

**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA; AMENDING MANAGEMENT AND GOVERNANCE GUIDELINES; PROVIDING FOR CONFLICTS, SEVERABILITY, & AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT RESOLVED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1. FINDINGS AND INTENT.** The Utilities Commission, City of New Smyrna Beach, Florida (the "Commission") makes the following findings and declares the following legislative intent:

(1) The Utilities Commission is a public authority, political subdivision, and part of the government of the City possessed of powers granted by Special Acts of the Florida Legislature, to wit, Chapter 67-1754, Laws of Florida (1967), as amended by Chapter 85-503, Laws of Florida (1985), which shall be collectively referred to as the "Special Acts."

(2) The Special Acts have granted the Utilities Commission the full and exclusive power and authority to prescribe rules, rates, and regulations governing the sale and use of any city utilities, including the right to acquire or condemn various utility systems and facilities for such purposes.

(3) Historically, the Utilities Commission has relied on a combination of Charter requirements, state law, its own resolutions, and best utility management practices to plan for budgetary needs; assess the adequacy of rates and fees; and to report on and audit the performance and integrity of its operations and finances.

(4) Since its inception in 1965, the Utilities Commission has adopted, maintained, and modified rules establishing its own procedures for conducting the business of the Utilities Commission.

(5) While no set of preconceived rules and policies can substitute for the application of sound business judgment, integrity, ethics, and good governance by individuals appointed to the Utilities Commission, the Utilities Commission has, from time to time, recognized certain non-mandatory guidelines useful to the management, governance, and operation of its utility systems.

(6) Some guidelines have been specifically recognized by law or resolution, while others require Commission or Management intervention to identify the need and initiate action.

(7) Since issuance of the Utilities Commission Utilities System Refunding Revenue Bonds, Series 2020, the Utilities Commission staff has sought to employ periodic reviews of key indicators to facilitate transparency and focus management and governance efforts.

(8) Following the Utilities Staff recommendation that the Utilities Commission consider the adoption of non-mandatory guidelines to insure the continued use of periodic reviews of key indicators and the periodic review of rates to insure transparency, financial

viability, and sound management and governance, the Utilities Commission adopted Resolution No. 2021-03.

(9) The Utilities Commission has previously provided instruction and guidance regarding Administrative Policies and Procedures.

(10) The Chief Executive Officer and General Counsel have made certain recommended modifications to certain administrative policies and procedures that primarily impact internally within the Utilities Commission as set forth below.

**SECTION 2. MODIFICATION OF MANAGEMENT & GOVERNANCE GUIDELINES.**

Section 2 of Resolution No. 2021-03 is amended to read as follows:

**“SECTION 2. ADOPTION OF MANAGEMENT & GOVERNANCE GUIDELINES.** The Commission hereby adopts the following non-mandatory management and governance guidelines:

(1) Strategy—The Utilities Commission shall continue to update strategic plans, its Vision, Mission and Values statement, and assess and plan for utility system modernization.

(2) Goals & Metrics—The Utilities Commission shall continue to employ annual metrics and goal setting, utility industry benchmarking, and performance gap assessment in its management and operations, and shall report this information in open meetings to the Utilities Commission and public.

(3) Operational Planning---The Utilities Commission shall perform the following operational planning events, including 5-10 Year Capital Improvement Plans, Annual Prioritized Budgeting, Work and Resource Planning, and HR/IT/Fleet/Facilities Plans.

(4) Execution & Monitoring--- To execute and monitor achievement of the guidelines, the Utilities Commission shall perform the following, including Monthly Budget and Metrics Scorecard, Management Reporting Annual Organizational Accomplishments, full compliance with bond and state law financial reporting, and rate and service policy assessment to be conducted every three (3) years, report on achievement every five (5) years, and assessment of compensation study every three (3) years.

(5) Internal Administrative Policies—All authority to own, operate, and manage the utility systems owned by the Utilities Commission is vested by the Special Acts into the Utilities Commission. For those administrative policies that affect parties external to the Utilities Commission (such as rate making, contracting, employment and compensation, and procurement, these policies shall continue to be set in open public meeting by verbal or written resolution. For those administrative policies whose impacts are primarily internal to the staff and efficient operation of the Utilities Commission, the Utilities Commission hereby delegates the development and implementation of these policies to the Chief Executive Officer, consistent with language regarding Policy in the General Manager and Chief Executive Officer Job Summary and Employment Contract documents. The Chief Executive Officer will cause these policies to be articulated in writing where practicable.





**SECTION 3. CONFLICTING RESOLUTIONS.** To the extent inconsistent or conflicting with this resolution, this resolution shall supersede any prior conflicting or inconsistent

resolutions, whether verbal or written, of the Utilities Commission, including but not limited to those "Administrative Policies and Procedures contained in Agenda Item 2-c. adopted on April 20, 2009, and Resolution No. 2021-03.

**SECTION 4. SEVERABILITY.** If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its passage by the Commission.

**THIS RESOLUTION** was introduced at a regular meeting of the Utilities Commission, City of New Smyrna Beach, Florida, held this 23rd day of August, 2021, by Commissioner Davenport who moved for its adoption, which motion was seconded by Commissioner Conrad, and upon roll call vote of the Commission was **DULY ADOPTED** as follows:

CHAIRMAN	<u></u>	<u>yes</u>
VICE CHAIRMAN	<u></u>	<u>yes</u>
SECY.-TREAS.	<u></u>	<u>yes</u>
ASST. SECY.-TREAS.	<u>Richard Hawes</u>	<u>Absent</u>
COMMISSIONER	<u></u>	<u>yes</u>

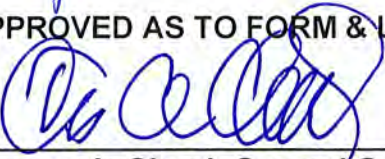
APPROVED:

  
Jack Holcomb, Chairman

ATTEST:

  
Lillian Conrad, Secretary-Treasurer

APPROVED AS TO FORM & LEGALITY:

  
Thomas A. Cloud, General Counsel