

RESOLUTION NO. 2021 -022

A RESOLUTION OF THE AMERICAN BEACH WATER AND SEWER DISTRICT, A DEPENDENT SPECIAL DISTRICT IN NASSAU COUNTY, FLORIDA PROVIDING FOR THE PROCEDURES FOR APPOINTMENT TO, ADMINISTRATION OF, AND AUTHORITY OF THE AMERICAN BEACH WATER AND SEWER DISTRICT ADVISORY BOARD

WHEREAS, On August 24, 2020 the Board of County Commissioners adopted Ordinance 2020-26 creating the American Beach Water and Sewer District, a dependent special district located in Nassau County, Florida; and

WHEREAS, On October 28, 2020 the Board of County Commissioners adopted Ordinance 2020-34 amending Ordinance 2020-26; and

WHEREAS, Ordinance 2020-34 required the creation of the American Beach Water and Sewer District Advisory Board no later than May 1, 2021; and

WHEREAS, The Recitals of Ordinance 2020-34 clarified the intent of the Board of County Commissioners to establish the American Beach Water and Sewer Advisory Board in tandem with the commencement of the final engineering design phase of the water and sewer system in May of 2021; and

WHEREAS, The commencement of the final engineering design phase of the project was intended to commence in May of 2021 in order to submit to the Florida Department of Environmental Protection (FDEP) for priority funding

consideration through a State Revolving Fund (SRF) loan during the November 2021 application cycle; and

WHEREAS, In January of 2021, at the recommendation of the project manager and advisor, the Florida Governmental Utility Authority (FGUA), the American Beach Water and Sewer District project schedule was advanced to target the August 2021 cycle for SRF loan consideration as it provided an opportunity for the District to improve its competitive position for funding; and

WHEREAS, In order to meet the deadline to submit for the August 2021 loan application cycle, commencement of the final design phase of the project must commence earlier than previously planned; and

WHEREAS, Ordinance 2020-34 states that the procedures for the appointment and authority of the Advisory Board shall be set forth in a Resolution approved by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, this 17th day of February, 2021, as follows:

1. Attached hereto as Exhibit A is the American Beach Water and Sewer District Advisory Board's Authority, Composition and Administrative procedures.

2. The provisions defined in Exhibit A shall guide the creation and function of the American Beach Water and Sewer District Advisory Board.

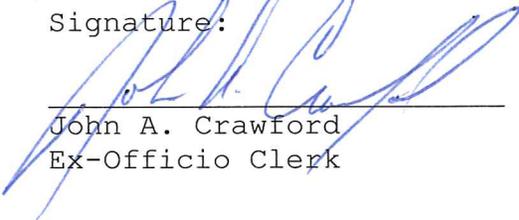
DULY ADOPTED this 17th day of February, 2021.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



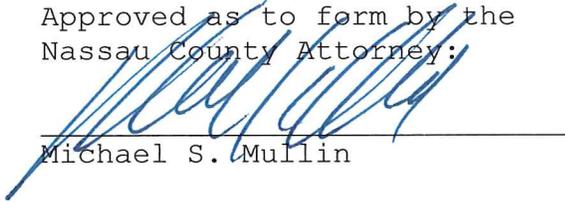
THOMAS R. FORD
Chairman

Attest as to Chairman's
Signature:



John A. Crawford
Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



Michael S. Mullin

American Beach Water and Sewer District Advisory Board

Board Authority, Composition, Administrative Procedures

Article 1. Authority

On August 24, 2020, the Board of County Commissioners of Nassau County established the American Beach Water and Sewer District, a dependent district, pursuant to Ordinance No. 2020-26. On October 28, 2020, Ordinance No. 2020-34 was amended to provide additional clarity. Section 5 of Ordinance 2020-26, as amended, requires the establishment of a District Advisory Board.

The authority of the Advisory Board (the "Advisory Board") shall be as follows:

- A) The Advisory Board shall represent the American Beach property owner's interests by monitoring and evaluating the design and construction of the public water distribution and wastewater collection system ("System") within the District boundaries.
- B) The Advisory Board shall consider matters related to and submitted by the District staff, to the Governing Body of the American Beach Water and Sewer District ("District Board") related to the design and construction of the System and may offer comments, if any, concurrently. Comments relating to design and construction of the System from the community residents, property owners, resident groups, associations, and other owner-based organizations may be considered by the Advisory Board and provided to the District Board.

Article II. Advisory Board Membership

A) Qualifications of Members:

The Advisory Board shall be comprised of five (5) members all of whom shall be legal owners of property in the American Beach Water and Sewer District ("District") service area which shall be appointed by the District Board. Appointments to the Board shall be made based on prior community service experience and involvement in the community improvement planning within the District boundaries.

B) Appointment Procedures:

- i. Staff will publicly announce the invitation for applications for residents to be considered to serve on the Advisory Board by, at a minimum, publishing one (1) advertisement in the local newspaper and posting an announcement on the County website. Nothing herein shall prevent District staff from publishing the announcement through other mediums including, but not limited to, social media, mass email, direct mailers, flyers, posters or other means to raise awareness of the opportunity to apply to serve on the Advisory Board.
- ii. The window for accepting applications shall not be fewer than fourteen (14) calendar days..
- iii. The public announcement shall define the date District staff will begin accepting applications to serve on the Advisory Board and the date District staff will stop accepting applications. This period shall hereafter be referred to

as "Application Period". Applications received after the Application Period will not be considered.

- iv. Interested citizens shall provide a complete application packet. Incomplete application packets will not be reviewed.
- v. Each application packet shall include the following:
 - a) A completed application form (attached hereto)
 - b) A resume defining their qualifications to serve as defined herein
 - c) Proof of property ownership within the District boundary
 - d) A cover letter (optional)
 - e) Letters of Recommendation (optional)
- vi. Proof of ownership shall be in the form of one of the following. The District Board has the authority to request additional documentation if property ownership cannot be determined by the documentation submitted:
 - a. Copy of a recorded Deed;
 - b. Copy of documents from the Property Appraiser's Office indicating ownership; and
 - c. Copy of documents from the Tax Collector's Office indicating ownership.
- vii. At the conclusion of the Application Period, staff will provide all applications deemed complete and submitted by a qualifying individual within the defined Application Period to the District Board for consideration.
- viii. The District Board shall decide the appointment of individuals to serve on the Board at a publicly noticed meeting of the District Board which takes place after 6pm on a weekday evening.
- ix. At the noticed public meeting, the District Board will select five (5) qualifying individuals to serve on the Board. Each member of the District Board shall make a single recommendation for appointment. The final appointments shall be decided by a majority vote of the District Board after allowing for discussion.

C) Advisory Board Member Terms:

- i. Advisory Board members will serve two-year staggered terms.
- ii. There shall be no term limit.
- iii. In year one, the appointments made by the District One (1) and District Two (2) representatives on the District Board shall serve a three (3) year term in order to create two-year staggered terms. Thereafter, all appointees shall serve two-year terms.

D) Rules of Conduct:

All members shall abide by Florida Sunshine Law, F.S. Ch. 286; Florida Public Records Law, F.S. Ch. 119; Florida Code of Ethics, F.S. Ch. 112; and all other applicable local or state statutes, ordinances, or rules.

E) Chairperson

The Chairperson shall serve as the presiding officer at all meetings of the Advisory Board and shall preside over meetings as specified herein. It shall be the duty of the Chairperson to sign correspondence and other documents representing the Advisory Board. The Chairperson shall be elected by the majority of the total membership of the Advisory Board at its initial meeting and the term of office shall be for one (1) year. The Chairperson shall be eligible for re-election following the initial term. However, no individual shall serve more than two consecutive terms as Chairperson. The Chairperson shall serve as spokesperson for the Advisory Board and shall serve to transmit

F) Vice-Chairperson

The Vice-Chairperson shall be elected by the appointed Advisory Board Members in the same manner and for the same term as the Chairperson and shall be eligible for re-election. The Vice-Chairperson shall assume the responsibilities of the Chairperson in the absence or inability of the chairperson to act and shall serve as the Acting Chairperson in his or her absence. In the event of the absence or inability of the Chairperson or Vice-Chairperson, the membership shall select one (1) of the Advisory Board Members present to act as temporary chairperson for that meeting.

G) The Advisory Board members serve at the pleasure of the District Board.

H) Staff

- i. The Advisory Board will be administered by the County Manager's Office, or as otherwise assigned by the County Manager to a county department or managing entity, until the design and construction of the System is complete. The County Manager's office may assign administrative duties to a county department or other governing entity as deemed appropriate.
- ii. At the completion of construction, administrative responsibilities will be shifted to the appropriate department or governing entity.
- iii. Minutes shall be taken and produced by the Clerk of the Circuit Court.
- iv. The County Attorney shall serve as legal counsel to the Advisory Board.

Article III. Meetings

A) Regular Meetings

Initially, the meetings of the Advisory Board shall be held monthly unless otherwise determined by the Advisory Board. At its initial meeting, the Advisory Board shall establish a regular meeting schedule outlining the time and date of future meetings. Once design and construction of the System is complete, the Advisory Board shall meet at least twice annually. Except as otherwise defined herein, meetings shall be held in the County Commission Chambers at 96135 Nassau Place, Yulee, FL 32097

Special meetings may be called at any time by the Chairperson or at the request of three (3) or more members of the Advisory Board. The Chairperson shall request the District staff to give, or cause to be given, at least five (5) days written notice of the time and place of any special meeting to each member of the Advisory Board and the public via website notice, or other medium deemed appropriate by District staff. Special meetings shall be held at the regular meeting location adopted by the Advisory Board. However, with a vote of majority plus one, the Board may hold special meetings within the American Beach community in order to engage with community residents. Any meeting held outside the Commission Chambers will require a minimum of thirty (30) day notice to District staff from the Advisory Board in order to accommodate the off-site meeting.

B) Continued Meetings

The Advisory Board may continue a regular or special meeting if all business cannot be conducted on the advertised date. Reasonable public notice shall be necessary for resuming such meeting providing the time, date, and place of the resumption of said meeting.

C) Cancellation of Meetings

Whenever there is no business for the Advisory Board or whenever a majority of the Advisory Board members notify the Chairperson of their inability to attend a meeting, the Chairperson may dispense with the meeting by instructing the staff to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting. In addition, said notice of meeting cancellation shall be posted in a conspicuous place within or at the scheduled meeting location not less than twenty-four (24) hours prior to the time set for the meeting. In the case of a special meeting scheduled to take place outside the Commission Chambers, the locational posting of the notice is not required. Notice to the media and web posting of such cancellation may also occur as deemed appropriate by District staff.

E) Conduct of Meetings

All meetings shall be open to the public and meetings shall be noticed, and minutes recorded in accordance with the Florida Sunshine Law. The order of business at regular meetings shall be generally as follows:

- I. Call to Order
- II. Public Comments
- III. Old Business
- IV. New Business
- V. Board Members Comments
- VI. Staff Comments
- VII. Adjournment

F) Quorum

The Advisory Board will consist of five (5) members. A quorum shall consist of three (3) members for official action of all business, except as otherwise specified herein. However, in the event a quorum is not present, two (2) members of the Advisory Board shall constitute a quorum for the sole purpose of calling the meeting to order, non-action items and postponing the meeting to the next regularly scheduled meeting stating the place, time and date of the meeting. Any Advisory Board member who is present shall vote, except as otherwise provided in Section 112.3143, Florida Statutes.

G) Absences

If a member is absent for three (3) regularly scheduled consecutive meetings without being excused by the chairperson, said member may be removed from his or her position at the discretion of a majority of the Advisory Board. The District Board may replace a member.

H) Motions

Motions on any official action matter shall be approved only upon concurrence of a majority of the members present and eligible to vote, provided that a quorum is present. In the case of tie votes, the motion shall not carry and will result in no recommendation.

Article IV. Staff Access

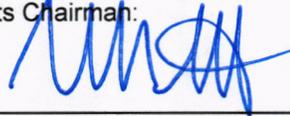
The Advisory Board may have reasonable access to the assistance of District staff to the extent that staff are reasonably able to render assistance to the Advisory Board. Assistance will be limited to the areas of authority granted to the Board and for purposes of inquiry only. No Advisory Board Member may give direction to the staff. Matters outside the authority of the Advisory Board, those not associated with the design or construction of the System, may be handled through the appropriate channels. The County Manager, or designee, will determine reasonable access to District staff and,

Article V. Amendment of Procedures

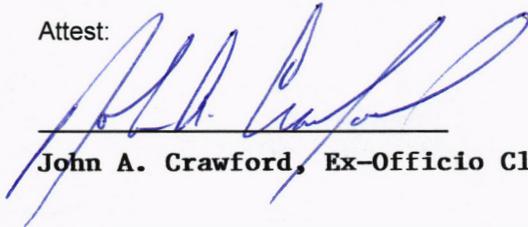
This formation document may be amended or repealed at any regular meeting of the District Board, provided that the title of any such amendment shall have been set forth in a notice of public meeting for the meeting at least two (2) days prior to said meeting.

ADOPTED BY THE AMERICAN BEACH WATER AND SEWER DISTRICT BOARD OF GOVERNORS THIS 17th DAY OF FEBRUARY 2021, AND SHALL BECOME EFFECTIVE IMMEDIATELY.

By Its Chairman:



Attest:



John A. Crawford, Ex-Officio Clerk

AMERICAN BEACH WATER AND SEWER DISTRICT

Advisory Board Member Application

Resolution
2021-022

*****Incomplete application packets will not be reviewed*****

District Staff reserves the right to request additional information to determine eligibility

Required Items: Completed Application Form; Resume; Proof of Property Ownership
Optional Items: Cover Letter; Letters of Recommendation

Date: _____ Name: _____

Home Address: _____

Address/Tax Parcel Number of Property Owned in the District: _____

E-Mail Address: _____

Home Phone Number: _____ Cell Number: _____

Education, Training, or Experience Related to the activities of the Board to which
appointment is sought (please feel free to attach additional documentation): _____

Community/Civic Organization Memberships (please feel free to attach additional documentation):

Have you served on a City, County, or any other public advisory body in the past? Yes ___ No ___

If yes, please provide names and dates served (please feel free to attach additional
documentation): _____

By application signature below attend meetings in accordance with the adopted policies
of the American Beach Water and Sewer District Board. If at any time my business or
professional interests' conflict with the interest of the District Board, I will not participate in
such deliberations. I also agree to comply with the requirements of the Florida Sunshine
Law.

Signature of Applicant

Return to: Nassau County Manager's Office,
ATTN: Katie Brock
96135 Nassau Place, Suite 1
Yulee, Florida 32097

cc: Nassau County Manager's Office, ATTN: Amy Bell, 96135 Nassau Place, Suite 1,
Yulee, Florida 32097