

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: June 19, 2012

Consent ☒ **Regular** ☐
Public Hearing ☐

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida rescinding and replacing in its entirety Resolution R2006-0867, relating to the Water Utilities Advisory Board, in order to modify the appointment procedure for the Lake Region member, and to make additional changes related to eligibility for membership.

Summary: The previous Resolution required the appointment of the Lake Region member by consensus of the Commissions of the three (3) Glades Cities. This process has always been lengthy and is now impracticable given the frequent disagreements among the Cities. This Resolution allows for the BCC to appoint the Lake Region member At-Large from eligible applicants from the Glades Region. The Resolution also removes the prohibition against members holding appointive or elective office, and updates the eligibility requirements of all members of the Advisory Board to be in compliance with the County's recently amended Code of Ethics. Countywide (MJ)

Background and Justification: The 2004 Interlocal Agreements regarding the County and Glades Cities construction of the new Lake Region Water Treatment Plant added a customer of the Glades Region to the Water Utilities Advisory Board. The manner of selection was to be a consensus of the three (3) Glades Cities Commissions. This manner of selection was and continues to be unworkable. Initially, it took more than a year to have an Advisory Board member named. It was finally done through the Tri-Cities Council, which is currently on the verge of breaking up. This Resolution allows for appointment of a Lake Region member by the BCC as an At-Large appointment from qualified residents who submit an application for the position.

Attachments:

1. One (1) Original Resolution

Recommended By:  6/8/12
Department Director Date

Approved By:  6/15/12
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>0</u> <i>* see below</i>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund Dept Unit Object

Is Item Included in Current Budget? Yes _____ No _____

Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:

☒ No Fiscal Impact.

C. Department Fiscal Review: Debra M West

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature]
OFMB
6/12/12
6/11/12

[Signature]
Contract Development and Control
6/13/12

B. Legal Sufficiency:

[Signature]
Assistant County Attorney
6/15/12

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RESCINDING AND REPLACING IN ITS ENTIRETY RESOLUTION R-2006-0867, RELATING TO THE WATER UTILITIES ADVISORY BOARD, IN ORDER TO MODIFY THE APPOINTMENT PROCEDURE FOR THE LAKE REGION MEMBER, AND TO MAKE ADDITIONAL CHANGES RELATED TO ELIGIBILITY FOR MEMBERSHIP.

WHEREAS, on February 3, 2004, the cities of Belle Glade, Pahokee, and South Bay (the "Glades Cities") entered into interlocal agreements for the purchase of bulk potable water service with Palm Beach County ("Bulk Interlocals"); and

WHEREAS, pursuant to the Bulk Interlocals, the Glades Cities were collectively granted a position on the County's Water Utilities Advisory Board; and

WHEREAS, due to issues in reaching a consensus from the Glades Cities during previous nominations of the Lake Region Member, as well as the recent disbanding of the Glades Tri-Cities Coalition, the Board of County Commissioners wishes to modify the nominating process for the Lake Region Member whereby the Board of County Commissioners will appoint the Lake Region Member from residents of the Glades Cities and adjacent unincorporated areas who submit applications for the position; and

WHEREAS, the Board of County Commissioners wishes to make additional changes to the Resolution related to eligibility for membership.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that

Section 1. Rescission of Previous Resolution.

Resolution R2006-0867 is hereby rescinded.

Section 2. Creation, Composition.

There is hereby created the Palm Beach County Water Utilities Advisory Board, hereinafter referred to as "Advisory Board." Said Advisory Board shall be composed of eleven members: seven (7) District Members, one appointed by each of the Commissioners for a term of three years; two (2) At-Large Members appointed by the Board of County Commissioners for a term of three years; one (1) Lake Region Member appointed by the Board of County Commissioners for a term of three years from

residents of the Glades Cities and adjacent unincorporated areas who submit applications for the position; and one (1) Royal Palm Beach Member, to be appointed by the Village of Royal Palm Beach Village Council, and confirmed by the Board of County Commissioners for a term of three years.

District and At-Large Advisory Board Members must be County residents and current customers of the Department to be eligible for appointment. The Lake Region Member shall reside in the Glades Cities or in the unincorporated area immediately adjacent to one of the Glades Cities and shall be a current customer of the Glades Utility Authority or its successor utility. The Royal Palm Beach Member must be a resident of the Village of Royal Palm Beach and a current customer of the Department, and shall have all of the rights and obligations of the Advisory Board.

Preference for membership shall be accorded, but not limited to, those residents who are knowledgeable or possess expertise in the following areas: utilities, operations, engineering, law, planning, management, and accounting and finance.

Upon compliance with the applicable exemption provisions of Florida Statute, Chapter 112.313(12), and the Palm Beach County Code of Ethics, up to two (2) Advisory Board members may be involved in a business relationship, directly or indirectly, with the Palm Beach County Water Utilities Department. Employees of Federal, State or local agencies which have regulatory/enforcement authority over the Department's activities shall not be eligible for membership on the Advisory Board.

Section 3. Power and Duties of the Advisory Board.

The powers and duties of the Advisory Board shall include the following:

- (1) To review existing and proposed policies, plans and programs of the Palm Beach County Water Utilities Department, and to advise the Board of County Commissioners and/or the Department as to any need for modification of same;
- (2) To review and make recommendations concerning proposed capital improvement plans and programs;
- (3) To review existing or proposed rate changes, rate structures, and the annual budget of the Water Utilities Department;

(4) To assist in communications with other on-line customers served by the

Water Utilities Department;

Section 4. Vacancies, Removal from Board.

Vacancies on the Advisory Board shall be filled by appointment by the Board of County Commissioners of Palm Beach County (for At-Large Members and the Lake Region Member) or District Commissioner (for District Appointments), or by the Village of Royal Palm Beach Village Council (for the Royal Palm Beach Member) for the unexpired term vacated upon confirmation by the Board of County Commissioners.

The Board of County Commissioners of Palm Beach County may remove any member(s) of the Advisory Board from office upon affirmative vote of the Board of County Commissioners.

Section 5. Meetings and Procedures.

The Advisory Board shall select its own Chair and Vice Chair at an election held at the first meeting and annually thereafter. Advisory Board meetings shall be conducted in accordance with Robert's Rules of Procedure. The Advisory Board shall schedule ten (10) regular meetings in each calendar year. The Chair shall have the power to schedule special meetings or cancel regularly scheduled meetings as the workload of the Advisory Board requires.

The Advisory Board shall keep a permanent record of its proceedings, and shall file approved minutes from its meetings with the Board of County Commissioners of Palm Beach County. All meetings, records and files of the Advisory Board shall be open and available to the public.

The foregoing Resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner , and upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair
Commissioner Steven L. Abrams, Vice Chairman
Commissioner Karen T. Marcus
Commissioner Paulette Burdick
Commissioner Burt Aaronson
Commissioner Jess R. Santamaria
Commissioner Priscilla A. Taylor

The Chair thereupon declared the Resolution duly passed and adopted this
_____ day of _____, 2010.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK AND
COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney