

**Legislative #
170651B**

DIVISION 7. - UTILITY ADVISORY BOARD^[13]

Sec. 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 utilities.

(Ord. No. 140384, § 2, 11-19-15)

Sec. 2-357. - Definitions.

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

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.

Utility means the city doing business as Gainesville regional utilities.

Utility board means the advisory board created by this division.

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.

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

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

(Ord. No. 140384, § 2, 11-19-15)

Sec. 2-358. - Creation.

(a)

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

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

(a) *Membership.* The utility board shall have seven members. All members shall reside within the utility service area and receive utility service. A minimum of one member shall reside outside the Gainesville city limits. The membership shall be comprised of the following:

- (1) A representative of a major business (defined as having 25 or more employees) that is a utility commercial customer;
- (2) A person with utility management experience;
- (3) A person with investment banking, financial or certified public accounting experience;
- (4) A licensed attorney with business, contract or corporate law experience;
- (5) A person with engineering experience; and
- (6) Two persons with any qualifications the city commission deems relevant or beneficial to service on the board.

(b) *Term.*

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

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

(d)

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

- (e) *Attendance.* Utility board members are required to attend all regular and special meetings of the utility board. Each utility board member may be granted four excused absences per calendar year. A utility board member shall notify the board secretary of an absence prior to the meeting, if practicable.
- (f) *Removal from board.* A utility board member may be removed for cause by the city commission.
- (g) *Rules of procedure.*
 - (1) The utility board shall adopt rules of procedure to carry out its purposes. All rules must conform to this code and state law and must be approved by the city commission.
 - (2) The utility board shall meet at least once each calendar month, unless cancelled by the board or its chair. The utility board may meet more often at the call of the chair, the city commission, or two or more members of the utility board. When the most efficient use of utility staff time and city resources dictate, the utility board may meet concurrently with the city commission.
 - (3) A quorum shall consist of a majority of the members of the utility board; however, a smaller number may adjourn a meeting. Official action may be taken by majority vote when a quorum is present.
 - (4) The utility board and its members shall be subject to the provisions of Florida's Government in the Sunshine Law (F.S. § 286.012), Florida's Code of Ethics for Public Officers and Employees (F.S. Ch. 112, Pt. III), and Florida Public Record's Law (F.S. Ch. 119), all as may be amended from time to time.

(Ord. No. 140384, § 2, 11-19-15; Ord. No. 160130, § 1, 9-15-16)

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

The utility board shall serve as an advisor to the city commission on all policy and governance decisions to be made by the city commission regarding utility services. The utility board has full authority to make and shall make independent recommendations regarding all aspects of utility governance to the city commission and the general manager for utilities. Utility board recommendation prior to city commission consideration of an item is not required if the utility business item is an emergency or a time-sensitive item. If the utility board fails to timely make recommendations to the city commission or the general manager for utilities, the city commission or general manager for utilities may take action on the item as either deems necessary. The utility board shall serve as a channel of communications between the city commission, utility staff, and the utility customers. The functions, powers, and duties of the utility board include, but are not limited to:

- (a) *Rates and charges.* The utility board shall consider and make recommendations regarding proposed changes in fees, rates or charges for utility services.
- (b) *Rate structure.* The utility board shall consider and make recommendations regarding a proposed change to the rate structure for utility services.
- (c) *Budget.* The utility board shall consider and make recommendations regarding the utility's budget.
- (d) *Energy advisory duties.* The utility board shall provide recommendations on energy including but not limited to:
 - (1) Promoting public access to information regarding the city facilities, services, policies, and programs concerning energy;
 - (2) Considering the future energy needs of the community with respect to the electric and gas utilities; and
 - (3) Assisting utility staff by suggesting and reviewing policies, programs and services that affect acquisition, delivery, or utilization of energy resources within the community.
- (e) *Water and wastewater advisory duties.* The utility board shall serve as a water and wastewater advisory board to provide information and make recommendations regarding trending issues with the provision of water and wastewater collection services; including the need to conserve water

resources, the need for capital infrastructure improvements and the funding thereof; and the cost of additional regulations by local, state and federal agencies.

- (f) *Telecommunications advisory duties.* The utility board shall serve as a telecommunications advisory board to provide recommendations on the expansion, reduction or sale of telecommunication services.
- (g) *City commission referrals.* The city commission may refer issues, questions of interests, or areas of study to the utility board. Upon receipt of the referral, the utility board shall meet, review, and study the referred issue and shall subsequently provide a recommendation to the city commission within six months (or sooner if so specified by the city commission) of the referral.
- (h) *General manager for utilities items.* The utility board shall review and make a recommendation on all items the general manager of utilities intends to place on a city commission agenda.

(Ord. No. 140384, § 2, 11-19-15)

Sec. 2-361. - Utility board guidelines.

- (a) In carrying out its functions, powers, and duties, the utility board shall foremost consider the need to operate the utility in a manner that provides safe and reliable utility services, at fair, just and reasonable rates, which includes a reasonable return on the City of Gainesville's investment.
- (b) Utility board members are expected to actively engage in the collection and evaluation of information related to utility management and governance. The utility board members shall conduct research, gather information and learn from the experiences of industry experts and board members from throughout the state in order to make informed and independent recommendations to the city commission. The utility board members may consider information from sources such as, but not limited to, the American Public Power Association, the Florida Municipal Power Association, the Warrington School of Business's Public Utility Research Center, National Association of Regulatory Utility Commissioners' Rate School and other public utilities in the state and throughout the United States.

(Ord. No. 140384, § 2, 11-19-15)

Sec. 2-362. - City resources.

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

(Ord. No. 140384, § 2, 11-19-15)

Secs. 2-363—2-375. - Reserved.