

**ORDINANCE NO. 06-2021**

**AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 19, ARTICLE VII, SECTIONS 19-350 – 19-356 TO CHANGE THE SOUTH SANTA ROSA UTILITY SYSTEM TO BECOME THE GULF BREEZE REGIONAL WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gulf Breeze operates two water and wastewater systems, the City's Water and Sewer Fund inside the City limits and the South Santa Rosa Utility System (the "SSRUS") outside of the City limits; and

**WHEREAS**, the two water and wastewater systems historically have been maintained as separate enterprise systems and funds with separate budgets, capital plans, debt obligations, rates, etc.; and

**WHEREAS**, due to the combined nature of the water and wastewater operations and treatment facilities (e.g., joint staffing, a single wastewater treatment facility, the Fairpoint Regional Utility System supplying water to both systems, etc.), the City Council desires and is taking the necessary steps to consolidate the two separate enterprise systems and funds into one system and fund beginning in Fiscal Year 2022; and

**WHEREAS**, the consolidated water and wastewater enterprise system and fund will be known as the Gulf Breeze Regional Water System (hereinafter the "System" or "GBRWS"); and

**WHEREAS**, the City Council will maintain the primary role in managing GBRWS, as it has done for the two separate enterprises, but will continue to utilize an advisory Board to make recommendations to the City Council regarding the management of the System, just as the Council has historically used the SSRUS Board for the enterprise system and fund outside of the City limits; and

**WHEREAS**, the City Council desires to amend the provisions of the City's Code of Ordinances that established the South Santa Rosa Utility System Board to reflect the consolidation of the two systems; and

**WHEREAS**, the current South Santa Rosa Utility System Board shall continue to serve out their terms as the Gulf Breeze Regional Water System Board;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Gulf Breeze, Florida, as follows:

**SECTION 1 – RECITALS.** The foregoing recitals are hereby ratified and confirmed as true and correct and are incorporated herein by this reference.

**SECTION 2 – AMENDMENT AND RESTATEMENT.**

- A. Words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.
- B. Chapter 19, Article VII, Sections 19-350 – 19-357 of the City of Gulf Breeze Code of Ordinances are hereby amended and restated to read as follows:

**ARTICLE VII. SOUTH SANTA ROSA UTILITY SYSTEM- GULF BREEZE REGIONAL WATER SYSTEM BOARD**

Sec. 19-350. Created.

A utility board, to be known as the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board, is hereby created and shall consist of one member of the city council who shall be appointed by the mayor, and at least three but no more than six additional members who shall be appointed by the city council. ~~The current board composition of eight members shall remain until such time as one member resigns, at which time the maximum number of members will be seven.~~

Sec. 19-351. Terms of office; composition; removal from office; vacancies.

- (a) All members of the board shall serve at the will of and may be removed at any time by the city council. The city councilmember shall serve as a member of the board for a term of two years or until such time as the councilmember no longer holds office or is removed from the board by the city council, whichever shall first occur. If a councilmember's term to the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board expires, and the councilmember maintains his-her position on the city council, the councilmember shall continue to serve on the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board until a successor councilmember is appointed.
- (b) Initially, at least one-half of all members of the board, ~~excluding the mayor~~, shall be appointed for a one-year term and the remaining members of the board, ~~excluding the mayor~~, shall be appointed for a two-year term. All appointments thereafter shall be for two-year terms.
- (c) Any council-made appointments required to fill vacancies shall be for the unexpired portion of the term. There shall be no limitation upon the number of consecutive terms that may be served by a board member. Members of the board may be removed by the city council at any time, including during their term of office.
- (d) Members of the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board shall ~~either (1) reside within the city or (2) be a customer of the South Santa Rosa Utility~~ Board and reside within either the city or in the System's service territory serviced by or franchised to the South Santa Rosa Utility System. It is the intent of the city that a majority of the board be customers of the South Santa Rosa Utility System who reside in the city or in the territory serviced by or franchised to the South Santa Rosa Utility System. The city council shall endeavor to make appointments to the board such that a majority of the board will be customers of the South Santa Rosa Utility- Gulf Breeze Regional Water System who reside in the city or and in the System's service outside of the city territory serviced by or franchised to the South Santa Rosa Utility System are equally represented.
- (e) The city council shall consider the removal of any board member who has three or more unexcused absences from meetings of the board within a one-year period.

Sec. 19-352. Compensation; reimbursement for expenses.

All members of the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

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Sec. 19-353. Quorum; majority vote required.

Four members of the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board shall constitute a quorum for the transaction of business. Official action of the board shall be approved by majority vote of the members present, providing that a quorum exists.

Sec. 19-354. Organization; rules of procedure.

The ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board shall elect a chairman and vice-chairman from amongst its members. The term of chairman shall be one year, and the chairman may be re-elected for successive terms. The ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board shall make its own rules of procedure and determine times of meetings. All meetings of the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board shall be open to the public and in compliance with the laws of the state. All records of the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board shall be open to the public, unless otherwise provided by law.

Sec. 19-355. Duties.

The ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board may advise and make recommendations to the city council as to the following subject matters:

- (1) Policies and procedures relative to utility operations, customer service, utility standards, availability of service, financial management, and compliance with applicable rules and regulations;
- (2) An annual budget for and financial oversight of the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System;
- (3) Long-range planning for operations and capital investment expenditures for the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System;
- (4) The need for and selection of contractors and consultants to accomplish work upon and/or for the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System, including preparation and/or review of appropriate request of proposals, negotiation with the contractor and/or consultant, and review of resulting agreements; and
- (5) Such other matters relating to the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System that the city council, from time to time, may refer to the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board for consideration, analysis and/or recommendation.

Sec. 19-356. Appropriations.

The city council may appropriate such finds as it may see fit for salaries, fees and expenses necessary in the conduct of the work of the ~~South Santa Rosa Utility~~ Gulf Breeze Regional Water System Board. The board shall have the authority to expend all sums so appropriated and other sums

made available for its use from fees or other sources for the purpose and activities authorized by the city council or by this Code.

Secs. 19-357—19-366. Reserved.

**SECTION 3 - SEVERABILITY.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

**SECTION 4 - CONFLICT.** The provisions of this Ordinance will be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms hereof.

**SECTION 5 – CODIFICATION.** It is the intention of the City Council that the provisions of this Ordinance shall be codified.

**SECTION 6 - EFFECTIVE DATE.** This Ordinance shall become effective on October 1, 2021.

PASSED ON THE FIRST READING ON THE 8<sup>th</sup> DAY OF SEPTEMBER, 2021.

ADVERTISED ON THE 9<sup>TH</sup> DAY OF SEPTEMBER, 2021.

PASSED ON SECOND READING ON THE 20<sup>th</sup> DAY OF SEPTEMBER, 2021.

CITY OF GULF BREEZE, FLORIDA

By:   
Cherry M. Fitch, Mayor

ATTEST

  
Leslie A. Guyer, CMC, City Clerk

