

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING AND RESTATING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 90 (UTILITIES), ARTICLE VI (WATER ADVISORY BOARD) TO CONSOLIDATE THE WATER ADVISORY BOARD, THE STORMWATER UTILITY BOARD AND THE WATER CATCHMENT AREA ADVISORY COMMITTEE; PROVIDING FOR A CODIFICATION CLAUSE, A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, by Resolution No. 76-77, the City Commission of the City of West Palm Beach established the Water Catchment Area Advisory Committee for the primary purpose of advising the Mayor and City Commission regarding the protection of the City's Water Catchment Area as its domestic water supply and to make recommendations related to water supply and the related purpose of preserving the Water Catchment Area; and

WHEREAS, by Ordinance No. 2611-93, the City Commission created the stormwater utility system and created the Stormwater Utility Board to advise the Mayor and City Commission regarding stormwater and groundwater issues, to comment on the stormwater budget and projects and to hear any appeals of stormwater utility rates; and

WHEREAS, by Ordinance No. 4202-09, the City Commission created the Water Advisory Board to advise the Mayor and City Commission with respect to matters relating to long range planning for the City's public water system and the development, use and management of water resources; and

WHEREAS, the purposes of each of these three boards address various aspects of the City's source and use of water, and the authority of these board's overlap to some extent; and

WHEREAS, in the interests of efficiency and fiscal constraint, the City has considered the consolidation of various boards and committees; and

WHEREAS, the City Commission desires to consolidate the various authorities of the three water-related board into one comprehensive board to advise the Mayor and City Commission on its domestic water supply, long term water planning, drought management, the Water Catchment Area and stormwater matters; and

WHEREAS, the City Commission desires to amend and restate Article VI of Chapter 90 of the Code of Ordinances to consolidate the Water Catchment Area Advisory Committee, the Stormwater Utility Board and the Water Advisory Board into a new Water Advisory Board with amended powers and membership;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, THAT:

SECTION 1: Chapter 90 (Utilities), Article VI (Water Advisory Board), of the Code of Ordinances of the City of West Palm Beach is hereby amended and restated in its entirety to read as follows:

Article VI – Water Advisory Board

Sec. 90-245. - Established.

The water advisory board of the city is hereby re-established as a permanent advisory body to the city.

Sec. 90-246. - Duties and responsibilities.

(a) The water advisory board shall serve in an advisory capacity and shall make recommendations to the mayor and city commission on water-related matters, including the following:

- (1) matters relating to the development, use, and management of water resources within the city;
- (2) matters relating to long-range planning and drought planning for the city's public water system and supply;
- (3) matters relating to the protection and preservation of the water catchment area as a source of domestic water and a natural wildlife preserve;
- (4) matters relating to long term planning and capital projects related to water sources;
- (5) matters relating to long term planning and capital projects related to the water treatment plant;
- (6) matters relating to long term planning and capital projects related to storm water and drainage;
- (7) other water related matters as may be assigned by the mayor or city commission.

(b) The water advisory board shall, as necessary, hear appeals of storm water utility fees pursuant to sec. 90-168 and sec. 90-173 of this code.

Sec. 90-247. - Composition; appointment; terms; vacancies; compensation.

(a) The water advisory board shall be composed of nine regular members, appointed by the mayor for terms of two years, except that the members of the first re-established board to serve shall be appointed so that five members shall serve one-year terms, and four members shall serve two-year terms.

(b) Vacancies on the water advisory board shall be filled by appointment of the mayor for the remainder of the unexpired term of the member whose position had become vacant.

(c) Members of the water advisory board shall serve without compensation.

Sec. 90-248. - Qualifications of members.

Members of the water advisory board shall either reside, or shall have a principal place of business located, within the city's water service area.

Sec. 90-249. – Organization; Officers.

(a) The water advisory board shall elect from among its members, a chair a vice-chair, and a secretary. The chair shall preside at board meetings; the vice-chair shall preside in the absence of the chair. The chair shall be the formal liaison between the water advisory board and the city commission and the official spokesperson for the water advisory board. The secretary shall be responsible for ensuring that meetings are noticed and meeting minutes are kept. The election of officers shall occur annually at the first meeting of each calendar year.

(b) The water advisory board may formulate rules and regulations for the conduct of its business.

Sec. 90-250. – Meetings; quorum.

(a) The water advisory board shall meet at least once every three months on a regular basis, which date shall be established by its members. The chair of the water advisory board may hold special meetings upon 24-hour notice.

(b) A quorum for the conduct of an official meeting shall be five members. Motions shall be passed by a majority of the members present.

(c) All meetings of the water advisory board shall be open to the public, and the order of business shall be as determined by the water advisory board.

~~Article VI – Water Advisory Board~~

~~Sec. 90-245. – Established.~~

~~The water advisory board of the city is hereby established as a permanent advisory body to the city.~~

~~Sec. 90-246. – Composition; appointment; terms.~~

~~The water advisory board shall be composed of nine regular members, appointed by the mayor for terms of two years, except that the members of the first board to serve shall be appointed so that four members shall serve one year terms, and five members shall serve two year terms.~~

~~Sec. 90-247. – Organization.~~

~~(a) — The water advisory board shall elect a chair and vice chair to preside at its meetings and any other officers as the water advisory board may deem necessary. The chair shall be the official spokesperson for the water advisory board and the formal liaison between the water advisory board and the city commission.~~

~~(b) — The water advisory board advisory board may formulate rules and regulations for the conduct of its business.~~

~~Sec. 90-248. — Qualifications of members; compensation; vacancies.~~

~~(a) — Two members of the water advisory board shall be residents of the Town of Palm Beach or shall have a principal place of business located in the Town of Palm Beach. One member shall be a resident of the Town of South Palm Beach or shall have a principal place of business located in the Town of South Palm Beach.~~

~~(b) — Members of the water advisory board shall serve without compensation.~~

~~(c) — Vacancies on the water advisory board shall be filled in the same manner as original appointments.~~

~~Sec. 90-249. — Duties and responsibilities.~~

~~The duties and responsibilities of the water advisory board shall include the following:~~

~~(1) Serve in an advisory capacity to the city commission with respect to matters relating to long-range planning for the city's public water system.~~

~~(2) Advise and make recommendations to the city commission in matters relating to the development, use, and management of water resources within the city.~~

~~(3) Perform and carry out such duties and functions of an advisory nature as may be assigned by the city commission.~~

~~Sec. 90-250. — Meetings.~~

~~(a) — The water advisory board shall meet at least once every three months on a regular basis, which date shall be established by its members. The water advisory board may hold special meetings at the direction of its chair upon 24-hour notice.~~

~~(b) — All meetings of the water advisory board shall be open to the public, and the order of business and procedure to be followed shall be as determined by the water advisory board.~~

SECTION 2: Chapter 90 (Utilities), Article VI (Stormwater Utility Code) of the Code of Ordinances of the City of West Palm Beach is hereby amended at Section 90-163 to delete the definition of stormwater utility board. All other provisions of this section shall remain unchanged.

* * * * *

~~Stormwater utility board means a board consisting of five members appointed by the mayor who shall hear appeals of rate adjustments and recommend to the city commission and mayor capital projects and budget priorities for the utility.~~

* * * * *

SECTION 3: Chapter 90 (Utilities), Article VI (Stormwater Utility Code) of the Code of Ordinances of the City of West Palm Beach is hereby amended at Section 90-168(b) to substitute the reference to stormwater utility board with water advisory board, and shall read as follows:

Sec. 90-168. - Adjustment of fees

* * * * *

(b) Upon receipt of the written denial of the adjustment request, the owner who initially requested the adjustment may, within 30 days of receipt of such denial, appeal to the water advisory board ~~stormwater utility board~~ for review of the denial.

(1) The water advisory board ~~stormwater utility board~~ shall complete their review within 60 days of receipt of such request for review. The board's determination on the review shall be in writing and shall set forth in detail the reasons for their denial.

(2) In reviewing denials of the adjustment requests, the water advisory board ~~stormwater utility board~~ shall apply the following standards and review criteria:

* * * * *

SECTION 4: Chapter 90 (Utilities), Article VI (Stormwater Utility Code) of the Code of Ordinances of the City of West Palm Beach is hereby amended to delete Section 90-172 and reserve said section for later use.

Sec. 90-172. - Stormwater utility board.

~~(a) — A stormwater utility board is hereby created which shall consist of five members appointed by the mayor. All members shall be property owners in the county and be either residents of the city or business owners in the city.~~

~~(b) — The board shall meet a minimum of two times per year during April and May to review the next fiscal year's capital projects list and to set budget priorities for the next fiscal year. In addition, the board shall comment on the goals and priorities of the stormwater utility on an annual basis and meet as necessary to hear appeals of rates pursuant to section 90-168.~~

~~(c) — Board membership and terms are to be as follows:~~

Position	Initial Term	Category
1	2 yrs	Civil Engineer
2	2 yrs	Real Estate/Appraisal
3	3 yrs	Finances/Retail
4	3 yrs	Construction (Eng./Contractor/Developer)
5	3 yrs	At Large (Resident, Lay Person)

~~(d) — All terms after the initial term would be for three years.~~

Sec. 90-172. – Reserved.

SECTION 5 Chapter 90 (Utilities), Article VI (Stormwater Utility Code) of the Code of Ordinances of the City of West Palm Beach is hereby amended at Section 90-173 to substitute the reference to stormwater utility board with water advisory board, and shall read as follows:

Sec. 90-173. - Appeal of stormwater management service fee rate.

An appeal of the rate determined by resolution of the city commission and on file in the city clerk's office shall be before the water advisory board ~~stormwater utility board~~. Such appeal must be in writing and be submitted to the public utilities director no later than 60 days after a parcel has received their utility bill first evidencing the stormwater management service fee.

SECTION 6 Upon this Ordinance becoming effective, the former water advisory board shall be dissolved and the mayor shall appoint a new water advisory board as provided in by this Ordinance.

SECTION 7 Specific authority is hereby granted to codify the Code amendments contained in this Ordinance.

SECTION 8: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance, in whole or in part.

SECTION 10: This Ordinance shall take effect as provided by law.

FIRST READING THIS ____ DAY OF _____, 2012.

SECOND READING AND FINAL PASSAGE THIS ____ DAY OF _____, 2012.

(CORPORATE SEAL)

**CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION**

ATTEST:

PRESIDING OFFICER

DEPUTY CITY CLERK

CITY ATTORNEY'S OFFICE
Approved as to form and legality
By: _____