

Legislative #

130677a

1                                   **Draft language for an ordinance to**  
2                                   **create a Utility Governance Advisory Board**  
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4           **Section 1. Intent.** It is the intent of the City Commission to thoughtfully consider the  
5 most effective governance for the City of Gainesville’s water, wastewater, electric, gas and  
6 telecommunication utilities which are operated under the fictitious name of Gainesville Regional  
7 Utilities (“GRU”). The City Commission believes a prudent first step in that process is to create  
8 an advisory board that will research and evaluate various models of utility governance in the  
9 State of Florida, develop policies to guide the governance and management of GRU, and  
10 ultimately recommend a governance structure and operational policies best suited for GRU. The  
11 City Commission recognizes that this important and deliberative process will take time. This  
12 ordinance creates the advisory board and outlines the structure, responsibilities and powers of the  
13 advisory board.

14           **Section 2. Creation and Composition of the Governance Advisory Board;**  
15 **compensation**

16 (a) The City Commission hereby establishes a Governance Advisory Board (the “Board”)  
17 that consists of seven (7) members appointed by the City Commission, as follows:

- 18           (1) Three members of the City Commission; and  
19           (2) One member who is a residential customer of GRU and lives in the  
20           unincorporated area of Alachua County; and  
21           (3) One member who owns a business that is a general service customer of GRU and  
22           is located in the unincorporated area of Alachua County; and  
23           (4) Two members who have significant professional expertise in the field of  
24           finance/investment, engineering, business administration, and/or construction. These

1 “expertise” members must be a residential customer of GRU or own or work for a  
2 business that is a commercial customer of GRU.

3 (b) Current and former City or GRU employees are ineligible for appointment to the Board.

4 Each appointed member will be asked to serve for the term of this Ordinance (set forth in  
5 Section 7 below). In the event an appointed member is unable to continue to serve, the  
6 vacancy will be filled by City Commission appointment. The new appointee must meet  
7 the qualifications of the vacant seat. The new appointee shall serve for the remainder of  
8 the unexpired term for the seat filled. An appointed member may be removed by  
9 majority vote of the City Commission.

10 (c) The Board members shall not be deemed employees of the City of Gainesville, nor  
11 entitled to compensation, pension, or other retirement benefits on account of service on  
12 the Board.

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

17 **Section 3. Responsibilities of the Governance Advisory Board**

18 The Board’s primary responsibility is to study, evaluate and make a final recommendation to the  
19 City Commission concerning the long-term governance structure and governing operating  
20 policies that are best suited for GRU, prior to the sunset of the Board and repeal of this  
21 Ordinance as set forth in Section 7 below. The Board shall have such other responsibilities as  
22 are assigned by the City Commission.

23

1 In carrying out its responsibility, the Board shall foremost consider the need to operate GRU in a  
2 manner that provides safe and reliable utility services, at fair, just and reasonable rates (which  
3 includes a reasonable return on the City of Gainesville's investment).

4 The Board may request information and assistance from the General Manager for Utilities and  
5 such other City Charter officers as the Board finds necessary. The Board shall conduct research,  
6 gather information and learn from the experiences of industry experts and board members from  
7 throughout the state in order to make an informed and independent recommendation to the City  
8 Commission. The Board may consider information from sources such as, but not limited to, the  
9 American Public Power Association, the Florida Municipal Power Association, the Warrington  
10 School of Business's Public Utility Research Center, National Association of Regulatory Utility  
11 Commissioners' Rate School and public utilities in the State of Florida. Board members will be  
12 reimbursed for expenses associated with research related traveling, if any is scheduled and  
13 required. Reimbursement will be in accordance with the City's travel policy. Board members  
14 are expected to actively engage in the collection and evaluation of information.

15 **Section 4. City Resources**

16 (a) At the direction of the Charter Officers of the City of Gainesville, City (including GRU)  
17 staff shall prepare such reports, analysis, and recommendations as the Board deems necessary to  
18 remain fully informed and to carry out its responsibilities as set forth in this ordinance.

19 (c) The City Attorney, or her designee, shall serve as legal advisor to Board.

20 (d) The General Manager for Utilities shall designate a staff member to serve as clerk to the  
21 Board. The clerk shall publish the notice of meetings, shall prepare an agenda and shall record  
22 and keep minutes of each Board meeting.

23 **Section 5. Board Meetings and Procedure**

- 1 (a) The Board shall elect a chairperson and vice-chairperson.
- 2 (b) The Board shall hold a minimum of one regular monthly public meeting within the City  
3 Hall of the City of Gainesville. The Board may hold more frequent regular meetings as needed  
4 and at such times and places as it may designate in accordance with Florida's Government in the  
5 Sunshine Law. Two or more Board members may request a Board meeting.
- 6 (c) A quorum shall consist of a majority of the members of the Board; however, a smaller  
7 number may adjourn a meeting. Official action may be taken by vote of a majority of the  
8 quorum present.

9 **Section 6. City Commission consideration of Board recommendations**

10 Prior to the sunset of the Board and repeal of this Ordinance as set forth in Section 7 below, the  
11 recommendations from the Board concerning GRU governance will be placed on a City  
12 Commission meeting agenda for discussion and action by the City Commission. The City  
13 Commission shall determine whether any changes to the governance structure or governance  
14 operations are necessary or desirable. In making its determination, the City Commission may  
15 take into consideration the information and recommendations provided by the Board, industry  
16 experts, as well as the information and research that the City Commission has itself gathered and  
17 analyzed.

18 **Section 7. Sunset and Repeal**

19 This ordinance shall become effective immediately upon adoption; however, the Board shall not  
20 begin exercising its responsibilities described herein until such time as the full Board is  
21 appointed by the City Commission. This Ordinance shall be valid and effective until  
22 \_\_\_\_\_, at which point the Board shall be deemed sunsetted and this Ordinance  
23 repealed, unless extended by ordinance of the City of Gainesville.