

## **RESOLUTION # 15-05**

### **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT ADOPTING POLICIES FOR PAYMENT OF BOARD MEMBERS.**

**WHEREAS**, the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT (hereinafter referred to as the "Board") is empowered to construct, operate and maintain a Water and Sewer System (the "System") as described in Florida Statute Chapter 78-494, Laws of Florida, which was amended by chapters 93-366, 94-489, and 95-492, Laws of Florida, was codified, reenacted, amended, and repealed as Chapter No. 98-495, was amended in Chapter 2005-298; and was amended in Chapter 2015-205; and

**WHEREAS**, the Board is authorized and empowered to make rules and regulations for its own government and proceedings; and

**WHEREAS**, the Board wishes to adopt rules regarding Payment of Board Members; excused and unexcused absences; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT**, in public meeting assembled that the following Resolution regarding Payment of Board Members be recognized as Resolution 15-05:

In order to receive the \$250 monthly pay as outlined in Florida Statute Chapter 2015-205, each Board Member must attend at least one of the scheduled meetings per month, unless it was an excused absence.

1. **Definitions.** For the purpose of this Policy the following terms shall have the identified meaning:

a) **“Regularly scheduled meetings”** shall mean any monthly meeting that is scheduled and noticed in a regular manner according to the District’s Administrative Policies & Procedures - 3.30: *Notice of Meetings*.

b) **“Un-Notified Absence”** shall mean the Commissioner (or his or her representative, if the Commissioner is unable) did not call and speak to a “Reasonable Contact” before the upcoming Board meeting to indicate he or she would not be attending that meeting.

c) **“Reasonable Contact”** shall mean one of the following: the Executive Director, Administrative Supervisor, the Human Resource Specialist or any other member of the District’s administrative staff, either in person, by electronic means.

d) **“Excused Absence”** shall mean any one or more of the following reasons for not attending a meeting:

- i) A personal emergency
- ii) Personal and family illness or injury
- iii) Bereavement – funeral service
- iv) Any business related to the District, including conferences or meetings that conflict with the Board Meeting.
- v) Any other justification that may be brought before and approved by the Board.

e) **“Unexcused Absence”** shall mean any other absence that is not approved by the Board of Commissioners.

f) **“Cause for Concern”** shall mean that a Commissioner has missed one third of the total number of board meetings in a 12-month period, sporadic attendance, leaving a meeting early without an explanation, or a combinations of such actions.

## 2. Attendance and Removal Policies:

a) If at any time a commissioner misses four consecutive regularly scheduled monthly meetings, the Board shall review the absences. The Board may ask the Governor to remove any Commissioner who has four (4) consecutive un-excused absences from regularly scheduled board meetings. By majority vote of the Board, the Board may declare the position vacant. The Commissioner to be removed will either be notified of the Board’s action by a registered, “return receipt requested” letter of termination or be allowed the option of submitting a letter of resignation.

b) Commissioners shall not be paid for any Unexcused Absences from regularly scheduled board meetings.

c) If a Commissioner’s attendance becomes “Cause for Concern”, a consensus of the Board will direct the Executive Director to contact the Commissioner as soon as possible to discuss the problem. The Commissioner’s response will be shared by the Executive Director with the entire Board at the next regularly scheduled board meeting. If no explanation is provided or if the

problem persists or seems irresolvable, the Board may consider any alternatives that may be available.

d) Upon termination from their position, the Executive Director will request return of all items the former Commissioner may have in his/her possession that belongs to the District. Such items will be returned to the District Headquarters, 1020 Sanitation Road, within two (2) weeks from the date that the District's receives the return receipt of the letter of termination, or of the former Commissioner's letter of resignation.

e) The Board will initiate the process of filling the vacant seat as quickly as possible, by informing the Governor of the vacancy and requesting the Governor to appoint a new Commissioner to fill the vacancy for the unexpired term.

3. Individual Commissioners have the right to opt out of the pay. At that time they would sign a waiver of any future claim to past pay. In the event that they later choose to opt back in, they will not be entitled to retroactive pay.

4. Commissioners will not be eligible for benefits.

5. Commissioners that have been compensated during the calendar year shall receive an IRS Form W-2 in January of the following year.

**PASSED AND DULY ADOPTED** by the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT, this 19th day of August 2015.

**BOARD OF COMMISSIONERS  
IMMOKALEE WATER AND SEWER DISTRICT**

BY: \_\_\_\_\_  
**Patricia Anne Goodnight**  
Chairperson

BY: \_\_\_\_\_  
**Bonnie Keen**  
Secretary

IMMOKALEE WATER & SEWER DISTRICT  
**BOARD MEMBER PAY WAIVER**

I, \_\_\_\_\_, Commissioner of the Board of Commissioners of the Immokalee Water & Sewer District do hereby waive any right to Board Member Pay, as outlined in Resolution 15-05. This waiver is for any future claim to past pay. In the event that I later choose to opt back in, I affirm that I will not be entitled to retroactive pay.

Signature: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
*Commissioner*

Signature \_\_\_\_\_ Date Received \_\_\_\_\_  
*Human Resource Specialist*