

**ORDINANCE NUMBER 2011-633**

**AN ORDINANCE OF THE TOWN OF LAKE PLACID CREATING SECTION 135-100 OF THE TOWN CODE ENTITLED LAKE PLACID REGIONAL UTILITY SYSTEM; CREATING SECTION 135-101 OF THE TOWN CODE ENTITLED LAKE PLACID REGIONAL UTILITY ADVISORY COMMISSION; CREATING SECTION 135-102 OF THE TOWN CODE ENTITLED PURPOSE, POWERS AND DUTIES; CREATING SECTION 135-103 OF THE TOWN CODE ENTITLED REGIONAL UTILITY ENTERPRIS; CREATING SECTION 135-104 OF THE TOWN CODE ENTITLED LAKE PLACID REGIONAL UTILITY POLICY; CREATING SECTION 135-105 OF THE TOWN CODE ENTITLED UTILITY COMMISSION CLERK; CREATING SECTION 135-106 OF THE TOWN CODE ENTITLED TOWN OF LAKE PLACID UTILITY DIRECTOR; CREATING SECTION 135-107 OF THE TOWN CODE ENTITLED RULES OF THE UTILITY COMMISSION; CREATING SECTION 135-108 OF THE TOWN CODE ENTITLED PUBLIC AGENCY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, several sections of the Town Code should be amended, deleted or created;  
and

**WHEREAS**, Notice of this proposed Ordinance was published at least ten (10) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

**WHEREAS**, two public hearings were held by the Town Council on said Ordinance on:

The 28<sup>th</sup> day of March 2011;

The 11<sup>th</sup> day of April 2011;

**WHEREAS**, the proposed Ordinance was read by title, or in full at each public hearing;  
and

**WHEREAS**, it appears to be in the best interest of the Town of Lake Placid that the Ordinance be adopted;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE PLACID, FLORIDA:**

**SECTION 1. SECTIONS 135-100 THROUGH AND INCLUDING SECTIONS 135 -108 OF THE CODE OF THE TOWN OF LAKE PLACID ARE CREATED TO READ AS FOLLOWS:**

**Section 135-100. Lake Placid Regional Utility System.** The Lake Placid Town Council declares that it shall construct and operate potable water supply systems and wastewater collection, treatment and reuse facilities (herein collectively “Regional Utility”) to serve the Town of Lake Placid and the surrounding unincorporated areas of Highlands County. The Lake Placid Town Council finds that it is in the best interest of the Town Citizens that the Town own and operate the Regional Utilities for the Town and the surrounding unincorporated areas, because these systems:

- A. Will provide safe quality potable water;
- B. Will preserve and protect the public water supply;
- C. Will preserve and protect the public and environmental health;
- D. Will preserve and protect the area lakes.

**Section 135-101. Lake Placid Regional Utility Advisory Commission.**

- (1) **Utility Commission.** There is hereby created the Lake Placid Regional Utility Advisory Commission (Utility Commission). The Utility Commission shall consist of a board composed of up to seven (7) commissioners appointed by the Lake Placid Town Council. The number of Utility Commissioners shall be established from time to time by resolution of the Town Council. A quorum of the Utility Commission shall be a majority of the Utility Commission members then appointed (vacant Utility Commission seats will not be counted in determining a quorum).
- (2) **Utility Commission Members.** Members of the Utility Commission should have expertise in utilities, engineering, finance, planning or development. The commissioners should (not an absolute requirement) be residents of the Lake Placid Area described in Objective 12 of the Future Land Use Element of the Highlands County Comprehensive Plan, as from time to time amended. Commissioners shall serve without compensation. Commissioners shall serve four-year terms (three of the initial commissioners shall have an initial term of two (2) years). Commissioners may be removed by vote by the Lake Placid Town Council without cause. The Town Council shall annually appoint one of its members to be a non-voting liaison and a second Town Council Member as alternate non-voting liaison to the Utility Commission to serve in the absence of the liaison. The Board of County Commissioners of Highlands County may appoint a non-voting liaison to the Utility Commission.
- (3) **Utility Commission Governance.** The Lake Placid Town Council shall appoint the Chairman and Vice Chairman of the Utility Commission.
- (4) **Effective Date of the Utility Commission.** The Lake Placid Town Council by Resolution subsequent to the adoption of this Ordinance shall determine the date

that the Utility Commission becomes effective.

**Section 135-102. Purpose, Powers and Duties.**

The Utility Commission is created to advise the Town Council and the Town Utility Director regarding the operation of the Regional Utility. Toward that end, the Utility Commission shall advise the Town Council and the Town Utility Director upon the following matters:

- (1) **Budget.** Upon recommendation of the Town Utility Director, the Utility Commission shall submit to the Town Council an annual proposed budget for the Regional Utility. The proposed annual budget shall be submitted to the Utility Commission by 1 April and to the Town Council by 1 June of each year.
- (2) **Master Plan.** In consultation with the Town Utility Director, the Utility Commission shall prepare and from time to time revise a regional utility master plan for submission to the Town Council for the area served or to be served by the Regional Utility.
- (3) **Grants.** Recommend and oversee grants to improve and expand the Lake Placid Area Utilities.
- (4) **Monitor Service Complaints.** Review complaints and service requests and make appropriate recommendations to the Town Utility Director for action.
- (5) **Expansion.** Recommend (in consultation with the Town's Utility Director) expansion of the Utility, as appropriate.
- (6) **Operation.** Provide ongoing review of the Town Utility Director's operation of the Regional Utility.
- (7) **Rates.** Recommend rate studies from time to time to the Town Council. Recommend rate changes from time to time to the Town Council.
- (8) **Other Matters.** All other matters related to the Regional Utility which the Utility Commission deems appropriate.
- (9) **Advisory Nature.** The Utility Commission shall make recommendations to both the Town Council and the Town Utility Director.

**Section 135-103. Regional Utility Enterprise.**

- (1) **ENTERPRISE FUNDS.** The Town shall operate a Regional Utility which shall be and shall remain the property of the Town of Lake Placid, Florida. The Town's Regional Utility will be operated as an enterprise fund or funds. The

Town may charge its Regional Utility all reasonable expenses, according to the annual Town budget, incurred by or for the utilities (for its operation and expansion, for example and not limitation: all expenses whether direct or allocated, budget and audit expenses, space use, management fees , labor, reserve for maintenance, capital investment in land and equipment, and such other expenses as the Town Council from time to time directs or budgets).

- (2) UTILITY ACCOUNTS. The Town shall maintain one account for all utilities (one account combining water and wastewater income and expenses). However, each utility shall be tracked and budgeted independently by the Town. The Town may use the income of one utility to pay expenses of the other utility.

#### **Section 135-104. LAKE PLACID REGIONAL UTILITY POLICY.**

The Lake Placid Regional Utility policies are ordained as follows:

- (1) **Regional Utility System.** The Town's current utility system will be operated as a Regional Utility. The Regional Utility may be expanded according to law beyond the Town limits.
- (2) **Policies.** The utility policies set out in other parts of Chapter 135 of the Code of the Town of Lake Placid shall be the policies of the Regional Utility and shall be enforced by the Town Utility Director.

#### **Section 135-105. Utility Commission Clerk.**

The Town Council's designee(s) shall act as clerk for the Regional Utility Commission. The clerk shall maintain all minutes, books and records of the Regional Utility Commission.

#### **Section 135-106. Town of Lake Placid Utility Director.**

The Town of Lake Placid Utility Director is an employee of the Town of Lake Placid and reports to the Mayor and Town Council. The Town Utility Director shall be the primary liaison between the Utility Commission, the Town Utility Department and the Town Council. The Town Utility Director shall conduct the day to day activities of the Town's Regional Utility.

#### **Section 135-107. Rules of the Utility Commission.**

The Utility Commission may propose rules to govern its operations and proceedings to the Town Council. The Utility Commission's rules shall be effective only upon adoption by the Town Council.

**Section 135-108. Public Agency.**

The meetings and records of the Utility Commission are open to the public according to Florida Law. This is a pronouncement of the law and not a waiver of any exemptions provided under the Florida Public Records Act or the Florida Sunshine Law. The Commission is subject to Chapter 286 and 119, Florida Statutes.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect ten (10) days after adoption by the Town Council of the Town of Lake Placid, Florida.

**ADOPTED AND ORDAINED** this 25<sup>th</sup> day of April, 2011, by the Lake Placid Town Council.

TOWN OF LAKE PLACID, a Florida Municipal Corporation

By: John M. Holbrook  
John Holbrook, Mayor

By: Arlene J. Tuck  
Arlene J. Tuck, Municipal Clerk

**THIS ORDINANCE WAS READ** in full or by title on at least two (2) separate days in two (2) separate Town Council meetings (on the 28<sup>th</sup> day of March 2011 and on the 11<sup>th</sup> day of April 2011). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating the date, time and place of the above hearings and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published at least once in the *Highlands Today* on the 24<sup>th</sup> and the 31<sup>st</sup> day of March 2011, being at least ten (10) days prior to adoption.

Arlene J. Tuck  
Arlene J. Tuck, Municipal Clerk