

BY LAWS

COLUMBIA COUNTY UTILITY COMMITTEE

WHEREAS, the County now owns, operates and maintains in its proprietary capacity, its potable water production and distribution system and its wastewater/reuse water treatment and disposal system, herein collectively the "County Utility Systems," within certain unincorporated areas of Columbia County, Florida; and

WHEREAS, to provide for greater efficiency in the operation, maintenance, management and planning for present and future needs relating to the operation, maintenance, expansion and extension and financial needs of the County Utility Systems, it is in the public interest to create an Advisory Utility Board to study, investigate, advise and recommend to the County Commission any and all matters pertaining to the County Utility Systems.

NOW, THEREFORE BE IT RESOLVED, there is hereby created and established the Advisory Utility Board of the County Commission (herein the "Board") which shall consist of three (3) members of the County Commission, together with non-commission members as herein provided, each of whom shall be appointed by the Chairman with the consent and approval of the County Commission. One of the three County Commission members shall be selected to be chairperson of the Board and one shall be elected to serve as Vice Chairperson of the Board. The chairperson shall be a voting member of the Board.

(1) Functions and Duties. The Board shall:

(a) study, investigate, develop, assist, advise and recommend to the County Commission any and all matters pertaining to the County Utility Systems.

(b) recommend from time to time to the County Commission action on establishing new kinds of utility services, preserving and expanding existing utility services, on the financial needs of the County Utility System, on making any changes in the utility rates and charges and on making any changes in service which may be beneficial to the public;

(c) initiate and review utility master planning efforts in the areas of water, wastewater, reuse water, natural gas and stormwater;

(d) review, study, render, and recommend to the County Commission on all proposed projects and requests for extension of water and wastewater for new development;

(e) provide recommendations regarding major annual maintenance programs, system enhancements, and pilot programs to explore new or innovative operational techniques, utility standards, outside engineering proposals involving engineering services for water, wastewater, reuse water, gas and stormwater;

(f) except as otherwise provided for herein, the County Commission shall take no action with respect to making major improvements to the existing utility systems, extending and providing new developments and subdivisions with utility services, or make any changes in the utility rates and charges, without first receiving from the Board its written recommendations relating to such changes which recommendation shall be only advisory and shall not be binding upon the County Commission.

(2) Non-Commission members. Non-Commission members of the Utility Board shall consist of:

County Manager.

Such additional members as may be appointed by the Chairman with the consent and approval of the County Commission. Two (2) City Council members who shall be appointed by its Mayor.

(3) Role of Advisory Board Members. The role of the non-commission members on the Advisory Utility Board created herein shall be to act in an advisory capacity to the commission members of the Advisory Utility Board and to provide the Advisory Utility Board with staff support, recommendations, suggestions and such data and information relating and pertaining to the functions, responsibilities and duties of the Advisory Utility Board to assist and help the County Commission members of the Advisory Utility Board in reaching prudent decisions and recommendations to the County Commission.

(4) Role of Advisory Board. The role of the Advisory Board created herein is advisory only and all of the recommendations and decisions of the Advisory Board must

be submitted in writing to the County Commission for its discussions and considerations at a regular or special meeting and shall be subject to the approval or disapproval of or modification by the County Commission.

(5) Term. Except as provided for herein, the members of the Advisory Utility Board herein created and established shall be appointed for a term of one (1) year and, subject to being re-appointed by the Chairman may serve on the Advisory Utility Board for one or more consecutive terms. Members re-appointed to serve on the Advisory Utility Board may be re-appointed by the Chairman with the consent and approval by the County Commission. Vacancies occurring on the Advisory Utility Board for reasons other than the expiration of terms shall be filled in the same manner that the original appointments are made and shall be filled for the unexpired term of the member whose place has become vacant. The initial members of the Advisory Utility Board shall be appointed for a period terminating December 31, 2009. Thereafter the term of all members shall be for one (1) year commencing January 1, 2010.

(6) Board Rules. The Advisory Utility Board herein created and established may adopt rules for the transaction of business and shall keep minutes of its discussions, findings, and recommendations, all of which shall be open to public inspection.

(7) County Attorney. The County Attorney shall render each committee and board legal advice when and as needed.

(8) Board Secretary. The Clerk of the Circuit Court shall serve as the secretary to the Board created by the County Commission, with the duty to:

(i) provide, or cause to be provided, notice of each meeting of the Board to all members of the Board, members of the County Commission, County Attorney and local news media at least twenty-four (24) hours (excluding Saturday, Sunday and holidays) prior to the meeting;

(ii) record and make, or cause to be made, the minutes of the Board meeting and to prepare all required written recommendations of the Advisory Board to the County Commission;

(iii) furnish copies of the minutes of each Board meeting to all Board members, the County Manager, County Commission members and the County Attorney;

(9) Board Meetings. The Advisory Utility Board created and established by the County Commission shall meet at least quarterly in each fiscal year and may meet more frequently and as often as it is necessary to so do in order to carry out and perform its functions and responsibilities and achieve and reach its objectives and goals. The chairman of the Advisory Utility Board shall establish the time and place of meetings, all of which shall be noticed at least five (5) days prior to the meeting and be open to the public and shall comply with and abide by the requirements of the laws of Florida regarding public meetings including the provisions and requirements of chapters 112, 119 and 286, Florida Statutes.

(10) Board Advisory to Council. The Advisory Board herein created and established by the County Commission shall act only in an advisory capacity to the County Commission and shall have no authority to legally obligate the County in any way whatsoever. The Advisory Board shall report its written recommendations to the County Commission at a regular or special meeting of the County Commission so that the County Commission may determine if the recommendations of the Advisory Board should be accepted in whole or part and implemented by formal action of the County Commission or rejected.

(11) Quorum and Voting. A majority of the County Commission Board Members (2) shall constitute a quorum at any special or regular meeting and shall be necessary for any action to be taken by the Board. Only the three (3) County Commissioner members shall be entitled to vote on any matter before the Board. A majority vote of the County Commissioner Board members present at any meeting in which a quorum is present shall be necessary for passing any motion or other action taken by the Board.

(12) Amendments. The Bylaws of the Columbia County Utility Committee may be amended by a majority vote of the voting members of the Board present at any meeting in which a quorum is present and notice has been given of a proposed amendment to the Bylaws.

APPROVED by the Columbia County Utility Committee this 1st day of September, 2009.


J. L. Dupree
Chairman