

Legistar #  
180479

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**ORDINANCE NO. 180479**

**An ordinance of the City of Gainesville, Florida, amending section 2-358 of the Code of Ordinances relating to non-voting members of the Utility Advisory Board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, at least 10 days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

**WHEREAS**, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** Section 2-358, Division 7 of Article V, Chapter 2, is amended to read as set forth below.

**Chapter 2 – ADMINISTRATION**

**ARTICLE V. – BOARDS, COMMISSIONS AND COMMITTEES**

**DIVISION 7. – UTILITY ADVISORY BOARD**

**Sec. 2-358. - Utility board; membership; terms; officers; procedural rules.**

(a) *Voting Members.* The utility board shall have seven voting members. All voting members' permanent residence shall be within the utility service area and receive utility service. A minimum of one voting member shall reside outside the Gainesville city limits. Applicants with any of the following types of experience are encouraged to apply for a voting member seat:

- (1) experience as a utility demand customer;

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- 32 (2) experience as a utility service provider;  
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 34 (3) investment banking, financial or certified public accounting experience;  
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 36 (4) experience in energy and water conservation;  
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 38 (5) experience with business, contract or corporate law, or contract administration; or  
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 40 (6) engineering experience.  
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42 The city commission may appoint voting members with any qualifications or experience  
 43 the city commission deems relevant or beneficial to service on the utility board.  
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- 45 (b) *Non-Voting Members.* The Alachua County Board of County Commissioners and the  
 46 Alachua County School Board may each appoint one non-voting member to the utility  
 47 board, subject to the approval of the city commission. Elected officials, or a person  
 48 appointed to fill an elected official's seat until the next election, may not be appointed or  
 49 serve as a non-voting member. Non-voting members shall have the same rights and  
 50 privileges as voting members, except non-voting members shall not make motions or  
 51 vote on motions under consideration.  
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53 (c) *Term.*

- 54  
 55 (1) Each voting and non-voting member shall be appointed to a four-year term.  
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 57 (2) Members may be reappointed for consecutive terms and may remain a member after  
 58 expiration of their term until a successor has been appointed and qualified. Members  
 59 may serve no more than three consecutive terms.  
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 61 (3) When a voting position becomes vacant before the end of the term, the city  
 62 commission may appoint a substitute voting member to fill the vacancy for the  
 63 duration of the vacated term. When a non-voting position becomes vacant before the  
 64 end of the term, the respective appointing board may appoint a substitute non-voting  
 65 member to fill the vacancy for the duration of the vacated term, subject to approval by  
 66 the city commission.  
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- 68 (d) *Officers.* The voting members of the utility board shall annually elect a chair and vice-  
 69 chair from among the voting members.  
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- 71 (e) *Compensation of members.* The utility board members shall not be deemed employees of  
 72 the city, nor entitled to compensation, pension, or other retirement benefits on account of  
 73 service on the utility board. Utility board members may be paid for mileage, travel and  
 74 any other such expenses incurred on board business from funds budgeted by the city  
 75 commission pursuant to city financial policies and procedures.

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

(g) *Removal from board.* A utility board member may be removed by the city commission. Non-voting members may also be removed by official action of their respective appointing board.

(h) *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 and approved as to form and legality by the city attorney.

(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 at the request of two or more voting 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 voting members of the utility board; however, a smaller number may adjourn a meeting. Official action can only be taken by majority vote when a quorum is present.

**Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

**Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or application of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

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111 Section 4. All ordinances or parts of ordinances, in conflict herewith are to the extent of  
112 such conflict hereby repealed.

113 Section 5. This ordinance shall become effective immediately upon final adoption.

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116 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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\_\_\_\_\_  
LAUREN POE  
MAYOR

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ATTEST:

Approved as to form and legality

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126 \_\_\_\_\_  
OMICHELE D. GAINNEY  
127 CLERK OF THE COMMISSION

128 \_\_\_\_\_  
NICOLLE M. SHALLEY  
129 CITY ATTORNEY

130 This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

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132 This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2018.