
6 planning.
- 7 (3) Promoting close cooperation between the utility, city commission, other city boards and  
8 committees, city departments, and other individuals, institutions, and agencies in the  
9 community so that similar activities within the city can be coordinated. Such activities may  
10 include, but are not limited to, initiatives on energy affordability, affordable housing,  
11 economic development, renewable energy, environmental stewardship, and transportation.

12 (b) *Budget*. The utility board shall consider and make recommendations regarding the utility's  
13 budget. In particular, the utility board shall:

- 14 (1) Engage in budget planning and make recommendations for future budget items with  
15 reference to the goals of the Utility Policy
- 16 (2) Review and track the utility's budget on an ongoing basis, with special attention given to  
17 capital and operations/maintenance projects in excess of one million dollars (\$1,000,000)
- 18 (3) Review quarterly reports of utility staff comparing budget estimates to actuals and issue  
19 observations and recommendations regarding such to the city commission.

20 (c) *Work Plan*. The utility board shall develop its goals and priorities each year with reference to the  
21 Utility Policy, and recommend such annually in the form of a Work Plan for consideration and  
22 approval by the city commission.

23 (d) *City commission referrals*. The city commission may refer issues, questions of interest, or areas  
24 of study to the utility board. Upon receipt of the referral, the utility board shall meet, review, and  
25 study the referred issue and shall subsequently provide a recommendation to the city  
26 commission within six months (or sooner if so specified by the city commission) of the referral.

27 (e) *General Manager for utilities items*. The utility board shall review and make a recommendation  
28 on all items the general manager of utilities intends to place on a city commission agenda.  
29 Where such items would appear on the consent agenda of the city commission, the utility board  
30 may also address such items on consent.

31 Sec. 2-361. - Utility board guidelines.

- 32 (a) The utility board is expected to actively engage in the collection and evaluation of information related  
33 to utility management and governance. The utility board members shall conduct research, gather

1 information and learn from the experiences of industry experts. The utility board may consider  
2 information from various sources including, but not limited to, standards setting organizations in the  
3 engineering and utilities sectors, prominent conservation organizations, municipal and investor-  
4 owned utilities, and public and private research institutes.

5 Sec. 2-362. - City resources.

6 (a) The utility board may request information and assistance from the general manager for utilities and  
7 such other city charter officers as the utility board finds necessary. At the direction of the city charter  
8 officers, city staff shall prepare such reports, analysis, and recommendations as the utility board  
9 deems necessary to remain fully informed and to carry out its responsibilities as set forth in this  
10 division.

11 (b) The utility board may make requests, through the city commission, to the city auditor for specified  
12 audits of utility services.

13 (c) The city attorney, or designee, shall serve as legal advisor to the utility board.

14 (d) The Clerk of the Commission shall designate a staff member to serve as clerk to the utility board.  
15 The clerk shall prepare notices of meetings, shall prepare an agenda and shall record and keep  
16 minutes of each utility board meeting.

17 Secs. 2-363—2-375. - Reserved.