

ORDINANCE No. 10-01

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA AMENDING CHAPTER 52 "UTILITIES" OF THE CITY CODE OF THE CITY OF MARCO ISLAND BY CREATING ARTICLE III "UTILITIES ADVISORY BOARD", PROVIDING FOR THE CREATION OF AN ADVISORY BOARD EMPOWERED TO REVIEW AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING CITY OWNED UTILITIES; PROVIDING FOR INCORPORATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marco Island (the "City") owns and operates certain water and wastewater facilities within the City (the "Utilities"); and

WHEREAS, the City utilizes the Utilities to provide water and wastewater services to City residents; and

WHEREAS, it is the desire of the City Council that the Utilities be operated in the most efficient manner possible; and

WHEREAS, it is the opinion of the City Council that the creation of a Utilities Advisory Board is desirable to promote the efficient operation of the Utilities.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THAT:

Section 1. **Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. **City Code Amended.** That Article III "Utilities Advisory Board" of Chapter 52 "Utilities" is hereby created and shall state as follows:

Article III. Utilities Advisory Board.

Section 52-66. Established.

There is hereby created and established the Utilities Advisory Board (the "Board").

Section 52-67. Purpose.

The purpose of the Board is to advise City Council on specific policy issues concerning City owned water and wastewater utilities (the "Utilities") in order to ensure the efficient technical, operational and financial management thereof.

Section 52-68. Membership; Qualification; Appointment; Removal of Members.

(a) Membership. The Board shall be comprised of 5 members (the "Board Members").

(b) Qualification of Board Members. All Board Members shall:

- a. Be permanent residents of the City;
- b. Be qualified electors of the City;
- c. Have demonstrated experience in the either engineering, utility operations, accounting, finance, or as otherwise determined by the City Council.

(c) Appointment. All Board Members shall be nominated by the City Council and shall be appointed to the Board upon the approval of a majority plus one vote of the City Council.

(d) Attendance. Absence for any reason from three meetings within the twelve month period, beginning June 1 of each year, shall automatically operate to vacate the seat of a Board Member. City Council may reappoint a Board Member whose seat has been vacated due to absence.

Section 52-69. Term.

(a) Initial appointments to the Board by the City Council shall be made in accordance with the following schedule:

- a. Two Board Members shall be appointed for a three year term.
 - b. Two Board Members shall be appointed for a two year term.
 - c. One Board Member shall be appointed for a one year term.
- (b) Subsequent appointments. Each Board Member appointed subsequent to the initial appointments shall be appointed for a three year term.
- (c) Board Members may be appointed for consecutive terms.
- (d) Board Members shall serve at the pleasure of the City Council and shall be subject to removal upon a majority plus one vote of the City Council.

Section 52-70. Responsibilities.

The responsibilities assigned to the Board shall be as follows:

- (a) Review and make recommendations regarding the annual operating budget of the Utilities in consultation with the City Manager and City Utility Director.
- (b) Review and make recommendations regarding the annual operating revenue and rate adjustments in consultation with the City Manager and City Utility Director.
- (c) Review and make recommendations regarding utility rate structure in consultation with the City Manager and City Utility Director.
- (d) Conduct an annual review and make recommendations regarding the five-year capital improvement plan for the Utility in consultation with the City Manager and City Utility Director.

Section 53-70 Rules of Procedure.

- (a) The Board shall utilize Robert's Rules of Order as a parliamentary procedure guideline for the conduct of meetings.
- (b) Four Board Members shall constitute a quorum for the transaction of business.
- (c) Board Members shall elect a Chairman and Vice Chairman on an annual basis.

- (d) Minutes shall be taken for all Board meetings.
- (e) The Board shall meet a minimum of once per quarter at a time and date designated by the Board. All Board meetings shall commence at the published date and time.
- (f) All Board actions shall be in the form of a written recommendation to the City Council and City Manager upon the approval of a majority plus one vote of the Board Members.
- (g) The City Manager shall designate a liaison to the Board.
- (h) The City Council shall approve the recommendations of the Board upon a majority vote of the City Council.
- (i) Any operational conflicts arising between the Board and the City Utility Director shall be reviewed and resolved by the City Manager. The decision of the City Manager shall be final.
- (j) Any conflicts concerning issues under the stated responsibilities of the Board arising between the Board and the City Manager shall be submitted to the City Council for resolution. The decision of the City Council shall be final.

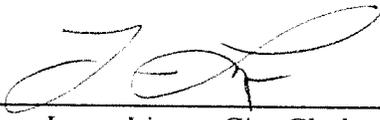
Section 3. **Inclusion in the Code.** It is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida and that the sections of this Ordinance may be renumbered or relettered and that the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 4. **Severability.** If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

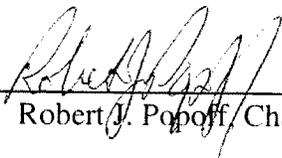
Section 5. **Conflict.** All sections or parts of sections of all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. **Effective Date.** This Ordinance shall take effect upon enactment.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND THIS 4th
day of January, 2010.

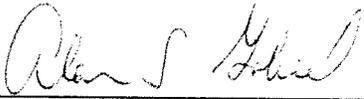
By: 

Laura Litzan, City Clerk

By: 

Robert J. Popoff, Chairman

Reviewed for legal sufficiency:



Alan L. Gabriel, City Attorney