

**CITY OF PUNTA GORDA, FLORIDA
UTILITY ADVISORY BOARD
BYLAWS**

1. CREATION; TERMS OF MEMBERS; CONDITIONS

The City Council shall have a Utility Advisory Board consisting of seven (7) members. Members of the Board shall be residents of Punta Gorda and shall serve without compensation but may be reimbursed for such travel, mileage and per-diem as may be authorized by the City Council. Appointment shall be made by the City Council on the basis of experience or interest in the fields of water, wastewater and/or utilities and a stated availability to serve on the date(s) required. Appointments shall be made for a term of three (3) years. Appointees shall serve at the pleasure of the City Council and may be reappointed to one successive term. Appointments to fill any vacancy on the Utility Advisory Board shall be for the remainder of the unexpired term of office, such member to be eligible for appointment for two (2) additional full terms.

Members who fail to attend three (3) meetings in a twelve month period shall automatically forfeit appointment, and the City Council shall promptly fill each vacancy. Any member with extenuating circumstances shall present same to the City Clerk for consideration by City Council. Members are required to notify the City Clerk's Office in advance of the meeting of any absence. Chairmen shall also be subject to the same rule and shall notify the City Clerk's Office of intended absences from scheduled meetings.

2. OFFICERS

- A. Officers of the Utility Advisory Board shall be Chairman and Vice Chairman to be elected from the membership thereof. The officers shall be elected by the Board at the first regularly scheduled meeting in the month of February by a majority vote of those in attendance and shall serve for one (1) year, may be reelected for not more than three (3) consecutive terms or may be replaced by election.
- B. The Board shall have a Recording Secretary, who shall be provided by the City of Punta Gorda, and who shall not be an appointed member of the Board.

3. FUNCTIONS AND DUTIES OF OFFICERS

- A. Chairman: The Chairman shall be the presiding officer at all meetings of the Utility Advisory Board. He/she may call special meetings at his/her discretion, sign all documents of the Board and may relinquish the Chair to the Vice Chairman or other specific member at his/her discretion. The Chairman may not make or second motions but shall vote on any and all motions to come before the Board. The Chairman or designee shall also present all recommendations to the City Council.

- B. Vice Chairman: The Vice Chairman shall serve in the absence of the Chairman and, while so serving, shall have all the authority held by the Chairman.
- C. Recording Secretary: A Recording Secretary shall attend all meetings of the Utility Advisory Board and shall keep an accurate record of the spirit and intent of statements made. All motions shall be recorded, and an accurate record of all reasons for motions or votes by members of the Board shall be made. The minutes of each such meeting shall be printed and distributed to members of the Board, the City Council and other appropriate persons at an early date. The original of the minutes shall be placed in a binder comprising an accumulating permanent record, such binder to be part of the official records of the City of Punta Gorda.

4. MEETINGS

Regular meetings of the Utility Advisory Board shall be held in the City Council Chambers, 326 West Marion Avenue, Punta Gorda, Florida, at 9:00 A.M., the fourth Monday of each month. Special meetings and/or workshops may be held at the call of the Chairman or, in his/her absence, the Vice Chairman. All meetings shall be open to the public. In the event that a quorum of the members is not present for a scheduled meeting, such meeting will be rescheduled as soon as possible consistent with notice requirements.

5. RECOMMENDATIONS

The Utility Advisory Board may make recommendations to the City Council for:

- A. Service area expansions or modifications.
- B. Proposed ordinances, resolutions and interlocal agreements concerning utilities.
- C. Revisions to utility construction standards.
- D. Alleged utility billing discrepancies and disputes.
- E. Public petitions concerning utility service(s).
- F. Other matters referred to the Board by the City Council or City Manager.
- G. And other matters pertinent to the welfare of the citizens of Punta Gorda and in regard to the utilities thereof.
- H. Review utility drawings and specifications.

6. APPLICATIONS

Petitions and other required documents for Board review received by the Director of Utilities less than fifteen (15) days prior to the meeting date will be set over to

the next meeting. Eight (8) copies of each exhibit to be presented at the hearing shall be submitted at this time.

7. AGENDA

The agenda shall be prepared at least one week prior to the date of the meeting. The order of items on the agenda shall be at the discretion of the Director of Utilities, due consideration being given to early consideration of items likely to attract large attendance at the meeting. Items may be removed by majority vote of those present and reasons therefore stated in the record.

8. MEETING PROCEDURE

The Chairman shall call each agenda item and briefly describe, or a member of the staff shall briefly describe, the proposition before the Board. The proponent or his/her agent will then be asked to present his/her case. The name and address of the proponent or his/her agent shall be entered in the record, as well as a summary of his/her presentation. At the conclusion of the proponent's presentation, the members of the Board shall have the opportunity to question the proponent. Any other supporting testimony will then be called for. Opposition may then be heard with the members of the Board having an opportunity to question any speaker. The proponent will then be given a short summary opportunity. All statements shall be directed to the Board, and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed first to the Chairman, who may then ask the proper person to answer, such answer being directed to the Board. At such time that the Board feels that the testimony has been sufficiently heard, a motion may be passed by simple majority to terminate testimony, after which the public in attendance may address the Board only with the permission of the Chairman and only to answer a question by a member of the Board. All persons who wish to speak shall first give their names and addresses for the record.

9. MOTIONS

The rules contained in the current edition of Roberts Rules of Order shall govern all meetings insofar that any such rule is not inconsistent with any bylaw contained herein.

Following closing of testimony, a motion may be made to recommend approval or denial of the proposition to the governing body. A brief statement of reason for the motion should precede the making of the motion. Any stipulations should be listed following the motion to recommend approval or denial. Upon receiving the second, the motion may be discussed and brought to a vote. The Chairman shall not make nor second motions, but he/she has full voice and vote on all issues before the Board for decision.

Vote shall be by voice, by the raising of hands or by roll call, at the discretion of the Chairman. Any member may call for a roll call vote on any issue. Any motion may be table or amended. If the Board feels that delaying an action would be in

the best interests of the parties involved, the hearing may be continued to a date certain. Such a motion for continuance shall include a reason for the action and shall require a majority vote of those present. The Board may continue a proposition for a period not to exceed two months from the date of first hearing, and one of three actions shall be taken within that period: (i) recommend approval of the proposal, (ii) recommend denial of the proposal or (iii) the applicant may be permitted to withdraw the proposal. In the latter case, the proposal may come before the Board again only by reapplication, publication, etc., as required by ordinance for all such applications.

10. CONTINUANCE BY AN APPLICANT

- A. An applicant may continue his own proposal to a date certain for a period not to exceed two months, but for not less than one month, by notifying the applicable department secretary not less than eight days prior to the date of the hearing, whereupon that item will not be placed upon the agenda. Where notification by mail of adjacent property owners has taken place, as required by law, the applicant shall further notify the same property owners by registered mail, return receipt requested, of the continuance and the new date of the hearing. This notification of continuance shall be mailed not less than five days prior to the date of the originally scheduled hearing.
- B. Any proposal not withdrawn prior to preparation of the agenda (eight days prior to the meeting) may be continued at the applicant's request only by affirmative vote of a majority of the members present at the meeting. In consideration of such a motion to allow continuance, the Board may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and the Board may refuse to continue the proposal, may proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a date certain, only one continuance shall be permitted, and the applicant shall notify by registered mail all parties initially notified of the new hearing date, such notification to be mailed not less than five days prior to the date of the new hearing.

11. APPLICANT NOT IN ATTENDANCE

In case an applicant or his/her agent is not in attendance when his/her item is called, that item shall be set over to the end of the agenda. At the time the item is again called, if the applicant is still not represented, the Board may continue his/her case under procedure of Section 10 or may recommend approval or denial of the proposition as it sees fit.

12. QUORUM

A majority of the appointed members shall constitute a quorum for the transaction of business and the conducting of hearings.

13. VOTING REQUIREMENTS; CONFLICT OF INTEREST

No member of the Utility Advisory Board who is present at any meeting of the same at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling or act, and a vote shall be recorded or counted for each member present except when, with respect to any such member, there is or appears to be a possible conflict of interest. Conflict of interest is defined as any action by the Board that would inure to the member's special private gain or loss or which the member knows would inure to the special private gain or loss of a relative or business associate of the member.

When there is or there appears to be a conflict of interest, the member shall so state for the record and shall not vote on the issue. Further, the member shall within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the Recording Secretary, who shall incorporate the memorandum in the minutes.

CITY OF PUNTA GORDA, FLORIDA

By _____
Mayor