

RESOLUTION NO. 05-01-13

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING THE ASSISTANCE OF STATE REPRESENTATIVE HOLLY RASCHEIN, TO REVISE THE PROVISIONS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT ACT RELATING TO THE PROCEDURES FOR FILLING VACANCIES IN THE MEMBERSHIP OF THE GOVERNING BOARD AND FOR COMPENSATING MEMBERS OF THE GOVERNING BOARD.

WHEREAS, the Key Largo Wastewater Treatment District (hereinafter the "District") was authorized and created by the Key Largo Wastewater Treatment District Act (Chapter 2002-337 of the Laws of Florida, as amended) (hereinafter, the "Act"), which Act became the District Charter; and

WHEREAS, subsection (6) of Section 5 of Section 1 of the Act, as amended by Chapter 2004-457 of the Laws of Florida, outlines the procedure for filling vacancies in the membership of the District's governing board; and

WHEREAS, the Act provides that if a seat occupied by a governing board member who has been elected by the qualified electors becomes vacant, the remaining members of the governing board shall, within 45 days after the vacancy occurs, appoint an eligible person to fill that vacant seat; and

WHEREAS, the Act further provides that any person so appointed shall hold the office until the end of the unexpired term of the member who previously held that seat, or until the next general election, whichever occurs first and that any person elected at such next general election to fill such seat shall serve in such capacity for the remainder of the predecessor's term; and

WHEREAS, implicit within the Act's requirement that any such vacancy be filled by the qualified electors in the next general election is the assumption that there will be sufficient time for candidates to qualify for that position and for their names to be placed on the ballot; and

WHEREAS, it has been determined that if such a vacancy occurs, the remaining members of the governing board require at least 60 days to appoint an eligible person to fill that vacant seat; and

WHEREAS, it has been determined that if such a vacancy occurs on or after the thirtieth day immediately preceding the first day set by law for qualifying for election to a special district office, it would be impractical and impracticable for that vacancy to be filled by the qualified electors in the next general election; and

WHEREAS, the Act gives incomplete guidance as to the procedure to be followed where the timing of a vacancy is such that it would be impractical and impracticable for any such vacancy to be filled by the qualified electors in the next general election; and

WHEREAS, the Act provides that the members of the governing board shall receive as compensation for their services a fee of \$ 300 per meeting, not to exceed three meetings per month and that the amount of compensation shall be adjusted annually, based upon the index provided in section 287.017(2), Florida Statutes; and

WHEREAS, section 287.017(2), Florida Statutes has been repealed by the Florida Legislature and the amount of compensation paid to governing board members has never been adjusted: and

WHEREAS, the most widely used inflation index is the U.S. Department of Commerce, Bureau of Labor Statistics (BLS), All Urban Consumers index (CPI-U); and

WHEREAS, it has been determined that it is in the best interests of the District that the compensation paid to members of the governing board be adjusted according to the CPI-U; and

WHEREAS, based upon the aggregate annual average of the monthly CPI-U index values as reported by the BLS for the period beginning November of 2002 through December 2012, the compensation paid to governing board members should now be \$382.00 per meeting; and

WHEREAS, the District desires the assistance of State Representative Holy Raschein in amending the Key Largo Wastewater Treatment District Act (ch. 2002-337, as amended) to revise the procedures for filling vacancies in the membership of the governing board and for compensating members of the governing board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT THE DISTRICT RESPECTFULLY REQUESTS THE ASSISTANCE OF STATE REPRESENTATIVE HOLY RASCHEIN IN AMENDING THE KEY LARGO WASTEWATER TREATMENT DISTRICT ACT, SUBSTANTIALLY IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A":

RESOLVED AND ADOPTED THIS 22nd DAY OF JANUARY 2013

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

	AYE	NAY
Commissioner Robert Majeska	<u>✓</u>	_____
Commissioner Andrew Tobin	<u>✓</u>	_____
Commissioner Norman Higgins	<u>✓</u>	_____
Commissioner David Asdourian	<u>✓</u>	_____
Commissioner Steven Gibbs	<u>✓</u>	_____

The Chairman thereupon declared Resolution No. 05-01-13 duly passed and adopted the 22nd day of January, 2013.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: [Signature]
Chairman Robby Majeska

ATTEST:

Approved as to form and legal sufficiency

[Signature]
Carol Walker, District Clerk

[Signature]
General Counsel, Ray Giglio

SEAL



Exhibit "A"

CHAPTER 2013-XXX

House Bill No. XXXX

An act relating to the Key Largo Wastewater Treatment District, Monroe County; amending chapter 2002-337, Laws of Florida, as amended; revising provisions relating to vacancies on the governing board; revising provisions relating to compensation for the governing board; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (6) of Section 5 and Section 7 of Section 1 of chapter 2002-337, Laws of Florida, as amended by chapters 2004-457, Laws of Florida, are amended to read:

Section 5. Governing board.

(6) If any vacancy occurs in a seat occupied by a governing board member ~~elected by the qualified electors~~, the remaining members of the governing board shall, within ~~45-60~~ days after the vacancy occurs, appoint an eligible person to fill the vacant seat, provided that: who would be eligible to hold the office until the end of the unexpired term or until the next general election, whichever occurs first. Any person elected at such next general election to fill such seat shall serve in such capacity for the remainder of the predecessor's term.

(a) If any such vacancy shall have occurred on or after the thirtieth day immediately preceding the first day set by law for qualifying for election to a special district office, any person so appointed to fill that vacant seat shall hold such office and serve in such capacity for the remainder of the unexpired term of the governing board member who previously held that seat.

(b) If any such vacancy shall have occurred prior to the thirtieth day immediately preceding the first day set by law for qualifying for election to a special district office, any person so appointed to fill that vacant seat shall hold such office and serve in such capacity until the first regular Board of Commissioners meeting after the first Monday following the next general election.

1. In such event, the vacancy shall be filled by election at the next general election pursuant to section 189.405(2)(a), Florida Statutes, as the same may from time to time be amended.
2. In such general election, the candidates receiving the highest totals, consistent with section 189.405(4), Florida Statutes, as the same may from

time to time be amended, shall be deemed elected to the available seats on the governing board.

3. The governing board member elected with the lowest vote total shall fill the vacant seat and shall hold such office and serve in such capacity for the remainder of the unexpired term of the governing board member who previously held that seat.

Section 7. Governing board; compensation, expense reimbursement.--the members of the governing board shall receive as compensation for their services a fee of ~~\$300~~ \$382.00 per meeting, not to exceed three meetings per calendar month. The amount of compensation shall be adjusted annually, effective October 1st if each year, based upon the U.S. Department of Commerce, Bureau of Labor Statistics (BLS), All Urban Consumers index (CPI-U) provided in section 287.017(2), Florida Statutes. In addition, each board member shall be reimbursed for expenses as provided in section 112.061, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.