

CHAPTER 311
ORGANIZATION, POLICIES AND
PROCEDURES

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311.001 General.

(1) The Loxahatchee River Environmental Control District (hereinafter called "District") is a separate local agency of government created by the Florida Legislature under Chapter 71822, Special Acts of Florida, 1971 as amended.

The purpose of the District is to effectively achieve water quality and water quantity management within the Loxahatchee River Basin through the management of water supply, wastewater, and storm water drainage. Section 2 of Chapter 71822 states that "It is hereby declared to be the intent of the Legislature that the best interests of public health, safety and welfare of the area within the boundaries of the

Loxahatchee River Environmental Control District, hereinafter created, necessitate the formation of a separate local agency of government with powers designed to meet the particular needs of said area. It is further the intent of the legislature that such needs be met in such a way as to cause minimum damage to the area's resources and environment and prevent additional environmental problems from being created, as well as providing solutions to existing problems. Maximum use of existing systems shall be made whenever feasible and consistent with the purposes of this act. It is also the intent of the legislature that current and long range planning shall be carried out so that required services are made available at the lowest possible cost as the characteristics of the area change."

(2) The District is located in southeast Martin County and northeast Palm Beach County and includes the Town of Jupiter, Jupiter Inlet Colony, the Village of Tequesta and a portion of Juno Beach.

(3) The affairs of the District are administered by a five (5) member Governing Board which is elected by the residents of the District.

(4) The existing internal organization consists of seven (7) divisions in addition to the Governing Board. Collectively, the Governing Board serves as the Agency Head and exercises regulatory and executive powers. The Executive Director administers the affairs of the Board and serves as the chief officer of all divisions.

The Facilities Management Division's responsibilities are directed to the operation and maintenance of the District's wastewater management facilities. The Planning and Development Division's responsibilities are directed to the utilization of the area's water resources, the developmental growth of the community and to the long range facilities planning for the District. The Legal Division's responsibilities are directed to the legal aspects of the District affairs including regulations, resolutions and legal opinions. The Engineering Division's responsibilities are directed to the design and construction of the works of the District. The Fiscal Division's responsibilities are directed to the financial and fiscal aspects for funding and operating the works of the District. The Auditing Division's responsibilities are directed to the annual auditing requirements of Chapter 71822 and to the establishment of account books and records of the District.

Specific Authority Chapter 71822, Special Acts of Florida, 1971, as amended, Chapter 75475, Special Acts of Florida, 1975, 120.53 FS. Law Implemented Chapter 71822, Preamble, Section 2, Section

3, Section 4, Section 6(1), 120.53(1)(a) FS. HistoryNew 111275. Formerly 311.01, Amended 4587, 51592, 5-18-00.

History Note: The District's Rules were published in the Florida Administrative Code from 1975 until 1999 under Title 31. However, since that time, the Florida Legislature has amended the APA in Chapter 99-379, Laws of Florida, effective upon becoming law, which was approved by the Governor and filed in the Office of Secretary of State on June 18, 1999. The APA section 120.52(1) added the following section under the definition of "Agency": "This definition does not include..., or any multi-county special district with a majority of its governing board comprised of elected persons;..." Thereafter, the District publishes its Rules and maintains the same Rule numbering system.

ANNOTATIONS

Jurisdiction

Public Service Commission did not have jurisdiction to grant private utility authority to operate within Loxahatchee River Environmental Control District without district's consent; district was intended by legislature to be agency responsible for deciding which private utilities could operate within its boundaries. *Loxahatchee River Environmental Control District v. Mann*, 403 So. 2d 363 (1981).

311.002 The Agency Head.

(1) The Agency Head is collectively the five (5) member Governing Board. Among themselves, the Governing Board selects a Chairman, ViceChairman, Secretary, Treasurer, and Assistant Secretary/Treasurer annually.

(2) Section 4(2) of Chapter 71822, mandated that the initial Governing Board (which was appointed by the Loxahatchee Council of Governments) divide the area of the District into five (5) separate areas prior to the first general election. As quoted from the Act, "Each area shall have approximately equal population according to the latest official decennial census. As far as practicable and conditioned upon equal population such areas shall include: area number one (1) electors within the Town of Jupiter; area number two (2) electors within Jupiter Inlet Colony; area number three (3) electors within the Village of Tequesta; area number four (4) electors within the unincorporated area of Martin County; area number five (5) electors within the unincorporated area of Palm Beach County. One board member shall be elected from each numbered area by the electors in the total District. Each Board member shall be a resident of the area in which he is elected."

(3) The terms of Office for Board Members are as follows:

(a) Members from areas one and two shall be elected and hold office for a term of 4 years elected during the General Election beginning November 2000.

(b) Members from areas three, four, and five shall be elected and hold office for a term of 4 years elected during the General Election beginning November 2002.

(4) Members of the Governing Board serve with a compensation of \$100.00 per month; and, they are entitled to per diem and travel expenses as provided by Section 112.061, Florida Statutes.

(5) A quorum of not less than three (3) members is required to hold a meeting and conduct business. An affirmative vote by at least three (3) members is required for action of the Governing Board to be official.

(6) The Governing Board is required to cause true and accurate minutes and records to be kept of all business transacted by them and must keep full, true and complete books of account. Said minutes, records and books of account are at all reasonable times open and subject to the inspection of the public and any person desiring so may make or procure copies of such minutes, records and books or of such portions thereof as he may desire.

(7) At least once each year, the Governing Board must cause the books and accounts of the District to be thoroughly audited by a competent and reliable accountant or auditor.

(8) The Governing Board is required to meet at least quarterly, in public meeting, at the call of the Chairman or by written call of a quorum of three (3) Board members.

(9) In order to effectuate the purposes of Chapter 71822 as amended, the Governing Board has the power to make and enforce such rules and regulations as may be advisable as necessary.

Specific Authority Chapter 71822, Special Acts of Florida, 1971, as amended, Chapter 75475, Special Acts of Florida, 1975, 120.53 FS. Law Implemented Chapter 71822, Section 4(2), (5), (6), (7), (8), (9), (10), Section 6(19), Section 11, Chapter 74475, Section 4(3), 120.53(1)(a) FS., Chapter 80576. History New 111275, Formerly 311.02, Amended 4587, 51592, 5-18-00.

311.003 General Description of Agency Organization and Operations.

(1) Existing Staff Units of the District are as follows:

- (a) Administrative Division
- (b) Facilities Management Division
- (c) Planning and Development Division
- (d) Legal Division
- (e) Engineering Division
- (f) Fiscal Division
- (g) Auditing Division

(2) The functions, duties and responsibilities of each division are as follows:

(a) Administrative Division The office of the Executive Director is located in this Division. This office is responsible for personnel matters, minutes, records, coordination and general support services to the District.

(b) Facilities Management Division This Division is responsible for the general operation and maintenance of the District's wastewater collection, transmission and treatment facilities.

(c) Planning and Development Division This Division is responsible for the management of the water resources of the District, and the developmental growth of the community. Of particular concern to this Division is the water resource which will be conveyed from the District's Regional Wastewater Treatment Facility. This Division is also responsible for the long range facilities planning for the District.

(d) Legal Division This Division is handled by contract and, as such, there are no inhouse staff units. This Division is responsible for all legal matters of the District.

(e) Engineering Division This Division is jointly handled by contract and, by inhouse staff units. This Division is responsible for the design, construction and inspection of the works of the District. It is also responsible for the review and issuance of permits for construction of developer contributed wastewater collection systems.

(f) Fiscal Division This Division is responsible for the development of the financial and fiscal plans of the District. All accounting and collection of rates, fees and charges are handled by this division.

(g) Auditing Division This Division is handled by contract and, as such, there are no inhouse staff units. This Division is responsible for the auditing requirements as specified in 311.002(7) contained herein.

Specific Authority Chapter 71822, Special Acts of Florida, 1971, as amended, Chapter 75475, Special Acts of Florida, 1975, 120.53 FS. Law Implemented Chapter 71822, Section 5, Section 6, Section 11, Section 12, 120.53(1)(a) FS. History New 111275, Formerly 311.03, Amended 4587.

311.004 General Information Concerning Agency.

(1) The District headquarters are located at 2500 Jupiter Park Drive, Jupiter, Florida 334588964 and is open for business between the hours of 8:30 a.m. and 5:00 p.m. on all weekdays, except State holidays.

(2) All interested persons can make requests and procure general information, rules and regulations, and other printed material at the District office.

(3) The Governing Board normally holds business meetings during the third week of each month at the District offices. Notice of these meetings is published in the Palm Beach Post or other qualified newspaper, the District web pages well as by press releases. Copies of meeting agendas can be obtained from the District Headquarters or by writing to the District. The District maintains a website at www.loxahatcheeriver.org for the convenience of the public; however e-mail requests to the District shall not be considered officially in writing, but must be sent to the District by fax, mail or delivered to the District to be official.

Specific Authority Chapter 71822, Special Acts of Florida, 1971, as amended, Chapter 75475, Special Acts of Florida, 1975, 120.53 FS. Law Implemented 120.53 FS. HistoryNew 111275, Formerly 311.04, Amended 4587, 51592, 5-18-00.

311.005 Statutory Chapters and Rules.

The following statutory provisions affect the operation of Loxahatchee River Environmental Control District: Chapter 71822, Special Acts of Florida, 1971, as amended Chapters 73, 74, 97, 98, 99, 100, 101, 102, 104, 106, 111, 112, 119, 120, 153, 189, 218, 286, 287, 403, Florida Statutes; and any and all other applicable laws and regulations.

Specific Authority Chapter 71822, Special Act of Florida, 1971, as amended, Chapter 75475, Special Acts of Florida, 1975, 120.53 FS. Law Implemented 120.53 FS. HistoryNew 111275, Formerly 311.05, Amended 51592.

311.006 Public Information and Inspection of Records.

All public records of the District shall be available for public inspection pursuant to Chapter 119, F.S. except those specifically exempted by Florida Statutes 119.07. Any person wishing to examine public records of the District may do so during normal business hours as provided in 311.004 at the at the offices listed in 311.004.

Specific Authority Chapter 71822, Special Acts of Florida, 1971, as amended, Chapter 75475, Special Acts of Florida, 1975, 120.53 FS. Law Implemented 120.53 FS. HistoryNew 111275, Formerly 311.06.

311.007 Public Access to Agency.

All meetings and workshops shall be held under Florida Statutes 286.011, and all public hearings shall be open for public access.

Specific Authority Chapter 71822, Special Acts of Florida, 1971, as amended, Chapter 75475, Special Acts of Florida, 1975, 120.53 FS. Law Implemented 120.53 FS. HistoryNew 111275, Formerly 311.07.