

This instrument prepared by:  
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Palatka, Florida 32177

**ORDINANCE NO. 16 - 03**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING PROVISIONS OF ARTICLE II OF THE CITY OF PALATKA CHARTER RELATING TO THE PALATKA GAS AUTHORITY; ALLOWING RECORD OWNERS OF PROPERTY WITHIN THE CITY TO SERVE AS AUTHORITY BOARD MEMBERS; ALLOWING THE BOARD TO DETERMINE THE SALARY OF THE MANAGER SUBJECT TO THE CITY COMMISSION'S POWER TO OVERRIDE; ESTABLISHING PROCEDURES BY WHICH THE AUTHORITY SHALL ACCOUNT FOR AND TRANSFER REVENUES COLLECTED WHICH ARE NOT GENERATED BY THE AUTHORITY'S OPERATION; PROVIDING FOR THE MONTHLY TRANSFER TO THE CITY OF A PORTION OF GROSS REVENUES COLLECTED BY THE AUTHORITY AND GENERATED BY ITS OPERATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, ARTICLE II, of the CITY CHARTER of the CITY OF PALATKA, entitled "PALATKA GAS AUTHORITY", creates a department of the City to be known and designated as the "PALATKA GAS AUTHORITY" and establishes rules and guidelines for the operation of the Authority; and

WHEREAS, section 170 of said Article authorizes the CITY to supplement the provisions contained within the ARTICLE by the adoption of ordinances and resolutions not inconsistent therewith; and,

WHEREAS, the CITY COMMISSION of the CITY OF PALATKA now finds that, in order to expand the pool of potential AUTHORITY Board members; improve the efficiency of the AUTHORITY; enhance the operation of the AUTHORITY; and allow for the collection and transmittal by the AUTHORITY of revenues generated by other CITY departments with the aim of increasing the overall efficiency and cost-effectiveness of city government, it is necessary to amend certain provisions of ARTICLE II pursuant to the authority granted within the ARTICLE.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF PALATKA:**

**SECTION I.** That the above recitals are true and correct and by this reference are hereby incorporated and made a part hereof as though fully set forth herein.

**SECTION II.** Section 154 of ARTICLE II is hereby amended to read as follows:

**Sec. 154. Qualifications of members; forfeiture of office for designated causes; filling of vacancies resulting from disqualification.**

Every person appointed as a member of said authority shall, at the time of the appointment, be a qualified elector of the City of Palatka, or the record owner of property within the City, and any member of the authority who ceases to possess any of the qualifications herein specified shall immediately forfeit his/her office and the City Commission shall fill the vacancy so created in the manner provided in this act (Article). No person who is otherwise employed by the City or who holds any other office in the City, whether elected or appointed, shall be eligible for appointment as a member of the Authority, and any member of the Authority who becomes otherwise employed by the City, or is elected or appointed to any other

office in the City shall immediately forfeit his/her office as a member and the City Commission shall fill the vacancy so created in the manner provided in this act (Article).

SECTION III. Section 164 of ARTICLE II is hereby amended to read as follows:

**Sec. 164. General Manager – Appointment.**

The authority shall by majority vote appoint, subject to the approval of the city commission, a general manager who shall serve at the pleasure of the authority and shall be paid such salary or compensation as shall be determined by the city ~~commission~~ authority, provided however that the city commission shall have the power to override the authority regarding the salary or compensation to be paid to the general manager upon a finding of just cause. Such appointment shall not take effect unless and until the city commission shall approve the same.

Section IV. The title of Section 166 of Article II is amended to read as follows:

**Sec. 166. Administration and application of revenues ~~of gas system.~~**

Section V. Section 166 of Article II is hereby amended by adding the following wording in substitution of the current wording of sub-section "(b)".

**Sec. 166**

(b) In the event the authority is assigned the task by the City to collect, account for, and/or distribute revenue attributable to and/or generated by any City function other than the operation of the authority ("unrelated revenues") the Authority shall account for and track all such unrelated revenues separately and apart from revenues generated by the operation of the Authority. If required by applicable auditing standards, or by City directive, the Authority shall also keep all non-related revenues in bank account or accounts which are separate and apart from the accounts into which revenues generated by the Authority are deposited and maintained. Within thirty (30) days after the end of each calendar month, the Authority shall transfer to the City all non-related revenues collected by the Authority during the calendar month which just ended.

Section VI. Section 166 of Article II is hereby amended by "re-numbering" that sub-section which was previously known as sub-section "b" to be now known as sub-section "c" and by changing the wording of the body of the sub-section to read as follows:

(c) ~~Use of surplus moneys. Transfers to the City.~~ Within 30 days following the end of each calendar month, beginning with the fiscal year 2016-2017, the Authority shall transfer to the City a base line of 5.9% of the gross revenues associated with the sale of natural gas. Any revenue of the gas system or systems remaining after making full provision for the requirements of sub-paragraph (a) of this section may be used by the city for any other municipal purposes; provided, however, that the city shall make provision for a reasonable reserve for the cost of operating, maintaining, and repairing the gas system or systems and paying the cost of extensions, enlargements or additions to or replacement of the capital assets of said gas system or systems, prior to appropriating such revenue to other municipal purposes.

Section VII. Section 167 of Article II is hereby amended to read as follows:

**Sec. 167. Expenditures in connection with the gas system or systems to be made solely from revenues thereof.**

All revenues derived and obtained from the operation of the city's gas system ~~or systems of the city~~ shall be kept separate and apart from other money of the city, and the city commission or other officers of the city, shall not, under any

circumstances, transfer any other money or revenues of the city to the use of or for the gas system or systems, or to accounts in connection with such gas system or systems, in excess of the amounts received by the city from the operation of the gas system, for any purpose whatsoever. All expenses of the operation, maintenance and repair of the gas system or systems, all costs of extensions, enlargements or additions to or replacement of the capital assets of such gas system or systems, and all other costs or expenses of any other kind of the said gas system or systems, shall be paid for solely from the revenues of the city's gas system, ~~or systems of the city.~~

**SECTION VIII.** In the event of a conflict between the terms of this Ordinance and any other Ordinance of the City of Palatka, the terms of this Ordinance shall prevail and supersede. Except to the extent of any conflict between the terms of this Ordinance and any other Ordinance of the City of Palatka, all other Ordinances shall remain in full force and effect.

**SECTION IX.** This ordinance shall take effect immediately upon its passage.

**SECTION X.** A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 25 day of February, 2016.

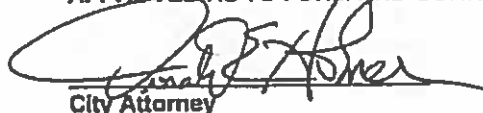
CITY OF PALATKA

BY:   
Its Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

  
City Attorney