

Sec. 169 (a) - Created; powers, duties, responsibilities generally; definitions.

- (a) There is hereby created and made a part of the government of the City of Fort Pierce a utilities authority to be known and designated as **Fort Pierce Utilities Authority**, City of Fort Pierce, Florida, ... **The authority shall operate as a separate unit of the city government; ... be free from the jurisdiction, direction, and control of other city officers and of the city commission....**

Sec. 170(a), (b), (d) and (e) - Composition; qualifications, selection, terms of office, removal and compensation of members

- (a) The **authority** shall **consist of five (5) members, one (1) of whom shall be the mayor....**
- (b) The **city commission** shall ... **elect by a majority vote**, four (4) citizens with such qualifications as are provided for herein
- (d) Any **member** may be **removed** from office by the city commission for **malfeasance, misfeasance or nonfeasance in office, or upon conviction of a felony.**
- (e) No person shall be a **member** unless he **shall be a qualified elector of the city. No** person who holds any other **public office** or who is an **employee of the city government** or who has any **business relationship with the authority** other than as a consumer shall be a member, except the mayor and the ex officio member. A member ceasing to possess any of these qualifications shall be **removed from his office forthwith by the city commission.**

Sec. 172. - Utilities director....

The **authority** shall have the **power to appoint** a **utilities director** to be responsible to the authority and who **shall serve at its pleasure....**

Definition of “**Elector**”

Elector: A resident qualified to vote in an election.

Definitions of “**Malfeasance**”, “**Misfeasance**”, and “**Nonfeasance**”

Malfeasance: The wrongful or unjust doing of some act.

Misfeasance: Doing a lawful act in an improper manner.

Nonfeasance: Failure to perform a duty or a total neglect of duty.

Example: A company hires a caterer to provide drinks and food for a retirement party.

If the caterer accepts a bribe from its client's competitor to undercook the meat, thereby giving those present food poisoning, it is considered **malfeasance**.

If the caterer shows up but only provides drinks (and not the food, which was also paid for), it is considered **misfeasance**.

If the caterer fails to show up, it is considered **nonfeasance**.