

ORDINANCE NO. 234

AN ORDINANCE AMENDING ORDINANCE NO. 115 OF THE TOWN OF WEST MIAMI, FLORIDA, BY CHANGING THE DUTIES OF THE WATER BOARD OF THE TOWN OF WEST MIAMI AND CHANGING METHOD OF APPOINTMENT OF AND TERMS OF WATER BOARD MEMBERS, AND DESIGNATING MAYOR AS CHIEF ADMINISTRATIVE OFFICER OF THE WATER DEPARTMENT

WHEREAS, it has come to the attention of the Town Council that the Water Board created by Ordinance No. 115 of the Town has been performing administrative duties in addition to its duties of establishing policy and planning; and,

WHEREAS, it is the belief of the Council that more efficient and economical operation of the Water Board would result if the administrative duties of the Water Department were placed under the Mayor as Chief Administrative officer of the Town; and,

WHEREAS, it is the belief of the Council that it would be more democratic for the Water Board members to be appointed by the Town Council, which is answerable to the electorate, rather than by the members of the Water Board themselves;

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF WEST MIAMI, FLORIDA:

Section 1. That Section 1 of Ordinance No. 115 be and is hereby amended to read as follows:

"Section 1. There is hereby created and established an agency and instrumentality of the Town of West Miami, Florida, to be known as the 'Water Board of the Town of West Miami, Florida'. Said Board shall recommend to the Town Council the policy for the operation of the waterworks property owned by the Town of West Miami and the planning for future operation of such property."

Section 2. That Section 2 of Ordinance No. 115 be and is hereby amended to read as follows:

"Section 2. Said Board shall consist of five (5) members. Each member of the Board shall reside in and be a property owner of the Town and shall be an individual of good reputation, integrity, responsibility and business ability. No person who is an officer or employee of the Town in any capacity shall be a member of the Board. Each member shall serve for a term of three (3) years or until his successor is appointed, excepting those two members of the present Board whose terms expire in January of 1962, whose successors shall serve for a period of three (3) years. The three members to be appointed by the Town Council shall serve as follows: Two for two (2) years; and one for three (3) years. Regular terms of subsequent appointees shall be for three (3) years."

Section 3. Section 3 of Ordinance No. 115 shall be and is hereby amended to read as follows:

"Section 3. At the first regular meeting of the Town Council following enactment of this Ordinance, the Town Council shall appoint three members to fill the vacancies in the Water Board. Two of said appointments shall be for terms of two (2) years and one shall be for a term of three (3) years. Thereafter, at the first regular meeting of the Town Council in January of each succeeding year, the Town Council shall appoint by a majority vote members of the Board for three (3) year terms to fill the vacancies resulting from the expiration of regular terms. Any member of the Board shall be eligible for reappointment. In the event of the death, resignation or removal of any member or the termination

of such member's tenure of office by reason of his change of residence, the Town Council at its next regular meeting shall name and appoint by a majority vote a successor to fill and serve the unexpired term of such member."

Section 4. Section 5 of Ordinance No. 115 shall be and is hereby amended to read as follows:

"Section 5. The Board shall elect one of its members as chairman, shall make appropriate rules and regulations for its own government and administrative procedure. The Board shall hold regular meetings ~~at~~ least every other month, and hold such special meetings as it may deem necessary. All such meetings shall be open to the public."

Section 5. Section 6 of Ordinance No. 115 shall be and is hereby amended to read as follows:

"Section 6. (a) The Mayor of the Town of West Miami shall be the Chief Administrative Officer of the Water Department and shall assume entire charge of the operation, management and control of the waterworks system now owned and hereafter acquired or constructed by the Town. In addition, the Mayor shall be charged with the supervision, appointment and removal of all waterworks employees and shall have the same authority over said employees as granted by the Town charter in connection with other employees of the Town. The Mayor shall furnish to the Town Council a monthly report with respect to the operation, maintenance and financial condition of said waterworks and shall, from time to time, furnish such additional reports, audits and other information relating to said system as may be required by the Town Council. The Mayor

shall employ such additional operating personnel, including engineers and other experts and professional assistants as shall be necessary to provide for efficient and proper operation.

(b) The Board shall recommend to the Town Council appropriate rules and regulations covering the distribution and sale of water to be approved and promulgated by the Town Council. The Town Council shall have the sole authority to change the water rates, sources of supply and methods of operation. The Board shall furnish to the Town Council minutes of its meetings and a monthly report of its activities, and shall, from time to time, furnish such additional reports as may be required by the Town Council."

Section 6. Section 7 of Ordinance No. 115 shall be and is hereby amended to read as follows:

"Section 7. (a) ALL BUDGETS, FUNDS and ACCOUNTS pertaining to the water distribution system of the Town shall be segregated from all other budgets, funds and accounts and shall be so kept that they reflect the financial condition and operation of the water distribution system of the Town. The Mayor shall be responsible for all books, records, documents and papers pertaining to the waterworks system and the same shall be kept in the Town Hall, accessible at any time during working hours to any resident of the Town. The Mayor shall recommend to the Town Council for the latter's approval, the prorata share of clerical and other expenses of the Town, properly chargeable to the waterworks, and what credits and debits are applicable to the Town and to the Water Department.

(b) The Town Attorney shall act as counsel for the Board in all matters of law which may arise in connection with its work and shall advise the Mayor in all matters of law which may arise in connection with the operation of the Town waterworks.

(c) The Town Clerk or Deputy Town Clerk shall act as secretary of the Water Board.

(d) Except for the purpose of inquiry, the Water Board and its members shall deal with the waterworks personnel solely through the Mayor and neither the Board nor any member thereof shall give orders to any subordinates of the Mayor, either publicly or privately.

(e) Employees of the waterworks system shall be included in the classified service of the Town, if any, and subject to the rules and regulations thereof, and shall be eligible for any benefits available to the other employees of the Town."

Section 7. Section 8 of Ordinance No. 115 shall be and is hereby amended to read as follows:

"Section 8. All expenses of the Water Department shall be paid solely from the revenues of the waterworks system of the Town, and no liability or obligation not payable from the revenues of said system shall at any time be incurred in the operation thereof. The Board and the Mayor, in the operation of the waterworks, shall be governed strictly by the terms of Ordinance No. 103 authorizing the issuance of \$300,000.00 of waterworks revenue certificates of 1952 (and/or other waterworks obligations hereafter issued) as regards allocation of funds as therein set forth. All expenditures shall be governed by the amounts set forth in the budget.

Section 8. Section 10 of Ordinance No. 115 shall be and is hereby amended by changing the words "forty-five (45) days" in line 4 of Section 10 to read: "one hundred thirty-five (135) days."

Section 9. Section 11 of Ordinance No. 115 shall be and is hereby amended to read as follows:

"Section 11. All actions and recommendations of the Water Board done, taken or made in an official meeting shall be final unless disapproved by the Town Council by a vote of four (4) members of the Town Council within thirty (30) days from date of such meeting; provided that written report of such action shall have been made to the Town Council at the next regular meeting of the Town Council following such meeting of the Board.

Section 10. Section 12 of Ordinance No. 115 shall be and is hereby repealed.

Section 11. Any ordinance or portion thereof in conflict herewith is hereby repealed.

Section 12. If any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions hereof.

PASSED and ADOPTED this 15th day of February, A.D. 1961.



President of the Town Council

ATTEST:



Town Clerk

APPROVED:



Mayor