

**RESOLUTION NO. 16-173, SERIES 2016**

**RESOLUTION ESTABLISHING THE CITY OF DAVIS  
UTILITY RATE ADVISORY COMMISSION**

WHEREAS, the City Council relies on Boards, Committees and Commissions to provide advice and information on subjects within their respective scopes; and

WHEREAS, the City Council approved Resolution No. 13-156, establishing a Utility Rate Advisory Committee to review the City's utility rates annually and to make comprehensive recommendations on utility policy and related matters to the City Council; and

WHEREAS, the City Council approved Resolution No. 14-022, amending the structure of the Utility Rate Advisory Committee to extend Council-appointed member terms; and

WHEREAS, the City Council now desires to re-establish this advisory body as a regular City Commission, with membership structure and terms consistent with all other commissions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davis does hereby establish the Utility Rate Advisory Commission as follows:

**1. ESTABLISHMENT AND PURPOSE**

- A. The Utility Rate Advisory Commission is hereby established as set forth herein. The general purpose of the commission is to advise the City Council on the City's utility rates, assumptions and programs, and related utility matters as directed by the City Council.
- B. As an advisory body of the Davis City Council, the commission is established and guided by the following documents, except as otherwise prescribed in this resolution:
  - i. Davis Anti-discrimination ordinance; and
  - ii. Commission Handbook; and
  - iii. Commission Policy Guidelines

**2. MEMBERSHIP**

The Utility Rate Advisory Commission shall consist of seven (7) members, with one (1) alternate. All voting members of the Utility Rate Advisory Commission, regular and alternate, shall be appointed by a majority vote of the Council.

- A. Each Utility Rate Advisory Commission member must be 1) a City resident; 2) a City utility ratepayer, or; 3) an individual whose residence or business is geographically located such that the individual or business is directly impacted by Davis utility rates. Members may include, but are not limited to, residents, business owners, students located in County areas receiving any City utility services through a county service area or other county special district or through direct agreement with the City for utility services.
- B. Individual Utility Rate Advisory Commission members may have demonstrated professional level experience in any or all of the enterprise utilities provided by the City. This professional level experience may consist of engineering, science, management, legal or financial experience directly tied to water, sewer, stormwater or solid waste utilities.

The alternate member shall not vote except upon one of the following conditions:

- A. Absence of one (1) or more of the regular members of the commission.
- B. Disqualification of a regular member of the commission because of an expressed conflict of interest.

3. TERMS OF OFFICE

Members of the commission shall serve a term of four (4) years, or until their successors are appointed by the City Council. For purposes of establishing staggered terms, appointments may be for terms varying between one (1) and four (4) years as the Council may decide. No members shall serve for more than two (2) consecutive terms, except under special circumstances.

4. TERMINATION OF APPOINTMENT

- A. The term of appointment of any member of the Utility Rate Advisory Commission who has been absent from three (3) consecutive regular meetings, or who has missed more than 1/3 of the meetings in a 12-month period, without the approval of the City Council shall automatically be terminated.
- B. Members of the Utility Rate Advisory Commission serve at the pleasure of the Council, and may be removed from office by a majority vote of the Council.

5. VACANCIES

All appointments made to the Commission shall be by action of the City Council. Vacancies on the commission shall be filled for the unexpired term in the same manner in which regular appointments are otherwise made.

6. OFFICERS OF THE COMMISSION

The members of the Utility Rate Advisory Commission shall annually select one (1) of its members as Chairperson and one (1) of its members as Vice Chairperson. No chairperson or vice chairperson shall serve more than two (2) consecutive years as chair.

- A. THE CHAIRPERSON of the commission shall call the meetings to order at the appointed time, shall appoint all sub-commissions, subject to the approval of the commission, shall have all the powers and duties of the presiding officer as described in "Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century," and shall perform such other duties as may from time to time be prescribed by the commission.
- B. THE VICE CHAIRPERSON of the commission shall have all the powers and perform all the duties of the Chairperson in the case of absence or inability of the Chairperson to act. The Vice Chairperson shall perform such other duties as may from time to time be prescribed by the commission or the Chairperson.

7. MEETINGS OF THE COMMISSION

The Utility Advisory Commission shall establish a regular time and place of meeting and shall hold regular monthly meetings. Special meetings of the commission may be called by the Chairperson, or by any four (4) or more voting members of the commission, or by the City Council. Notice for regular and special meetings shall be given in accordance with the Ralph

M. Brown Act. The Public Works Department shall administer the Utility Rate Advisory Commission's activities with support from the City Attorney as may be necessary.

8. QUORUM

For the purpose of transacting business, a quorum of the Utility Rate Advisory Commission shall consist of four (4) of the seven (7) members.

9. DISCLOSURE

Commission members shall be required to comply with the City's Conflict of Interest Code and file in accordance with Disclosure Categories 1, 2, 3 and 4, and with conflicts in Category 4 specific to operations, financing, maintenance and construction of utilities and utility-related activities.

10. FUNCTIONS OF THE COMMISSION

The Utility Rate Advisory Commission shall have the responsibilities as provided in this section and such other duties as the Council may, from time to time, determine:

- a) To recommend adjustments to the City's utility rates after careful review of the facts and key information pertaining to the City's utility systems and infrastructure as required in the rate setting process.
- b) To consider costs associated with providing utility service(s) that include, but are not limited to: operations and maintenance, repair and replacement, large capital projects, debt service payments and reserve requirements, enterprise utility fund reserves, customer demand forecasts and assumptions, demand side management programs, financing options, utility billing issues, customer notification, and regulatory compliance.
- c) To consider both short and long term factors and consequences when recommending annual and/or multi-year adjustments to the City's utility rates.
- d) To advise Council concerning the positive and negative impacts of one year versus multi-year utility rates and to recommend rate policies to the Council.
- e) To consider the utility rates and rate structures of other communities as appropriate to provide sound recommendations to the Council.

PASSED AND ADOPTED by the City Council of the City of Davis this 20th day of December, 2016, by the following vote:


AYES: Arnold, Frerichs, Lee, Swanson, Davis

NOES: None



Robb Davis  
Mayor

ATTEST:



Zoe S. Mirabile, CMC  
City Clerk