

# ORDINANCE 2014-43

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING CITY UTILITIES; ADDING A NEW DIVISION 4, ENTITLED “UTILITY ADVISORY BOARD” TO CHAPTER 2, ARTICLE III, WITH SECTIONS TO BE NUMBERED 2-161 THROUGH 2-190; PROVIDING FOR THE ESTABLISHMENT OF A UTILITY ADVISORY BOARD; PROVIDING FOR ITS PURPOSE; PROVIDING FOR COMPOSITION, APPOINTMENT AND TERM OF MEMBERS; PROVIDING FOR REQUIRED MEETINGS AND QUORUM OF THE BOARD; PROVIDING FOR THE DUTIES OF THE BOARD, PROVIDING FOR A PROHIBITION ON EXPENDITURE OF FUNDS; PROVIDING FOR RESERVED SECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City recognizes the importance of providing its utility citizens and customers a voice in the management of its utilities; and

**WHEREAS**, The City of Ocala Utility Services wishes to create a Utility Advisory Board to make recommendations on matters of concern to the utility, to include, but not limited to rates, capital projects, budget, and utility policy; and

**WHEREAS**, matters would be brought to the Utility Advisory Board for their non-binding recommendations to the Utility, City Management and City Council; and

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Ocala, Florida as follows:

**Section 1.** That the Code of Ordinances, City of Ocala, Florida, is hereby amended by adding Article III, Division 4, with sections to be numbered 2-161 through 2-190, which sections read as follows:

## **DIVISION 4. UTILITY ADVISORY BOARD**

### **Sec. 2-161. Purpose.**

It is the legislative intent of the city council by this division to provide for a utility advisory board for the purpose of providing the city citizens and its utility customers input into management of the city’s utilities.

### **Sec. 2-162. Established.**

There is hereby established a utility advisory board.

**Sec. 2-163. Composition; term of members; compensation of members.**

The utility advisory board shall consist of twelve uncompensated volunteer members to be appointed by the city council. Initially, half of the board members will be appointed for a term of two years and half for four year terms. Thereafter, all members will be appointed for four year terms. Members may be re-appointed for subsequent terms. Vacancies shall be filled by qualified members for the unexpired term of the member whose post becomes vacant. A member may be removed for cause by the city council upon written charges and after a public hearing. Any member missing three consecutive meetings may be removed from office without a public hearing. Appointments shall be made by city council on the basis of experience and interest in the city's utilities at the sole discretion of city council. Whenever possible, the membership of the utility advisory board shall include a representative member from the following areas:

- a. Electric residential customer
- b. Electric commercial customer
- c. Electric large power customer
- d. Water residential customer
- e. Water small commercial customer
- f. Water large commercial customer
- g. Council person customer
- h. Education/Medical customer
- i. Non-profit/governmental
- j. Finance customer
- k. (2) at large members

**Sec. 2-164. Meetings.**

The utility advisory board shall hold regular quarterly meetings or as otherwise required to adequately carry out their duties. The meetings will be chaired by the assistant city manager of utility services department or his designee. The chairperson will not have a vote on actions taken by the board or count towards a quorum. A minimum of six (6) board members will constitute a quorum for the board to advance a recommendation.

**Sec. 2-165. Duties.**

The utility advisory board shall act in an advisory capacity to the city government in connection with the management of the city utilities. The city officials and officers and the staff of city departments may consult with the board from time to time on matters coming within the scope of this division, and the board shall advise and consult with such officials, officers and staff of city departments in connection with the operation and management of city utilities.

**Sec. 2-166. Expenditures.**

No solicitation for or expenditure of funds shall be made, endorsed or supported in any manner by the utility advisory board unless specifically authorized and approved by the city council in accordance with city council adopted policy in regard to same.

**Secs. 2-167-2-190. Reserved.**

**Section 2.** Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** This ordinance shall take effect upon approval by the mayor, or upon becoming law without such approval.

**ATTEST:**

By: Angel B. Jacobs  
Angel B. Jacobs  
City Clerk

**CITY OF OCALA**

By: Jay A. Musleh  
Jay A. Musleh  
President Pro Tem, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on July 15, 2014.

By: Reuben Kent Guinn  
Reuben Kent Guinn  
Mayor

Approved as to form and legality:

By: Patrick G. Gilligan  
Patrick G. Gilligan  
City Attorney

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