

Key Largo Wastewater Treatment District Board of Commissioners Meeting Agenda Item Summary

Meeting Date:
February 18, 2025

Agenda Item Number: O-1

Action Required:
Yes

Department: Legal
Sponsor: Nicholas W. Mulick

Subject:
BOARD PRACTICES AND POLICIES MANUAL - RESOLUTION NO. 02-2025

Summary:
Mr. Mulick will present proposed amendments to the KLWTD Board Practices and Policies Manual to be adopted by Resolution No. 02-2025.

<u>Reviewed / Approved</u>	<u>Financial Impact</u>	<u>Attachments</u>
Operations: _____	\$	1. Proposed amendments to Board Practices and Policies Manual 2. Resolution No. 02-2025
Administration: _____		
Finance: _____	Funding Source:	
District Counsel: _____	N/A	
District Clerk: _____	Budgeted:	
Engineering: _____	N/A	

Approved By:  Date: 2-18-25
General Manager

BOARD POLICIES AND PRACTICES

EFFECTIVE FEBRUARY 18, 2025 ¹

TABLE OF CONTENTS

- 1. CONDUCT OF MEETINGS**
- 4. ELECTION OF OFFICERS**
- 8. BOARD ATTENDANCE**
- 12. LENGTH OF MEETING**
- 13. ABSTAIN FROM VOTING**
- 14. THE RIGHT TO DISSENT**
- 15. PUBLIC COMMENTS**
- 21. ROLE OF THE CHAIRMAN**
- 25. RESOLUTIONS**
- 26. MOTIONS**
- 37. MINUTES OF THE MEETING**
- 40. APPROVAL OF THE MINUTES**
- 43. DRAFT AGENDA**
- 48. COMMISSIONER ITEMS**
- 50. ROUNDTABLE DISCUSSION**
- 53. STAFF SUPPORT & LEGAL ADVICE**

This Board Policies and Practices Manual replaces previous versions of the Board Practices and Policies manual.

¹ [Resolution 02-2025 corrects sentence numbering. No other changes have been made.](#)

CONDUCT OF MEETINGS

1. The Board usually applies the following "Meeting Rules" to its meetings: (1) It shall not be necessary to have a motion on the floor to discuss an item; (2) Commissioners have the right to request reconsideration of any item only once regardless of whether a commissioner was on the winning or losing side of a prior vote, or did not vote; (3) A point of order normally takes precedence over other matters; (4) On matters of extreme importance, a Commissioner may request the Board consider the matter at two separate hearings; (5) The Board should encourage full and open discussion of all items without regard to how long it takes to reach consensus; (6) The Board should not take action on an item unless it has been provided sufficient back-up and an opportunity to review and to consider the matter.
2. The Board shall update its "Meeting Rules" from time to time when appropriate.
3. The Board shall be guided but is not required to follow Robert's Rules of Order (Small Group Edition).

ELECTION OF OFFICERS

4. The Board elects a chairman, vice chairman, and treasurer annually. In years in which general elections are held pursuant to s. 189.405(2)(a), F.S, the Board elects officers at the first meeting following certification of results by the Supervisor of Elections. In non-election years, the election of officers is held on the first meeting in November.
5. Commissioners may nominate themselves for office.
6. No second is required for nominations.
7. Contested elections for Board officers may be held by signed ballots, which shall be opened by the Clerk and made a part of the record.

BOARD ATTENDANCE

8. Commissioners must attend all meetings of the Board in person, unless excused by the Board. A commissioner may be excused from being personally present at a meeting under the following circumstances:
 - a. A quorum has been established by the personal presence of a majority of the commissioners; and
 - b. The commissioner participates in the meeting remotely; and
 - c. The commissioner is unable to be personally present at the meeting for any of the following reasons:
 1. Illness of the commissioner or the commissioner's immediate family.
 2. Death of a family member.
 3. Unanticipated events beyond the commissioner's control such as a canceled flight, road closure or delay due to an accident, severe inclement weather, etc.
 4. A previously scheduled commitment, such as a doctor's appointment that cannot be rescheduled without adverse consequences to the commissioner.
 5. Any other reason not specifically listed above and deemed by the Board to constitute exigent circumstances.
9. A commissioner who is excused may vote, make motions, and participate in all official business of the Board as though personally present at the meeting.

10. A commissioner who is not excused is deemed absent and not entitled to be compensated for that meeting but may participate remotely in Board discussion and may not make motions nor vote on Board business.

11. The Minutes of a meeting with a commissioner participating remotely with an Excused absence shall reflect that 1) a quorum is present; 2) that the present commissioners make a finding that extraordinary circumstances exist to permit remote participation; and 3) that commissioners are participating remotely.

LENGTH OF MEETING

12.. The Board should endeavor to complete business within two (2) hours.

ABSTAINING FROM VOTING

13. A Commissioner should not abstain from voting unless, there is, or appears to be, a possible conflict of interest or unless a Commissioner lacks sufficient information to cast an informed vote.

THE RIGHT TO DISSENT

14. Commissioners shall have the right to publicly disagree with any official action taken by the Board.

PUBLIC COMMENTS

15. The Board should welcome public participation and comments at all meetings.

16. A person who desires to speak should register his or her request with the Clerk prior to the item being called for discussion.

17. The public may speak on any item, including "Bulk" items, either at the time General Public Comment is called, or at the time a Specific Item is called for discussion.

18. Public Comment regardless of being a General Public Comment, or a Specific Item Comment is usually limited to three (3) minutes for an individual and five (5) minutes for representatives of organizations, unless the Board believes additional time is appropriate.

19. Public speakers may provide written material to the Board and request that the material be included in minutes; however, the Chair may decline the request for inclusion if the material is unduly voluminous or is offensive.

20. Commissioners and Staff should refrain from responding to public speakers but may do so with the consent of the Chair.

ROLE OF CHAIRMAN

21. The Chair should encourage full and open debate.

22. The Chair is not obliged to recognize a request to "call the question" unless and until there has been full and open discussion by the Board.

23. The Chair shall discourage disrespectful comments.

24. The Chair's ruling on procedural matters is subject to a vote if challenged by any commissioner.

RESOLUTIONS

25. The Board shall adopt written resolutions on matters of importance and all KLWTD policies.

MOTIONS

26. Matters of importance shall be resolved by a vote rather than by "giving direction."

27. Commissioners may request a formal vote on any issue.
28. A motion can be made by any Commissioner;
29. If the Chair makes a motion, it must pass the gavel to the Vice Chair;
30. A motion can be seconded by any Commissioner including the Chair, who need not pass the gavel;
31. A vote can only be called by the Chair after a motion has been made and seconded.
32. Motions that do not receive a second shall automatically fail.
33. When a motion has been moved and seconded, and following the end of the discussion of an item, the Chair must:
 - a. Restate the motion, and
 - b. Call for a vote by yeas and nays or by roll
34. Any Commissioner may request a roll call vote.
35. Only one motion at a time may be considered.
36. The Board may table a motion to the next meeting, at which time the Board shall resume debate.

MINUTES OF THE MEETING

37. The minutes should be promptly recorded and should summarize the events of the meeting.
38. All motions made during the course of a meeting should be recorded in the minutes, including motions that fail to receive a second.
39. At the very least, the minutes should reflect the maker of the motion; the nature of the motion; the second, and the Commissioners voting yea/nay.

APPROVAL OF THE MINUTES

40. The draft minutes should be presented to the board for adoption at the next meeting.
41. The adoption of the minutes is *prima facie* evidence of the Board's decision, resolutions, and acts only. Comments included in the minutes are not to be considered as exact quotes
42. Commissioners have the right to request corrections to the minutes.

DRAFT AGENDA

43. The Clerk shall be responsible for the preparation, content, and form of the draft agenda with the assistance of the General Manager.
44. Commissioners shall have the right to include items and materials in the draft agenda for dissemination to the other commissioners, to staff, and to the general public. Such items shall be added under the "Commissioner Items" section, and shall not require backup.
45. In addition to Commissioners, the following persons shall have the right to include items in the draft agenda for dissemination to the commissioners, the staff, and the general public: 1) the General Manager, 2) the Director of Finance, 3) the District Engineer, and 4) the General Counsel.

46. The Draft Agenda shall be approved by the Board.

47. The Board shall not entertain items that have not been included in the Agenda.

COMMISSIONER ITEMS

48. Commissioners may bring forward items for discussion and possible voting action. Board meeting rules shall apply to voting actions.

49. The regular rules of conduct and procedure shall be in effect.

ROUNDTABLE DISCUSSION

50. The Roundtable portion of the meeting is where Commissioners may have open and free discussions among themselves.

51. No motion shall be required for a matter to be raised and discussed. No votes will be taken on Roundtable items.

52. The regular rules of conduct and procedure, including Roberts *Rules of Order*, shall not be in effect.

STAFF SUPPORT & LEGAL ADVICE

53. In order to carry out their legislative duties, Commissioners may request information, research or support from the General Manager, Senior Staff Members, Department Managers, or the District's Attorneys and Consultants provided that any such request is not unduly burdensome or excessive, i.e., will not take more than 1 hour per month. The District's staff shall have the right (but is not obligated) to ask the full board to authorize the request if the request is unduly burdensome.

RESOLUTION NO. 02-2025

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING THE DOCUMENT ENTITLED, *BOARD PRACTICES AND POLICIES*; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Commissioner Heim has proposed certain amendments renumbering sections of the *Board Practices and Policies* manual; and

WHEREAS, the Key Largo Wastewater Treatment District's (the "District") *Board Practices and Policies* is a document that can be amended at any time by action of the Board of Commissioners (the "Board"); and

WHEREAS, the Board has considered the proposed amendments; and

WHEREAS, the Board finds that it is in the best interests of the District and its customers to adopt the proposed amendments in their entirety.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by reference.

Section 2. Amended *Board Practices and Policies*. The District's *Board Practices and Policies* document is hereby amended in the form attached hereto and incorporated herein as Exhibit "A."

Section 3. Effective Date. The District's *Board Practices and Policies*, as amended herein, shall be effective immediately upon the adoption of this Resolution by the Board.

Section 4. Ratification. Except as amended herein, all of the terms, provisions, and requirements of the District's *Board Practices and Policies* are hereby ratified and shall remain in full force and effect.

Section 5. Authorization of District Officials. The General Manager and/or his designee(s) and the District General Counsel are authorized to take all actions necessary to implement the terms and conditions of this Resolution.

RESOLVED AND ADOPTED THIS 18th DAY OF FEBRUARY 2025.

The foregoing RESOLUTION was offered by Commissioner Heim, who moved its approval. The motion was seconded by Commissioner _____, and being put to a vote, the result was as follows:

	AYE	NAY
Chairman Rodriguez	_____	_____
Commissioner Heim	_____	_____
Commissioner Majeska	_____	_____
Commissioner Maloney	_____	_____
Commissioner Schwartz	_____	_____

The Chairman thereupon declared this Resolution No. 02-2025 duly passed and adopted the 18th day of February 2025.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By: _____
Chairman Nicolas Rodriguez

ATTEST:

Approved as to form
and legal sufficiency:

By: _____
Shannon McCully, Clerk

By: _____
Nicholas W. Mulick, Esq.,
General Counsel

SEAL