

**BOARD OF SUPERVISORS**  
**HARBOUR WATERWAY SPECIAL DISTRICT**  
**(HWSD)**

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**PROCEDURES MANUAL**  
**(FINAL)**

**ADOPTED February 14, 2012**

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## **CHAPTER 1**

### **PART 1. ORGANIZATION OF THE BOARD OF SUPERVISORS**

#### **RULE 1.01 ORGANIZATION MEETING**

The first meeting in December or January of each year shall be the Board of Supervisors' organizational meeting. The purpose of said meeting, in addition to any regular District business to be conducted shall be to elect a Chairman, a Vice-Chairman and a Secretary / Treasurer. In election years newly elected Supervisors shall take and subscribe to the oath or affirmation required by the State Constitution at the first monthly meeting following the November election.

#### **RULE 1.102 OFFICERS**

The elected officers of the Board shall serve for a period of two (2) years, unless otherwise designated by vote of the Board. No Supervisor may serve more than two consecutive two year terms as Board Chair in any four year term in office.

#### **RULE 1.103\_ METHOD OF ELECTION OF OFFICERS**

The Chair, Vice-Chair, and Secretary / Treasurer shall be elected one at a time beginning with the Chair. The vote will be by voice vote and the nomination is like a motion. The nomination must be seconded. The different names shall be repeated by the Chair as they are moved and seconded. The vote shall be taken after the Chair declares that nominations are closed and shall be taken on each nominee in the order in which they were nominated until one is elected by a majority of the votes.

#### **RULE 1.104 VICE-CHAIR**

The Vice-Chair shall assist the Chair in the expeditious conduct of the Board's business during meetings. The Vice-Chair shall act as parliamentarian for the Board. Parliamentary training will be provided at the request of the Vice-Chair.

#### **RULE 1.105 SECRETARY / TREASURER**

The Secretary / Treasurer shall be responsible for coordinating the annual audit of the District's financial affairs as required by the District by Chapter 82-375, Laws of Florida, preparing an annual budget for consideration by the Supervisors, making monthly budget reports to the Supervisors at the monthly meeting, approving payment of District bills, reconciling the District's bank statement each month and maintaining a record of and reporting to the Supervisors on all payments made from District funds, and preparing, executing and filing on behalf of the District those documents required by law for the annual levy of ad valorem taxes in connection with adoption of the District's annual budget, or the Supervisors may retain an outside firm to perform such functions as they deem appropriate, including but not limited to writing checks, and preparing monthly budget reports. In the event an outside firm is not retained to do so, a Supervisor shall be designated by the Chair to review the Secretary / Treasurer's quarterly reconciliation of the District's bank statement.

## **RULE 1.106 APPOINTMENTS OF SUPERVISORS TO COMMITTEES**

After the election of the Vice-Chair, each Supervisor shall submit to the Chair their requests for committee appointments. The Chair is authorized to appoint members of the committees.

## **PART 2. CHAIR OF THE BOARD OF SUPERVISORS OF HARBOUR WATERWAY SPECIAL DISTRICT**

### **RULE 1.201 DUTIES OF THE CHAIR**

As the presiding officer of the Board, the Chair shall:

- (a) Take the Chair at every meeting precisely at the time for the meeting to begin, immediately call the Board to order and, on the appearance of a quorum, proceed to the business of the Board.
- (b) Sign all enacted resolutions adopted by the Board.
- (c) Appoint all committees and designate the chair and vice-chair thereof, unless otherwise ordered by the Board.
- (d) Authorize the placing of items on the agenda, and order the removal of items from the consent agenda.
- (e) Exercise the powers granted herein to the Chair or to the presiding officer.
- (f) Present or designate another Supervisor to present all awards, resolutions, and honors presented on behalf of the Board.
- (g) Perform such other duties as the Board may direct.

### **RULE 1.202 GENERAL AUTHORITY OF CHAIR**

In addition to his/her duties and powers as the presiding officer of the Board the chair shall be responsible for the proper execution of these Rules, the resolutions and approved motions of the Board appertaining to the Board.

### **RULE 1.203 DUTIES OF VICE-CHAIR**

The Vice-Chair, in the temporary absence, disability or conflict of the Chair, shall preside at all meetings of the Board and exercise such administrative powers as are vested in the Chair. He/she shall exercise such administrative powers as are vested in the Chair as the Chair may delegate. At all times the Vice-Chair shall advise and assist the Chair in the business of the Board, and shall perform such other Board duties as he/she may be assigned by the Chair. Should the Vice Chair be absent or have a conflict, the Chair will appoint a temporary Vice-Chair.

## **RULE 1.204 VACANCIES**

(a) Chair. Whenever the Chair is unable to perform the duties of that office (i.e. death, resignation, removal from office, permanently disabled), the Vice-Chair shall become the Chair. If more than 60 days remain before the next organizational meeting, the Board shall elect a new chair to serve until the next organizational meeting. If 60 days or less remain until the next organizational meeting, the Vice-Chair shall become chair and serve until the next organizational meeting.

(b) Vice-Chair. Whenever the Vice-Chair is unable to perform the duties of that office (i.e. death, resignation, removal from office, permanently disabled), the Chair shall appoint a temporary Vice-Chair to serve until the entire Board can elect a replacement. When the Board elects a new Vice-Chair of the Board, he/she shall serve for the remainder of the unexpired Vice-Chair's term and until a successor is elected.

## **PART 3. MEMBERS OF BOARD OF SUPERVISORS**

### **RULE 1.301 VOTING BY SUPERVISORS**

Sections 112.311 through 112.326, Florida Statutes, sets forth a code of ethics for public Officers and employees. Section 112.3143(3) (a), Florida Statutes, addresses voting conflicts pertaining to Supervisors. Supervisors shall not abstain from voting on any matter unless there is, or appears to be a possible conflict of interest under Sections 112.311, 112.313 or 112.3143 and then in such instances, the Supervisor must comply with the disclosure requirements of Chapter 112.3143 which requires that prior to the vote being taken the Supervisor shall publicly state to the assembly the nature of his/her interest in the matter from which he/she is abstaining from voting and within 15 days after the vote occurs, disclose the nature of his/her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting who shall incorporate the memorandum in the minutes.

### **RULE 1.302 SUPERVISORS SUBJECT TO STANDARDS OF CONDUCT**

Each Supervisor is subject to the standards of conduct set out in Part III, Chapter 112 Florida Statutes. By personal example and by admonition to colleagues whose behavior may threaten the honor of the Board, each Supervisor shall watchfully guard the responsibility of office.

### **RULE 1.303 OFFICES**

The District will maintain an official office with a folder for incoming correspondence for each individual Supervisor. Agendas and other correspondence may be provided to Supervisors by telecopy if requested.

### **RULE 1.304 CORRESPONDENCE AND OTHER COMMUNICATION**

A Supervisor shall not purport to represent and shall affirmatively disclaim representation of the Harbour Waterway Special District or the official position of the Harbour Waterway Special District, except as expressly authorized by the Board. Provided, however, the Chair of the Board may represent the Harbour Waterway Special District and its official position on

matters which have been specifically approved by resolution of the Board, within the scope of such resolution. All correspondence by a Supervisor in an official capacity, consistent with the foregoing, shall be prepared on official Board letterhead. All Supervisors shall be provided with copies of any correspondence or memoranda appearing on Harbour Waterway Special District letterhead and signed by an individual Supervisor. Any informational materials or memoranda provided by one Supervisor to another shall contemporaneously also be provided to the other Supervisors through the Harbour Waterway Special District office. When a Supervisor intends to appear before another appointed or elected public body as a representative or spokesperson for the Board of Supervisors, that Supervisor, whenever possible, will inform the other Supervisors in advance of their intention to do so. When advance notice is not possible, the Supervisor shall report any such appearances at the next meeting of the Board.

## **PART 4. DISTRICT MANAGER**

### **RULE 1.401 DISTRICT MANAGER**

(a) The District Manager, if appointed, is the Administrative Head of the Board of Supervisors and is responsible for the administration of the Harbour Waterway Special District which the Board has authority to control.

(b) Perform such other duties as may be required by the Board.

(c) The District Manager may be appointed by a majority of the membership of Board of Supervisors. The District Manager may be terminated with cause (after a hearing, if such be requested by the District Manager,) by a vote of a majority plus one of the membership of the Board.

### **RULE 1.402 DIRECTIVES AND POLICIES OF THE BOARD**

The District Manager is to administer and carry out the directives and policies of the Board and enforce all orders, resolutions and regulations of the Board to assure that they are faithfully executed.

### **RULE 1.403 REPORTING TO THE BOARD**

The District Manager shall report to the Board on action taken pursuant to any Board directive or policy within the time directed by the Board and provide an annual report to the Board on the state of the District, the work of the previous year, and any recommendations as to action or programs the District Manager deems necessary for the improvement of the District and the welfare of its residents.

### **RULE 1.404 INFORMATION TO BOARD**

Provide the Board, or individual members thereof, upon request, with data or information concerning Special Districts and provide advice and recommendations on government operations to the Board.

## **RULE 1.405 BOARD MEETINGS**

Attend all meetings of the Board with authority to participate in the discussion of any matter and to make recommendations to the Board.

## **RULE 1.406 AGENDA**

Prepare an agenda for all Board meetings and workshops in accordance with Board instructions.

## **RULE 1.407 CITIZENS COMPLAINT SYSTEM**

Maintain a citizen complaint system, to prevent possible deficiencies within Board departments, offices and activities.

## **RULE 1.408 BUDGETARY RESPONSIBILITIES TO BOARD**

Working with the Secretary / Treasurer, the District Manager shall:

(a) Prepare and submit to the Board for its consideration and adoption an annual operating budget, a capital budget, and a capital program.

(b) Establish the schedules and procedures to be followed by all District departments, offices, and agencies in connection with the Board's budget and supervise and administer all phases of the Board's budgetary process.

(c) Prepare and submit to the Board after the end of each fiscal year a complete report on the finances and administrative activities of the District for the preceding year and submit recommendations.

## **RULE 1.409 BOARD OWNED PROPERTY**

Supervise the care and custody of all records and property that are under the control or ownership of the District.

## **RULE 1.410 NEGOTIATE FOR BOARD**

Negotiate leases, contracts, and other agreements, including consultant services, for the Board, subject to approval of the Board, and make recommendations concerning the nature and location of Board funded improvements.

See that all terms and conditions in all Board leases, contracts, and agreements are performed and notify the Board of any noted violation thereof.

## **RULE 1.411 BOARD PROJECTS**

Propose a project priority list, revised semi-annually, for confirmation or revision by the Board, and prepare and submit quarterly status reports on each project.

**CHAPTER 2**  
**COMMITTEES**

**PART 1. GENERAL RULES**

**RULE 2.101 SPECIAL COMMITTEES**

A special committee is an ad hoc committee appointed or created to give particular and exclusive attention to a single subject matter that requires concentrated study because of its technical nature or importance to the District. Unless otherwise directed by the Chair or the Board of Supervisors, a special committee shall have an unlimited period of time within which to study the matter and make its recommendations to the Supervisors.

**PART 2. COMMITTEE PROCEDURE**

**RULE 2.201 MEETINGS**

Special Committees. Special committees (which may consist of Supervisors, citizens or some combination thereof) shall meet at such times and places as may be necessary to conduct their business. If the business of any special committee is such that regular meetings are required or become necessary, the chair of the committee shall set a schedule of meetings, with the approval of the Chair of the Board, and shall provide the same to the Board Secretary, who shall publish and post the same, and approved changes therein. Otherwise, notice of meetings of special committees shall be provided and will always include language regarding one or more Supervisors being in attendance. Notice of the date, time, place, and matters to be considered at any special meeting of a committee or any non-regular meetings shall be given to all Supervisors in writing, signed by the committee chair and distributed not less than twenty-four hours before the time of such committee meeting. Notice of such meeting shall be noticed in the same manner as meetings of the Boards of Supervisors.

**RULE 2.202 ATTENDANCE AND VOTING**

(a) Attendance. It shall be the responsibility of each Supervisor to attend the regular or special meetings of each special committee to which he/she is appointed.

Supervisors may attend meetings of any committee of which he/she is not a member and offer comments and observations, but he/she may not participate in the committee debate on the matter nor vote on any question, unless permitted by the Committee Chair.

(b) Voting or Consensus. No member of a committee shall be allowed under any circumstances to vote by proxy. Each member of a committee present shall vote as provided in Rule 1.301. The chair may ask for consensus on any issue. Hearing no opposition from the vice-chair, it shall be reported to the Supervisors as a consensus of the committee.

## **RULE 2.203 CONSIDERATION OF REFERRED MATTERS**

All committees shall report on every subject referred to them, and shall dispatch, as expeditiously as reasonably possible and proper, the public business assigned to them. It shall be the duty of the committee chair to insure that the committee's business is promptly and properly considered.

## **RULE 2.204 POWERS OF SPECIAL COMMITTEES**

A special committee shall have and may exercise the following powers in carrying out the duties assigned to it by these Rules or by the Board or by the Chair of the Board:

(a) By its chair or vice-chair in his absence, to request attendance from the District Manager or the District Attorney through the Board of Supervisors, when needed at meetings.

(b) A special committee, by unanimous consent may request through the Board of Supervisors, that the District Attorney draft resolutions. Said resolution(s) must relate to items which are under the purview of that Committee.

Resolutions will stay in committee until the committee approves the final committee draft. Upon approval of final committee draft it shall be sent to the Board Chair to be placed on the agenda.

The resolution shall be called a "Draft Resolution of \_\_\_\_\_ Committee" until adopted by the Board of Supervisors.

## **RULE 2.205 RULES IN COMMITTEE**

Unless otherwise provided for, all committees shall follow the following procedural rules:

(a) A quorum of a committee shall be a majority of its regular members.

(b) After the committee has fully considered an issue, it may be referred to the full Board with one of the following:

1. Recommendation for approval.
2. Recommendation for denial.
3. A split decision.
4. No recommendation (not considered).

(c) Any committee intending to conduct a public hearing at a special meeting as defined in Rule 3.206 shall give each member of the committee not less than three days written notice of such hearing, which notice shall include a statement of the subject matter of the public hearing, and it may include the phrase "and all other matters that may come before the committee."

(d) The rules of the Board shall govern proceedings in committee, except as otherwise provided by Rule.

## **RULE 2.206 COMMITTEE MINUTES**

The proceedings of every committee shall be electronically or electromagnetically recorded. Written minutes of the proceedings are required and shall be prepared in the standard format used by the Harbour Waterway Special District Secretary. The recordings of the proceedings shall be kept as a permanent record of the Board.

Copies. Copies of committee minutes may be obtained through the Harbour Waterway Special District Office.

**CHAPTER 3  
LEGISLATION**

**PART 1      GENERAL RULES**

**RULE 3.101   OFFICIAL ACTIONS OF THE SUPERVISORS**

The Board shall take official action only by means of resolutions or motions. For the purposes of these Rules:

(a) "Resolution" means an expression of the Board concerning matters of District business, an expression of temporary, advisory or exhortative character or a provision for the disposition of a particular item of the business of the Board.

(b) "Motion" means a proposal that certain action shall be taken or shall not be taken or a certain view be expressed.

**RULE 3.102   PREPARATION OF LEGISLATION**

Responsibility. Resolutions will usually be prepared by the Harbour Waterway Special District Attorney upon the request of the Chair, District Manager or any Board member. Any resolution not prepared by the Attorney should be reviewed by the Attorney before it is scheduled for public hearing. All resolutions prepared by or submitted to the District shall be approved by his office as to form.

**PART 2.      PUBLICATION; PUBLIC HEARING**

**RULE 3.201   MATTERS TO BE PUBLISHED**

(a) The following matters shall be published:

The titles of all proposed resolutions shall be published in the agenda for the meeting at which it will be considered. Upon a determination of good cause by the Chair, stated in the record, the Board may take action on resolutions for which the title was not published in the agenda.

(b) Matters which may be published. Any other matter may be published in the agenda or in the Board's meeting minutes at the direction of the Chair, the Board or any committee with respect to its business.

**RULE 3.202   MANNER OF PUBLICATION**

Official advertisements and notices that require publication shall be submitted to the District Office to be published for the prescribed period of time in a newspaper which meets the requirements of Sections 50.011 and 50.031, Florida Statutes, for publication of legal and official advertisements. Unless otherwise prescribed by law or directed by the Chair, Board or committee, any official advertisement or notice shall be published once only and, wherever possible, matters to be published concerning the same matter of Board business shall be published in a single advertisement or notice. Where the Board is permitted or authorized to post

a public notice, the bulletin board at the Regency Public Library is hereby designated as the place at which such notices will be posted.

### **RULE 3.203 PROOF OF PUBLICATION**

Proof of publication shall be obtained by the District Office as provided by Sec. 50.041, F.S. The original proof of publication shall be filed in the District Office.

### **RULE 3.204 PUBLIC HEARINGS: BOARD OF SUPERVISORS**

(a) Public Hearing Defined. A public hearing is a specified portion of a meeting of the Supervisors in which the privilege of the floor is granted to the general public and members thereof may address the Supervisors on the subject for which the public hearing is called. A public hearing is designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the full Board.

(b) When Held. Although the Supervisors need the comments and observations of the members of the general public, the business of the Board requires that public hearings by the full Board be held to the minimum number. Consequently, except for public hearings required by law, a public hearing by the full Board will be scheduled only by order of the Chair, or a majority of the Supervisors present at any meeting.

(c) Conduct of Public Hearings. When the Board of Supervisors holds a public hearing on a proposed resolution, the Chair shall announce that the time for the public hearing has arrived and declare the same open to the general public. The sponsor of the resolution will speak first, explaining the proposed action to the Board. Next, all those in favor of the action will be given an opportunity to speak, then those in opposition to the action; the sponsor shall then be given an opportunity to reply to the claims and allegations of the opponents. The Chair may impose reasonable limits on the number of people allowed to speak and on the length of time each person may speak. At any time during the public hearing, the Supervisors may question any speaker concerning the speaker's remarks and they may recall any speaker for clarification of his previous remarks or for additional remarks. When all members of the general public who have been scheduled to speak have done so and the Board has finished their questions of the speakers, the chair shall declare the public hearing to be closed; and no further remarks shall be heard from the general public. When the public hearing is closed, a motion may be made and voted upon in accordance with all procedures contained herein.

The Supervisors may question a speaker only to elicit information, comments or opinion and may not debate the merits of the legislation, either with a speaker or among themselves, during the part of the hearing open for public input.

(d) Public Hearings without a Pending Resolution. The Board may schedule a public hearing on a matter when there is no resolution concerning such matter pending before the Board, in order to determine the need for possible action and to gather information to be used in drafting an appropriate resolution.

(e) Recess. Public hearings may be recessed by order of the presiding officer or by a majority of the Supervisors present, to a time certain.

(f) Continuances to Agenda Items. The Board shall consider requested continuances be set for a time certain at subsequent Regular, Workshop or Special Meetings of the Board, however, the Board reserves the right to set such agenda items on a staggered meeting schedule. At the close of the business day, the Board, upon the request of the Chair or any Supervisor, with a vote of the majority, may defer or continue any or all of the remaining agenda items or public hearings to a date and time certain, either at a Regular, Workshop, or Special Meeting which shall be properly noticed.

### **RULE 3.205 PUBLIC HEARINGS; COMMITTEES**

(a) Public Hearing Defined. A public hearing is a meeting of a committee during which the privilege of the floor is granted to the general public and members thereof may address the committee on the subject for which the public hearing is called. A public hearing is specifically designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the committee concerning a particular matter of great public interest or importance. All meetings of a committee are public meetings, at which the public may, at the pleasure of the committee, address the committee; but a public hearing is an extraordinary procedure used only to gain information not otherwise obtained or to hear both sides of a controversy or to argue the merits of a matter.

(b) When Held. A committee shall hold a public hearing when ordered by the Chair, the Board or a majority of the committee members. A committee shall hold a public hearing only on a matter referred to it. Public committee hearings may be held in any public building within one mile of the District.

(a) Recess. Public hearings may be recessed by order of the committee chair to a time certain.

## **PART 3. MISCELLANEOUS COMMUNICATIONS**

### **RULE 3.301 RECEIPT OF MISCELLANEOUS COMMUNICATIONS**

The District Manager, or in the absence of an District Manager, the Chair shall receive all miscellaneous communications addressed to the Board. Within the meaning of these Rules, a "miscellaneous communication" is a letter, report, paper, or other document that does not relate to the resolution under consideration by the Board or any committee. Upon receipt, the District Manager/Chair shall forward the miscellaneous communication to the Chair for such other action or procedure as the Chair may deem appropriate.

### **RULE 3.302 DISPOSITION OF MISCELLANEOUS COMMUNICATIONS**

Miscellaneous communications may, at the discretion of the Chair, be referred to the appropriate committee for report.

### **RULE 3.303 READING OF MISCELLANEOUS COMMUNICATIONS**

Miscellaneous communications shall not be read to the Board by the District Manager/Chair, unless a majority of all the Board requires such reading.

## **CHAPTER 4.**

### **PROCEDURES**

#### **PART 1. MEETINGS; QUORUM**

##### **RULE 4.101 MEETINGS GENERALLY**

All regularly scheduled Board of Supervisors meetings shall be held in the Regency Public Library, and shall be open to the public. In case of emergency the Board, by motion or resolution adopted by a majority vote of all Supervisors, may designate an appropriate meeting place in other facilities for a meeting open to the public, consistent with the Harbour Waterway Special District's enabling legislation.

##### **RULE 4.102 REGULAR AND WORKSHOP MEETINGS**

The Board shall normally hold regular meetings on the second Tuesday of the month except when a regular meeting day falls on a legal holiday, or otherwise presents a conflict for the Board. All regular meetings will commence at 7:00 p.m. unless otherwise noticed. No later than the December Board meeting, the Board will determine the schedule for its regular meetings for the upcoming calendar year and will publish the schedule prior to the first meeting in January. Any changes to the published meeting schedule must be duly advertised.

##### **RULE 4.103 SPECIAL MEETINGS**

The Chair or a majority of the Supervisors may call a special meeting of the Board upon not less than twenty-four hours notice to each Supervisor. Notice of the call of such special meeting shall be in writing, signed by the party or parties making the call and shall be served on each Supervisor. The notice shall state the business to be transacted at such meeting, including all other business that may come before the Board. The clerk of the Board shall publish the notice as a legal advertisement at least 2 days prior to the day of the meeting. The Chair may, upon not less than twenty-four hours notice to every Supervisor, cancel any special meetings of the Board that the Chair had previously called pursuant to this Rule.

##### **RULE 4.104 EMERGENCY MEETINGS**

The Chair or Vice-Chair may call an emergency meeting of the Board to consider and take action upon a public emergency. No action shall be taken by the Board unless the Board first declares by motion or resolution that an emergency exists and the action taken directly pertains to the emergency. Prior notice of the emergency meeting shall be given by the most appropriate and effective method(s) available under the circumstances.

## **RULE 4.105 RECESSED OR ADJOURNED MEETINGS**

The Board, at any meeting, may recess or adjourn to a time certain on the same or another day, or fix the date and time of a meeting, for transacting any business or specified business only, as may be determined by the Board in taking such action.

## **RULE 4.106 QUORUM**

A quorum of the Board for the transaction of business shall consist of four of the Supervisors, but a lesser number may adjourn from time to time until a quorum is present. The affirmative vote of a majority of the four District Supervisors present shall be necessary for any action taken by the District Supervisors. It shall always be in order to suggest the lack of a quorum, whereupon the proceedings shall cease, the determination of a quorum may be made and the proceedings continue, if a quorum is present or suspended or adjourned, if a quorum is lacking.

## **PART 2. PRESIDING OFFICER**

### **RULE 4.201 DUTIES OF PRESIDING OFFICER**

The duties of the presiding officer shall include the following:

- (a) State every question before the Board.
- (b) Record the vote on all matters concerning which the recording of the ayes and nays is required or requested.
- (c) Announce the results of every vote.
- (d) Announce the order of business and insure the orderly disposition of the items on the agenda.
- (e) Maintain order and enforce the rules of decorum and discipline.
- (f) Sign each written measure passed by the Board during the meeting at which he/she is presiding officer.
- (g) Execute the orders of the Board made during the time he/she is presiding officer.

### **RULE 4.202 RULINGS BY THE CHAIR; APPEALS**

The Vice-Chair shall advise the Chair on parliamentary issues and shall rule on all questions of order and priority of debate, although he/she may ask the advice of the Attorney. Any Supervisor may appeal the decision of the presiding officer, in which event a majority vote of the Board present shall conclusively determine the ruling appealed. No other business, except a motion to adjourn or to lay on the table, shall be in order until the question on appeal has been decided.

### **PART 3. AGENDAS**

#### **RULE 4.301 SETTING AGENDA**

The Chair of the Board of Supervisors or the District Manager shall set the agenda for the Board. Any Supervisor desiring placement of an item on the agenda will make such request of the Chair or the District Manager. All requests for agenda items will be turned in by 9:00 a.m. Friday, one full week prior to the Tuesday Board Meeting/Workshop, complete with all appropriate back-up material sufficient to warrant discussion. Should sufficient backup material not be provided by this date, then the item will be removed from the agenda. At this time the agenda shall be considered closed, except for emergency items as may be called by the Chair in the manner provided herein. Six (6) days prior to the Board meeting, the Chair will review the agenda, make any additions or deletions deemed appropriate, and with the assistance of the District Manager, shall prioritize the agenda (excepting for advertised public hearings which shall be set in the order advertised.) There shall be included on the agenda, all items to be considered by the Board and the public hearings, if any, to be held by the Board. When the agenda has been set, the Secretary of the Board shall cause the same to be printed and distributed. Items may be added to the agenda upon a showing of good cause as determined by the Chair.

#### **RULE 4.302 ADOPTION OF REGULAR AGENDA**

After the addition of any item removed from the consent agenda, the Chair will ask for other changes to the agenda. Changes to the regular agenda must be approved by majority vote. After all approved changes on the agenda, a motion shall be made and seconded to adopt the agenda. Once adopted, the agenda shall control the meeting unless changed by a majority vote.

### **PART 4. RULES OF DECORUM**

#### **RULE 4.401 ABSENCE FROM MEETINGS**

Members of the Board of Supervisors will strive to attend all scheduled meeting of the Board or its committees and avoid conflicts which would prevent attendance. Any member who is unable to attend a regular, workshop or special Board meeting will notify either the District Manager or the Chair prior to the meeting, if possible. Any member present at any meeting of the Board will give notice to the Chair, if leaving the meeting for an extended period of time.

#### **RULE 4.402 BOARD TO PRESERVE ORDER AND DECORUM**

While the Board is in session, the Chair shall preserve order and decorum, and a Supervisor shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Board, nor disturb any Supervisor while speaking, or refuse to obey the orders of the Board or its Chair.

#### **RULE 4.403 MANNER OF SPEAKING**

No Supervisor shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first being recognized by the Chair. When two or more Supervisors seek recognition by the Chair, the Chair shall name the Supervisor who is first to speak. No Supervisor shall be interrupted by another without the consent of the Supervisor who has the floor, except by rising to its question of order. A Supervisor, in speaking on any matter shall confine himself to the question, or matter before the Board; shall not use unbecoming abusive un-parliamentary language; and shall avoid commenting on personalities or character.

#### **RULE 4.404 PUBLIC COMMENT**

Comments from the public given during the public comment times or the meeting, except scheduled public hearing comments, shall be limited to three (3) minutes per person and no person shall be allowed to give or transfer his or her time to speak to another person.

By permission of the Chair, the privilege of the floor shall be extended to a citizen or citizens to address the Board on any matter pending before it or which needs the attention of the Board. At public hearings required by law or fixed by the Board, the Chair shall extend the floor to a reasonable number of proponents and opponents of the subject matter of the public hearing, and those filing written requests to be heard with the Board Secretary shall be heard prior to the other persons who appear at the hearing. Each person addressing the Board shall proceed to the place assigned for speaking, give their name and address in an audible tone of voice for the records, and limit his address to three (3) minutes, unless a lesser time is fixed for all speaker the the Chair, or further time is granted by the Board. All remarks shall be addressed to the Board as a body and not to any member thereof. No person other than a Board member or the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Chair. All questions shall be directed through the Chair.

#### **RULE 4.405 DISRUPTION OF MEETING**

Any person disrupting a Board meeting by making personal, impertinent or slanderous remarks or by boisterous behavior while the Board is in session, may be removed from the meeting by the Sheriffs office. Such removal may he requested by the Chair in his/her discretion, or by consensus of the Board, or by the Sheriff's office if there is perceived to be an immediate threat to any person. No demonstrations of approval or disapproval from the audience shall be permitted; and if, after warning by the Chair, such demonstrations are made and result in a disruption of the meeting, the person(s) creating such disruption may be removed from the meeting; or the Chair may recess the meeting until order is restored. The Chair shall call upon the Sheriff's officers or other security officer who may be present during the meeting to enforce directions given by the Chair for any violation of this Rule.

## **PART 5. VOTING**

### **RULE 4.501 MAJORITY ACTION**

Unless otherwise required by State Statute, Ordinance, or as indicated by these Rules, all action by the Board shall be by majority vote of those Supervisors present.

Failure to receive a majority vote of the Supervisors present shall act as a denial of the proposed question that is before the Board.

### **RULE 4.502 VOTING REQUIRED UNLESS EXCUSED**

Every Supervisor who is present when a question is put, unless he/she is excused as provided in Rule 1.301, shall give his/her vote in the affirmative or negative and nothing more.

### **RULE 4.503 MANNER OF VOTING**

Votes shall be by voice vote. In the event a vote is less than unanimous, the Chair shall request a show of hands and the Secretary shall record the names of those voting yea and nay. In the case of a voice vote, if the presiding officer is in doubt, or upon the request of a Supervisor, the presiding officer shall call for a show of hands and the vote will thereafter be recorded by the Secretary.

### **RULE 4.504 CHANGE OF VOTE**

On all votes, after the vote has been taken but before the announcement of the result, a Supervisor may (a) change his vote or (b) vote. After announcement of the results, no vote may be changed or taken on the question. The provisions of Rule 4.502 shall not be construed to be affected by this Rule.

### **RULE 4.505 PROXY VOTING PROHIBITED**

A Supervisor shall not vote for another Supervisor, nor shall any person not a Supervisor cast a vote for a Supervisor. Any person not a Supervisor who shall vote wrongfully in the place of a Supervisor shall be excluded from the Board chambers for the remainder of the meeting.

## **RULE 4.506 EXPLANATION OF VOTE**

No Supervisor shall be permitted to explain his/her vote prior to or during a vote including a roll-call vote.

## **PART 6. MOTIONS**

### **RULE 4.601 MOTIONS; HOW MADE; WITHDRAWAL**

Every motion shall be made orally, unless the presiding officer requests that it be reduced to writing. No motion shall be debated or put to a vote without a second, except for those stated in Rule 4.602. When a motion is made and, when required, seconded, it shall be stated by the presiding officer or, his/her designee, and the mover shall have the floor. After a motion has been stated or read, it shall be deemed to be in the possession of the Board and shall be disposed of by vote of the Board. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended or before a vote hereon shall have commenced, if a majority of the Board present consent.

### **RULE 4.602 MOTIONS REQUIRING NO SECOND**

The following motions shall be decided or acted upon without requiring a second:

1. Call for a division of the Board.
2. Call for a division of a question
3. Motion to receive committee and agency recommendations.
4. Fill a blank.
5. Inquiries of any kind.
6. Leave to withdraw a motion.
7. Object to the considerations of a question.
8. Parliamentary inquiry.
9. Point of information.
10. Point of order.
11. Question of privilege.

### **RULE 4.603 MOTIONS ALLOWING NO DEBATE**

The following motions shall be decided without debate:

1. Adjourn, in any form.
2. Amend an un-debatable motion.
3. Dispense with the reading of the minutes.
4. Fix the time to which to adjourn.
5. Lay on the table.
6. Limit or extend debate.
7. Object to the consideration of a question.
8. Other incidental motions, as follows:
  - (a) close or reopen nominations.

- (b) Roll call vote.
- (c) Division of a question.
- (d) Fill a blank.
- (e) Point of order, information or inquiry.
- (f) Question of quorum present.
- (g) Leave to withdraw a motion.
- (h) Previous question.
- (i) Question of privilege.
- (j) Reconsider an un-debatable motion.
- (k) Suspension of the rules.
- (l) Take a recess.
- (m) Take from the table.

#### **RULE 4.604 MOTIONS ALLOWING NO AMENDMENT**

The following motions shall be decided without amendment:

1. Adjourn.
2. Amend an amendment.
3. Call for a roll call vote.
4. Declare a bill to be an emergency measure.
5. Fill a blank.
6. Leave to withdraw a motion.
7. Lay on the table.
8. Leave to read papers.
9. Nominations.
10. Object to the consideration of a question.
11. Postpone indefinitely.
12. Previous question.
13. Question of order.
14. Question of privilege.
15. Reconsideration.
16. Request of any kind.
17. Take from table.
18. Take up a question out of its proper order.

#### **RULE 4.605 PRECEDENCE**

When a question is under debate, the following motions shall be entertained and shall take precedence over each other in the following order:

1. Adjourn to a date certain.
2. Adjourn.
3. Take a recess.
4. Lay on the table.
5. Previous question.
6. Close debate at a specified time
7. Postpone to a day certain.
8. Refer to a committee.

9. Amend.
10. Postpone to a certain time.
11. Postpone indefinitely.

#### **RULE 4.606 PROPOSING QUESTIONS**

The presiding officer shall propose all questions in the order in which they are moved unless the subsequent motion be previous in nature; except that in naming sums and fixing times the largest sums and the longest times shall be put first.

#### **RULE 4.607 MOTIONS WHICH CAN BE MADE BUT ONCE**

Motions to adjourn or recess shall be decided without debate by a majority vote of those Supervisors present and voting. Only one substitute for a motion to adjourn shall be entertained. The substitute motion shall fix a different time for adjournment, and the same shall be put without debate, except that one minute shall be allowed the mover of the substitute within which to explain his/her reasons therefor. The substitute motion having been lost, the question shall be put on the original motion which if lost shall preclude any further motion to adjourn until other business shall have intervened.

#### **RULE 4.608 MOTION TO AMEND TO BE GERMANE**

No motion to amend dealing with a subject different from that under consideration shall be entertained by the presiding officer.

#### **RULE 4.609 DIVISION OF QUESTION**

Any Supervisor may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

#### **RULE 4.610 RECONSIDERATION; GENERALLY**

After the decision of any question, it shall be in order only for a Supervisor voting on the prevailing side to move to reconsider, but such motion may be seconded by any Supervisor. When a majority of the Supervisors present vote in the affirmative but the question is lost because the concurrence of a greater number is necessary for adoption or passage, any Supervisor may move for to reconsider. If a motion to reconsider is lost, it shall not be renewed again. A motion to be considered may be laid on the table or postponed indefinitely, and the effect of such action in either case shall be to defeat the motion to reconsider and to prevent further consideration thereof.

#### **RULE 4.611 RECONSIDERATION; DISPOSITION**

If a motion to reconsider the vote on a main question is made immediately after such vote is taken, it may, at the option of the mover, be decided immediately or left pending. If it is made other than immediately after such vote is taken, it shall be left pending for consideration by the Board. All motions for reconsideration not immediately disposed of shall be considered and disposed of at the same hearing or meeting.

#### **RULE 4.612 RECONSIDERATION; COLLATERAL MATTERS**

The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the Board. A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related and such motion shall be out of order after the Board has passed to other business.

#### **RULE 4.613 PREVIOUS QUESTION**

The effect of a motion for the previous question shall be to bring the Board to a direct vote on the question. If the motion for the previous question is adopted, the Board shall dispose of pending amendments and the main question in regular order. The motion for the previous question may not be made by the introducer or mover of the legislation or proposal.

#### **RULE 4.614 POSTPONE INDEFINITELY**

Motions to postpone indefinitely shall be applicable only to main motions. The adoption of a motion to postpone indefinitely shall dispose of such measure for the duration of the Board meeting at which it is made.

#### **RULE 4.615 LAY ON TABLE**

If an amendment is laid on the table, such action shall not carry the main question or any other amendment with it. The motion to lay on the table may not be made by the introducer or mover of the legislation or proposal.

### **PART 7. RULES OF DEBATE**

#### **RULE 4.701 CHAIR MAY PARTICIPATE IN PROCEEDINGS**

The Chair may make motions, second motions and debate, subject only to such limitations of debate as are enforced by these rules on all Supervisors, and shall not be deprived of any of the rights and privileges as Supervisor by reason of being Chair.

## **RULE 4.702 OBTAINING FLOOR OR RECOGNIZED BY CHAIR**

In order to obtain the floor, any Supervisor desiring to speak in debate on a subject open to debate must address the Chair; and, when recognized by the Chair, may speak only on matters germane to the business or question under debate.

## **RULE 4.703 INTERRUPTION OF SPEAKERS**

A Supervisor or official, once recognized, shall not be interrupted while speaking unless calling the Supervisor or speaker to order for transgressing any rule of the Board or failing to maintain proper decorum. Any Supervisor called to order while speaking shall cease speaking until the question of order is determined by the Chair without debate, and if in order, may proceed.

## **RULE 4.704 PRIVILEGE OF FLOOR**

(a) General Exclusion. No person, except Supervisors and working employees of the Board shall be allowed to approach the Board unless permitted by the Chair.

(b) Addressing Board. By permission of the Chair, the privilege of the floor shall be to a citizen or citizens to address the Board on any matter pending before it or which needs the attention of the Board. At public hearings required by law or fixed by the Board, the Chair shall extend the floor to a reasonable number of proponents and opponents of the subject matter of the public hearing, and those filing written requests to be heard shall be heard prior to other persons who appear at the hearing. Each person addressing the Board shall proceed to the place assigned for speaking, state name and address in an audible tone of voice for the records, and limit his address to three (3) minutes, unless further time is granted by the Chair or the Board. All remarks shall be addressed to the Board as a body and not to any member thereof. No person other than a Supervisor or the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Board without the permission of the Chair. All questions to the Board shall be directed through the Chair. (See related rule, Conduct of Public Hearings.)

## **PART 8. STANDING RULES**

### **RULE 4.801 STANDING RULES**

After adoption, the standing rules shall be used at each Board meeting.

### **RULE 4.802 AMENDMENTS TO STANDING RULES**

Any Supervisor may propose amendments to the standing rules. A proposed standing rule amendment shall be submitted in writing to the Chair.

Amendments to the Standing Rules can only be made by a majority plus one (1) of the full Board.

## **RULE 4.803 SUSPENSION OF THE STANDING RULES**

A motion to suspend the standing rules may be made by a Supervisor or the Chair. A suspension is a non-debatable motion. The standing rules may be suspended by majority plus one (1) of the Supervisors present.

Once suspended, the rules remain suspended only for the time indicated in the motion.

## **RULE 4.804 ROBERT'S RULES OF ORDER INCORPORATED**

To the extent not covered herein, and not inconsistent herewith, the Board will rely on *Robert's Rules of Order, Newly Revised*, for purposes of resolving any issue of parliamentary procedure arising in connection with the conduct of its meetings.

## **CHAPTER 5**

### **MISCELLANEOUS PROVISIONS**

#### **Rule 5.101 BUDGET AMENDMENTS**

If it should become appropriate or necessary during the Harbour Waterway Special District's fiscal year to amend its budget, the following procedures will direct the amendment process:

(a) In budgeting for annual expenditures, the Board designates three or more categories of expenditures. Three of those categories include General Government Services, Public Safety, and Physical Environment. Other budget categories may be designated through the annual budgeting process. Within these budget categories, the Board budgets funds for one or more specific objectives or services (sub-categories) related to the broader budget category. Funds may be transferred by the Board between budget sub-categories within a single budget category upon motion and approval of a majority of those Supervisors present at any regularly scheduled meeting of the Board. This same rule shall apply to any new or re-named budget categories designated by the Board in any future budgets in addition to or in lieu of those currently existing.

(b) Transfers of \$5,000.00, or less of funds between budget categories, including transfers of funds from the reserve for contingencies to another budget category may be approved upon motion and approval of a majority of those Supervisors present at any regularly scheduled meeting of the Board.

(c) Transfers of funds between budget categories, including transfers of funds from the reserve for contingencies to another budget category, exceeding \$5,000.00, shall be approved only by resolution adopted by a majority of the Board. Prior to adopting any such resolution, the Board shall publish notice of its intent to adopt said resolution, stating therein the category from which the funds are being transferred and the category the funds are being transferred into and the purpose therefore, in a newspaper of general circulation in the area. The notice must be published at least seven (7) days prior to the meeting at which the resolution will be adopted and must state the date, time and place at which said meeting will be held. The public shall be permitted to address the proposed budget amendment before it is adopted.

(d) Funds received from unanticipated sources for a particular purpose other than those sources included in the annual budget (gifts, grants, appropriations from third parties) may be received and budgeted through resolution. The resolution shall designate the budget category through which the funds are to be expended.

(e) The Secretary / Treasurer shall duly record any amendments made to the budget during the course of the fiscal year and shall reflect those changes in the monthly Secretary / Treasurer's report to the Supervisors.

#### **RULE 5.102 HWSD ATTORNEY CONTACT WITH CITIZENS**

The Harbour Waterway Special District Attorney may respond to citizen requests for information whether in person or by telephone. The Attorney may not, however, provide legal advice to citizens on HWSD related matters or respond to legal questions related to the HWSD unless specifically authorized to do so by a Supervisor. Any citizen requests for legal advice or HWSD-related legal questions should be posed to a Supervisor and not the Board's attorney.

#### **RULE 5.103 CUSTODY OF PUBLIC RECORDS**

The Board Secretary will serve as custodian of the Harbour Waterway Special District's records. Any requests made for public records pursuant to Chapter 119, Florida Statutes, should be directed to the Board Secretary. Any such request received by a Supervisor or employee of the Board should immediately be given to the Board Secretary for compliance with the request. All Harbour Waterway Special District records will be maintained at the HWSD office. Individual Supervisors who make or receive public records as defined by Section 119.011(1), Florida Statutes, will be responsible for insuring that such records are placed in the hands of the designated custodian. The Harbour Waterway Special District will charge the person requesting copies of its records for any copies produced by the District at the rates specified or permitted in Section 119.07, Florida Statutes.

#### **RULE 5.104 APPROVAL OF PAYMENT FOR UNBUDGETED ITEMS**

An individual Supervisors may authorize payment of up to \$500.00, for goods or services provided to the Harbour Waterway Special District that are necessary to the functions provided by the committee the individual Supervisor chairs, whether specifically included in the budget or not. The Chair and the Secretary / Treasurer may authorize payment up to \$2,500.00, for goods or services provide to the Harbour Waterway Special District that are necessary to the functions provided by the committee the committee the individual Supervisor chairs, whether specifically included in the budget of not. Except in the case of emergencies, the Board of Supervisors must approve all unbudgeted expenditures in excess of \$2,500.00. In case of an emergency an individual Supervisor may authorize payment for goods or services provided to the Harbour Waterway Special District that are necessary to the functions provided by the committee the individual Supervisor chairs in an amount not exceeding \$1,000.00. Any unbudgeted expenditures authorized by an individual Supervisor, regardless of amount will be reported to the Board of Supervisors at its next regularly scheduled meeting.