

Date: September 29, 2008

To: Loxahatchee River Management Coordinating Council

From: Karen Smith, Council Member

Subj: For Discussion: Recommendations to the Council

The following are recommendations to the LRMCC for improving council business, meetings and membership. The intent of these recommendations is to meet the restoration and protection goals defined by the legislature by increasing the efficiency and effectiveness of the entire council given limited resources and time.

These recommendations are strictly those of an individual member and are not as a recommendation from the SFWMD or Governing Board.

Recommendations for the Wild and Scenic Loxahatchee River Management Plan

The Loxahatchee River Management Coordinating Council serves as "coordination council" and advisory body to the FDEP and SFWMD to achieve the goals set forth by the Governor and Cabinet over twenty-five years ago (Resolution January 11, 1983). These goals are as follows:

- *preserve and enhance the river's unique natural values,*
- *restore the river's historical hydrologic regime, and*
- *reverse the deleterious saltwater intrusion into the river.*

It is this member's opinion that the Coordinating Council will be most effective in achieving these goals if each member has a clear understanding of the Council's role, priorities and how each member contributes to the collective group. To accomplish this, the Council must have a plan; hence the Wild and Scenic Loxahatchee River Management Plan. The Plan was developed to meet the requirements of the Wild and Scenic River Act, but most importantly, as a guidance document for involved agencies to meet the goals stated above.

Therefore, it follows a primary role of the Council is to develop and implement the Loxahatchee Wild and Scenic River Management Plan. The Loxahatchee Wild and Scenic River Management Plan should define the Council's priorities, strategies, and tasks and evaluate progress toward achieving the goals. Therefore, the recommendation to the Council is to focus on only two parts of the Plan that will become the Council's "guidebook" for future actions and decisions:

- Priorities, objectives, strategies, tasks, and resources
- Evaluation of progress relative to goals.

Recommendations for Meetings:

1. Adhere to Robert's Rules of Order.

The LRMCC Bylaws state "*the Parliamentary Authority of the Council shall be Robert's Rules of Order, latest edition*" (Council Bylaws Article XVII). Some points of note:

- The Chair shall recognize or "assign" the floor by recognizing those members who wish to speak by calling them by name in order. Members shall ask permission of the Chair to have the floor.
- Members shall confine their discussion to the motion or topic on the floor.

- Each motion that is debated receives ten minutes of debate. The member initiating the motion speaks first. The Chair asks for a rebuttal. All members wishing to speak about the motion receive the opportunity to speak before any one member speaks for a second time.
- Items not accomplished within the defined discussion time will be considered unfinished business and carried to the next meeting.
- The meeting will begin and end on time. All items not accomplished will be considered unfinished business and put on the following agenda.

2. Manage the Meeting Agenda:

- Only members of the Council may propose Agenda items. Members of the public with an interest in an issue should contact the appropriate agency representative with their request.
- Each agenda item should have a defined time limit for presentation and discussion.
- Members must make a (request to the Chair or a motion?), state the relevance of their request in achieving the goals in the plan, and either obtain (the Chair's permission or majority support?) to place items on the agenda. For example, "Madam Chair, I'd like to make a motion to add a short presentation by the FDEP on habitat restoration efforts for the endangered Snaligaster to the next meeting agenda. Protecting the habitat of the Snaligaster is an objective in the Wild and Scenic Plan and is a part of the goal to *preserve the river's unique natural values*; therefore is the business of this council."
- Public speaking opportunities will be defined on the agenda either after the agenda topic or at the end of the meeting—to be determined by the Council.
- Meeting agendas and minutes will be finalized and sent to members five (5) business days in advance of the meeting.

3) Condense Meeting Minutes:

- Prepare in accordance with Robert's Rules of Order requirements (which does not include discussion; only motions, votes and resolutions).
- Minutes from the previous meeting will be sent with the upcoming meeting agenda to give members time for review.

4) Manage Presentations:

- All presentations to the council shall contain the following:
 - a. relevance to the Management Plan goals and objectives
 - b. proposed qualitative or quantitative benefits/impacts to the W&S River
 - c. action requested of the council
- As a general guideline, presentations will be limited to 15 minutes with time afterwards for discussion.

5) Define the District's Support Role (i.e. Gardenia):

- Provides support to the council.
- Prepares agenda and public meeting notices.
- Not to replace or perform the duties of the Officers.
- Not a forum to debate or question the decisions of the Council.
- Council discussions and business must go through the Council.
- Requests to agenda items must be approved by the council or Chair.

Recommendations for Membership

Council membership currently consists of the following seats:

- Legislatively-mandated – 11

- "Participating" agencies - 8
- SFWMD and FDEP at-large - 2
- Non-Governmental and Interest groups -5

The Department and District may add or remove non-legislatively mandated seats to the Council as "deemed advisable". The fifteen (15) non-mandated seats have been added to the Council over time and as being "deemed advisable" at the time. According to SFWMD Legal Counsel, the fact that the District and Department have designated members in the past "does not constitute a legally binding precedent for that composition in the future." (Bartolone, 2005). Therefore, Council members may recommend changes to the (non-mandated) membership at any time to the Department and District.

The recommendations below are based on balancing the voting membership of the council so each agency and organization has one representative and one vote. The recommendations are also targeted towards giving other members of the community and interest groups an opportunity to serve on the council.

1. Legislatively appointed seats (no change):

1. National Park Service (none)
2. Palm Beach County (Richard Walensky)
3. Martin County (Commissioner Sarah Heard)
4. Jupiter Inlet District (Tom Howard)
5. Town of Jupiter (Robert Frideman)
6. Loxahatchee River Environmental Control District (Rick Dent)
7. South Indian River Water Control District (Gale English)
8. North Palm Beach Water Control District (Samuel Payson)
9. Palm Beach County Farm Bureau (Melanie Peterson)
10. South Florida Water Management District (Karen Smith)
11. Florida Department of the Environment (Chad Kennedy)

2. "Other Participating Agencies: Query to determine if they wish to retain voting status or participate on an "as needed" issue-related basis with no voting rights. Participating Agency representatives that do not regularly attend meetings will automatically lose their agency's seat and voting right.

12. U.S. Fish and Wildlife Service (Darla Fousek)
13. Florida Department of Transportation (Ann Broadwell)
14. Florida Fish and Wildlife Conservation Commission (none)
15. Village of Tequesta (Vince Arena)
16. Department of Community Affairs (none)
17. Treasure Coast Regional Planning Council (Peter Merritt)
18. Florida Department of Agriculture and Community Services (Rebecca Elliot)
19. City of Palm Beach Gardens (David Levy)

3. Eliminate "At-Large" Seats to comply with the Act:

The Act states "*A permanent management coordinating council composed of one representative from each of the participants provided in subsection 2 (Chapter 83-358, Section 3 (c.) re: Legislatively Appointed Agencies). Therefore, the District and FDEP will eliminate "at-large" seats:*

- SFWMD at Large (empty)
- FDEP at Large (Marge Ketter)

4. To align the Council with the “one representative-one vote” requirement in the legislation, designate one (1) member for each Special Interest Area:

Current Membership:

20. Local River User Group (Jim Ostrander)
21. Local Environmental & Conservation Group (Native Plant Society –Herb Zebuth)
22. Local Environmental & Conservation Group (Martin County Audubon - Greg Braun)
23. Landowner Representative (Boy Scouts –Pat Magrogan)
24. Landowner Representative (none)

Proposed Membership:

20. Local River User (1)
21. Local Environmental & Conservation Group (1)
22. Landowner Representative (1)
23. Interested Party (1)

Similar to agency representatives, each special interest group member shall represent the collective interests of their group. Non-voting agencies or interest groups should express their views through a representative or during public comment. The Council will continue to provide time for public comment and encourage non-voting members to communicate their concerns to the Council. The Council shall give serious consideration to all public input before voting and advising the Department and District.

5. All non-legislatively appointed seats shall be considered “open” during the first month of the calendar year to allow more opportunities for diverse agency and public participation.

- Individuals will have no term limits.
- The District and Department will jointly approve member replacement based on recommendations from the Council, requests from the public and other interest groups.
- Members of the public will be encouraged to contact Council, District or Department representatives to express their interest in serving on the Council.
- Agencies shall retain the right to replace individuals at anytime for staffing reasons.
- The District and Department retain the right to replace members for “just cause” as noted in the Act. “Just cause” includes, but is not limited to, violating Sunshine Laws, conflict of interest, dereliction of duties, lack of attendance, disruptive behavior, etc. Just cause does not include disagreement with council or agency decisions or policy.

MEMORY TRANSMISSION REPORT

TIME : 03-16-'09 10:49
FAX NO.1 : 7722232608
NAME : SFWMD MSL SC

FILE NO. : 063
DATE : 03.16 10:48
TO : 915616825011
DOCUMENT PAGES : 4
START TIME : 03.16 10:48
END TIME : 03.16 10:49
PAGES SENT : 4
STATUS : OK

*** SUCCESSFUL TX NOTICE ***

Date: September 29, 2008
To: Loxahatchee River Management Coordinating Council
From: Kerán Smith, Council Member
Subj: For Discussion: Recommendations to the Council

Terre Bates
682-5011

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