

Legislative #

140384

**Draft language for an ordinance to
create a Utility Board**

DIVISION 7. UTILITY ADVISORY BOARD

Section 2-356. Intent. It is the intent of the city commission to create, empower, staff, and fund a utility advisory board to advise and make recommendations to the city commission regarding all aspects of the governance of the city's electric, gas, telecommunications, water, and wastewater collection utilities.

Section 2-357. Definitions.

- (a) *Utility services* means the electric, gas, telecommunications, water, and wastewater collection services provided by the city doing business as Gainesville Regional Utilities.
- (b) *Customer* means the natural person or legal entity that has a utility services account in his/her/its name and is responsible for payment for utility services at that specific location.
- (c) *Utility board* means the advisory board created by this division.
- (d) *City representatives* means utility board members appointed by the city commission.
- (e) *County representatives* means utility board members appointed by the Alachua County Commission.
- (f) *Utility governance* means the making and administering of the utility's course of action. Governance decisions are those decisions designed to influence and guide management's decisions, actions and other matters of the utility. The responsibilities of utility governance are more specifically described in Subsections 1.04(2), (3), (4), (5), (6), (7), and (8), of the city charter.
- (g) *Utility management* means the directing, supervising or carrying on of utility business

1 affairs in a manner as directed by the city commission. The responsibility for utility
2 management is more specifically described in Section 3.06 of the city charter.

3 **Section 2-358. Creation.**

- 4 (a) *Establishment.* The utility board is hereby created as a citizen advisory board to advise
5 the city commission regarding all matters of utility governance as more fully described in
6 Section 2-360.

7 **Section 2-359. Utility Board; membership; terms; officers; procedural rules.**

- 8 (a) *Membership.* The utility board shall have nine members. Six members shall be appointed
9 by the city commission. The city commission will endeavor to appoint a cross-section of
10 the different customer classes within the city limits. At a minimum, the city commission
11 shall appoint the following:

- 12 (1) a residential customer residing in the city;
13 (2) a general service customer who has an ownership interest in a business located
14 within the city; and
15 (3) an individual residing in the city who represents the interests of low-income
16 customers.

17 Three members, all of whom are customers (either residential or general service), shall be
18 appointed by the Alachua County Commission.

- 19 (b) *Term.*

- 20 (1) Each member shall be appointed to a four-year term, provided however that for
21 the first six city appointees, three will serve an initial term of two years and three
22 will serve an initial term of four years. The city commission will designate which
23 of its initial appointees will serve the two year terms. Provided further, for the

1 first three county appointees, one will serve an initial term of two years and two
2 will serve an initial term of four years. The county commission will designate
3 which of its initial appointees will serve the two year term.

4 (2) Members may be reappointed for consecutive terms and may hold office after
5 expiration of their term until a successor has been appointed and qualified.

6 (3) When a city representative position becomes vacant before the end of the term,
7 the city commission shall appoint a substitute member to fill the vacancy for the
8 duration of the vacated term. When a county representative position becomes
9 vacant before the end of the term, the county commission shall appoint a
10 substitute member to fill the vacancy for the duration of the vacated term.

11 (c) *Officers.* The members of the utility board shall annually elect a chair and vice-chair from
12 among their membership.

13 (d) *Compensation of members.* The utility board members shall not be deemed employees
14 of the city, nor entitled to compensation, pension, or other retirement benefits on account
15 of service on the utility board. Utility board members may be paid for mileage, travel
16 and any other such expenses incurred on board business from funds budgeted by the city
17 commission pursuant to the city financial policies and procedures.

18 (e) *Attendance.* Utility board members are required to attend all regular and special meetings
19 of the utility board. Each utility board member may be granted two (2) excused absences
20 per calendar year. A utility board member shall notify the board secretary of an absence
21 prior to the meeting, if practicable.

22 (f) *Removal from board*

23 A utility board member may be removed by the city commission, with or without cause.

1 (g) *Rules of Procedure.*

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

5 (2) The utility board shall meet at least once each calendar month, unless cancelled
6 by the board or its chair. The utility board may meet more often at the call of the
7 chair, the city commission, or two or more members of the utility board. When
8 the most efficient use of utility staff time and city resources dictate, the utility
9 board may meet concurrently with the city commission. All utility board
10 meetings shall be publicly noticed and accessible to the public.

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

14 (4) The utility board and its members shall be subject to the provisions of Florida's
15 Government in the Sunshine Law (section 286.012, Florida Statutes), Florida's
16 Code of Ethics for Public Officers and Employees (Part III, Chapter 112, Florida
17 Statutes), and Florida Public Record's Law (Chapter 119, Florida Statutes), all as
18 may be amended from time to time.

19 **Section 2-360. Functions, Powers and Duties of the Utility Board.**

20 The utility board shall serve as an advisor to the city commission on all policy and governance
21 decisions to be made by the city commission regarding utility services. The utility board has full
22 authority to make and shall make independent recommendations regarding all aspects of utility
23 governance to the city commission and the general manager for utilities. Utility board

1 recommendation prior to city commission consideration of an item is not required if the utility
2 business item is an emergency or a time-sensitive or important item. If the utility board fails to
3 timely make recommendations to the city commission or the general manager for utilities, the
4 city commission or general manager for utilities may take action on the item as either deems
5 necessary. The functions, powers, and duties of the utility board include, but are not limited to:

6 (a) *Rates and charges:* The utility board shall consider and make recommendations
7 regarding proposed changes in fees, rates or charges for utility services.

8 (b) *Rate Structure:* The utility board shall consider and make recommendations regarding a
9 proposed change to the rate structure for utility services.

10 (c) *Budget:* The utility board shall consider and make recommendations regarding GRU's
11 budget.

12 (d) *Energy advisory duties:* The utility board shall provide recommendations on energy and
13 shall serve as an energy advisory board, including but not limited to:

14 (1) Serving as a channel of communications between the city commission, utility
15 staff, and the gas and electric utility customers, in order to understand and solve
16 the many complex problems relating to energy;

17 (2) Promoting public access to information regarding the city facilities, services,
18 policies, and programs concerning energy;

19 (3) Considering the future energy needs of the community with respect to the electric
20 and gas utilities; and

21 (4) Assisting utility staff by suggesting and reviewing policies, programs and services
22 that affect acquisition, delivery, or utilization of energy resources within the
23 community.

1 (e) *Water and wastewater advisory duties:* The utility board shall serve as a water and
2 wastewater collection advisory board to provide information and make recommendations
3 regarding trending issues with the provision of water and wastewater collection services;
4 including the need to conserve water resources, the need for capital infrastructure
5 improvements and the funding thereof; and the cost of additional regulations by local,
6 state and federal agencies.

7 (f) *Telecommunications advisory duties:* The utility board shall serve as a
8 telecommunications advisory board to provide recommendations on the expansion,
9 reduction or sale of telecommunication services.

10 (g) *City Commission Referrals:* The city commission may refer issues, questions of interests,
11 or areas of study to the utility board. Upon receipt of the referral, the utility board shall
12 meet, review, and study the referred issue and shall subsequently provide a
13 recommendation to the city commission within six months (or sooner if so specified by
14 the city commission) of the referral.

15 (h) *General Manager for Utilities Items:* For items the general manager of utilities intends to
16 place on a city commission agenda, the general manager will first seek recommendation
17 from the utility board.

18 **Section 2-361. Utility Board Guidelines.**

19 (a) In carrying out its functions, powers, and duties, the utility board shall foremost consider
20 the need to operate GRU in a manner that provides safe and reliable utility services, at
21 fair, just and reasonable rates, which includes a reasonable return on the City of
22 Gainesville's investment.

23 (b) Utility board members are expected to actively engage in the collection and evaluation of

1 information related to utility management and governance. The utility board members
2 shall conduct research, gather information and learn from the experiences of industry
3 experts and board members from throughout the state in order to make informed and
4 independent recommendations to the city commission. The utility board members may
5 consider information from sources such as, but not limited to, the American Public Power
6 Association, the Florida Municipal Power Association, the Warrington School of
7 Business's Public Utility Research Center, National Association of Regulatory Utility
8 Commissioners' Rate School and other public utilities in the State of Florida and
9 throughout the United States.

10 **Section 2-362. City Resources.**

- 11 (a) The utility board may request information and assistance from the general manager for
12 utilities and such other city charter officers as the utility board finds necessary. At the
13 direction of the city charter officers, city staff shall prepare such reports, analysis, and
14 recommendations as the utility board deems necessary to remain fully informed and to
15 carry out its responsibilities as set forth in this ordinance.
- 16 (b) The utility board may make requests to the city auditor for specified audits of GRU utility
17 services.
- 18 (c) The city attorney, or designee, shall serve as legal advisor to the utility board.
- 19 (d) The general manager for utilities shall designate a staff member to serve as clerk to the
20 utility board. The clerk shall prepare notices of meetings, shall prepare an agenda and
21 shall record and keep minutes of each utility board meeting.

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