

Chapter 2.140

UTILITY ADVISORY COMMISSION

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2.140.010 Short title.

This chapter shall be known as the "Utility Advisory Commission Ordinance." (Ord. 6229 § 2 (part), 1987)

2.140.020 Establishment.

There is created and established a commission of the city to be known as the "utility advisory commission" and hereinafter called "commission." (Ord. 6229 § 2 (part), 1987)

2.140.030 Membership—Appointment and terms.

A. The commission shall consist of 9 members, who shall be appointed as follows:

1. Each of the 7 councilmembers and the mayor shall nominate 1 member for a total of 8 members.
2. The mayor shall nominate the remaining 1 member from persons recommended by the 7 councilmembers.
3. All appointments are subject to ratification by the city council.

B. Members shall be appointed for a term of 3 years, and shall serve no more than 2 consecutive terms. A term of less than 1 year shall not be considered a full term. Terms expire on June 30th of the applicable years. A member shall continue in office

for the term for which he/she was appointed or until his/her successor is appointed. No member who has served 2 consecutive terms shall be eligible for reappointment to the commission prior to the passage of a 2-year interval.

C. If a member ceases to reside in the city prior to the expiration of a term, the member may complete the term only upon approval by the city council pursuant to Section 2.45.020.

D. Any member of the commission may be removed by the city council at its pleasure. (Ord. 6820 §§ 41, 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.140.040 Qualifications.

All members shall be residents of the city; provided, however, that a person nominated by a director need not reside in the director's district. (Ord. 6229 § 2 (part), 1987)

2.140.050 Absences and vacancies.

A. In the event a member has 3 consecutive unexcused absences from meetings of the commission, the city council may declare the office of such member vacant. The staff to the commission shall advise the secretary to the mayor of any member with 3 consecutive unexcused absences. The chair of the commission may excuse absences.

B. Vacancies, whether scheduled or unscheduled, shall be filled by the person who nominated the members to the vacant office, or by his/her successor, in the same manner as set forth in Section 2.140.030. (Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.140.060 Election of officers.

At the first meeting of the commission, and thereafter at its first meeting of each subsequent year, the members shall elect a chair and a vice chair. In the absence or disability of the chair and vice chair, the commission may designate a temporary chair. (Ord. 6229 § 2 (part), 1987)

2.140.070 Meetings—Records.

A. The commission shall meet at least once a month. All its meetings shall be held in accordance with the Ralph M. Brown Act and shall be open to the public except as provided by law. Special meetings may be called by the chair or a majority of the commission.

B. A quorum shall be a majority of the commission seats filled by the city council. A seat is deemed to be filled after a nominee has been sworn in by the city clerk. No action of the commission shall be valid without the affirmative vote of at least three members. (Ord. 6675 § 2 (part), 1996; Ord. 6229 § 2 (part), 1987)

2.140.080 Rules and regulations.

The commission shall adopt and amend, by the affirmative vote of 5 members, rules and regulations for the conduct of the commission's business, consistent with this chapter. Such rules and regulations shall be submitted to the city council and shall not become effective until approved and ordered filed by the council. (Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.140.090 Annual report.

The commission shall submit an annual report and workplan to the city council no later than September 1st of each year. Attendance records of members shall be included as part of the annual report. (Ord. 6930 § 19, 2003; Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.140.100 Disclosure requirements.

Members of the commission shall be required to file annual statements of economic interest pursuant to the city's conflict of interest code. (Ord. 6229 § 2 (part), 1987)

2.140.110 Purpose and functions.

A. The purpose of the commission is to advise the council on policy matters related to the operation of the city's water and power utilities, excluding daily operations.

B. The commission shall advise and make recommendations to the city council concerning problems or policy matters as directed by the municipal services committee or the city council.

C. In connection with the foregoing functions, the commission shall consult and cooperate with other public agencies and commissions on matters relevant to the commission.

D. In carrying out its functions and duties, the commission may:

1. Request of any city department or agency information, services, facilities and assistance in furtherance of the objectives of the commission;

2. Study and examine through the conduct of meetings, conferences, public hearings or other appropriate methods those matters it is charged with;

3. Act as a vehicle for necessary and useful public interface and consumer input to the water and power utilities. (Ord. 6924 § 1, 2003; Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

The following rules were adopted by the Utility Advisory Commission on April 20, 1988, for the conduct of its business consistent with the Pasadena Municipal Code.

RULES AND REGULATIONS

ARTICLE I

NAME

The name of this advisory body is the Utility Advisory Commission.

ARTICLE II

PURPOSE

SECTION 1.

The purposes of this Commission are:

- A. To ensure a high level of service to the ratepayers of Pasadena by advising the City Council on policy matters related to the operation of the City's water and power utilities, excluding daily operations.
- B. To advise and recommend to the Board of Directors policies and programs related to:
 - 1. Developing and maintaining a financial plan for the Water and Power Department.
 - 2. Developing power planning and management agreements with other local municipalities.
 - 3. Participating in power generating or transmission facilities.
 - 4. Implementing conservation efforts and an aggressive energy use management program.
 - 5. Evaluating the performance of the water and power utilities.
 - 6. Establishing an appropriate rate of return or other criteria used to establish the level of funds to be transferred to the General Fund and from the water and power utilities.

7. Developing new rate structures for the water and power utilities and formulating recommendations as to the appropriate rate structures.
8. Evaluating the environmental problems of the power utility and developing solutions to such problems.
9. Reviewing such other problems and policy matters which may arise from time to time with regard to the operation of the water and power utilities, whether identified by the City Council or the Commission.

ARTICLE III

MEMBERSHIP

SECTION 1.

The membership of this Commission shall be limited to nine members.

SECTION 2.

Members shall be appointed in conformity with applicable provisions in Chapter 2.140, Title 2 of the Pasadena Municipal Code.

SECTION 3.

Any member desiring to resign from the Commission shall submit their resignation in writing to the Chair of the Commission. The Chair will notify the person who appointed and/or nominated the member to the Commission, or their successor.

SECTION 4.

Any member with three consecutive unexcused absences will be removed from the Commission. The Chair of the Commission is empowered to excuse absences for good cause.

SECTION 5.

Absent members cannot vote by proxy or by telephone on issues before the Commission.

SECTION 6.

Upon appointment, all members shall receive a copy of these rules

and regulations and Chapter 2.140 of the Pasadena Municipal Code relating to this Commission.

SECTION 7.

Each member has the right:

- A. To receive timely notice of all meetings with accompanying documents;
- B. To receive a copy of the Minutes prior to approval;
- C. To make motions or to second them;
- D. To debate motions;
- E. To vote on motions;
- F. To hold office on the Commission; and
- G. To make recommendations to the Commission.

SECTION 8.

No member shall purport to represent or speak on behalf of the Commission without the prior approval of a majority of the Commission or the Commission Chair.

SECTION 9.

- A. If, due to any of the following factors, a member has a conflict of interest in a matter before the Commission, that member shall declare the interest publicly, refrain from participating in the deliberations, abstain from voting on the matter, and not discuss the matter with any other Commission member prior to final action by the Commission:
 1. Member is an employee of or has more than a nominal financial interest in a party with a matter before the Commission;
 2. Member is related by blood, marriage or adoption to a party with a matter before the Commission;
 3. Member has a financial interest in the matter before the Commission;
 4. Member and the party with a matter before the

Commission are affiliates in an association which would cause a reasonable person to question the Commission member's impartiality in resolving the matter before the Commission;

5. Member is a friend or acquaintance of a party with a matter before the Commission which would cause a reasonable person to question the Commission member's impartiality in resolving the matter before the Commission.
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- B. No member shall participate in any matter before the Commission in which he/she may have a bias prejudicial to the interests of the public or which would give the appearance of impropriety.
 - C. If a member is required by City Ordinance and the Political Reform Act to file a Statement of Economic Interest and fails or declines to do so, that member is disqualified from further service on the Commission.

ARTICLE IV

OFFICERS

SECTION 1.

The officers of the Commission shall be a Chair, Vice Chair and Secretary. The Secretary will be a member of the City staff.

SECTION 2.

The Chair shall have the following responsibilities; preside at all meetings of the Commission; vote on every motion as other members; call special meetings when necessary; compose the agenda; prepare the annual report for submission to the City Council; fix the date, hour and place of meeting; make appointments to committees; execute official communications; sign orders or recommendations of the Commission; advise the City Council of the names of members with three unexcused absences and of upcoming vacancies; and conduct Commission business in a manner consistent with these bylaws.

SECTION 3.

The Vice Chair shall perform the duties of an absent or disabled Chair and perform such other duties as are assigned by the Chair. In the absence of both the Chair and the Vice Chair, the members shall select a temporary Chairperson.

SECTION 4.

The Secretary shall have the following responsibilities: record the minutes of all proceedings before the Commission; maintain the records of the Commission in complete and up-to-date order; report all correspondence to the Commission; advise the Chair three months prior to expiration of appointments; advise the Chair of any members with three consecutive unexcused absences; assist in the preparation of the agendas; and make and serve all notices.

SECTION 5.

The officers shall be elected to serve for one year or until their successors are elected. Their terms of office shall begin at the close of the annual meeting at which they were elected.

SECTION 6.

No member shall hold more than one office at a time.

ARTICLE V

MEETINGS - GENERAL RULES

SECTION 1.

Regular meetings of the Commission shall be held on the third Wednesday of each month (*), at 6:30 P.M., in the Water and Power Conference Room at 150 S. Los Robles, Suite 200, Pasadena, California.* Written notice of these meetings, including the date, time and location, shall be given to each member, the City Council and the City Manager.

SECTION 2.

The first regular meeting after July 1 shall be known as the annual meeting and shall be for the purpose of electing officers, and for any other business that may arise.

SECTION 3.

Special meetings may be scheduled by the Chair or a majority of the Commission. The purpose of the meeting shall be stated in the notice. Except in cases of emergencies, notice of special meetings shall be given at least 24 hours in advance.

SECTION 4.

Five members of the Commission shall constitute a quorum.

SECTION 5.

All meetings of the Commission shall be held in accordance with the Ralph M. Brown Act and shall be open to the public as provided by law.

SECTION 6.

A matter must be on the agenda to be discussed and acted upon. A matter may be placed on the agenda by a member, by a request from a non-member agreed to by a member, or by staff.

SECTION 7.

The rules contained in the current edition of Roberts's Rules of order (newly revised) shall govern the Commission in all cases to which they are applicable and are not inconsistent with these rules, the Pasadena Municipal Code, or the Ralph M. Brown Act, with the additional provision for a friendly amendment, which is defined as an amendment to the original motion agreed to by the maker and second.

SECTION 8.

Comments from the public shall generally be limited to five minutes.

ARTICLE VI

MEETINGS-HEARING PROCEDURES

SECTION 1.

The Commission shall follow the procedure outlined below in conducting hearings:

- A. The title of the matter shall be announced by the Chair.
- B. A City staff member shall then present the matter to the Commission.
- C. The Chair shall call for the applicant, proponent, or opponent to present his/her view, additional facts, or evidence.
- D. The Chair shall call for statements from other persons favoring the matter; then from persons opposing the matter under consideration.
- E. The applicant, proponent or opponent shall be given an opportunity for rebuttal at the

completion of the statements.

- F. The Chair shall declare the hearing closed.
- G. By motion, the Commission shall take action on the matter.
- H. The Chair shall announce the decision of the Commission.
- I. All decisions of the Commission relating to matters requiring a public hearing shall be in writing and shall be mailed to the parties within a reasonable time after the hearing.

ARTICLE VII

AMENDMENT OF RULES

SECTION 1.

These rules may be amended at any regular meeting of the Commission by a two-thirds vote. Proposed amendments must be submitted to the City Council for final approval.

* As amended by the UAC on November 8, 1995

Revised 4/96