

West Tropical Forest & Botanical Garden Cultural events between October, 2011 and June, 2012.

GROWTH MANAGEMENT

Item H1 Board granted approval of a revision to the Marine and Port Advisory Committee (MPAC) Administrative Procedures and By-Laws (Bylaws), providing for a committee member attendance policy and providing for a staff person as the parliamentarian.

Item H2 Board adopted the following Resolution setting July 18, 2012 at 3:00 PM at the Harvey Government Center, 1200 Truman Avenue, Key West for a public hearing for a proposed abandonment of a portion of MacDonald Avenue, which is part of Maloney's Subdivision, lying South of Lots 11, 12, 13, 14, & 15, Block 31 and North of Lots 8, 9, & 10, Block 35, and Northerly of Maloney Avenue in "MALONEY'S SUBDIVISION OF STOCK ISLAND".

RESOLUTION NO. 169-2012

Said Resolution is incorporated herein by reference.

Item H3 Board granted approval of a Building Permit Refund fee to Paul Roxenberg, Permit #121-1321 issued on 3/20/2012.

Item H4 Board granted approval and authorized execution of the Fifth Amendment to the agreement for professional services with Keith and Schnars (K&S), P.A., for additional services concerning the Naval Air Station Environmental Impact Study or other studies or activities connected with the National Environmental Policy Act documents published by the Navy that potentially affect the County in relation to state requirements for military installation compatibility and increasing compensation by \$46,000.

Item H5 Board granted approval and authorized execution of the Sixth Amendment to the agreement for professional services with Keith and Schnars (K&S), P.A., for additional services concerning identifying any potential deficiencies in the County Comprehensive Plan policies and land development code relative to State regulations on mining operations, including minimum permitting requirements for mines and the minimum legal requirements for remediation and restoration after a mine is officially abandoned and increasing compensation by \$7,500.00.

Item H6 Board granted approval to advertise an ordinance establishing Monroe County Code Section 19-8, restriction on use of county roads, providing a procedure to limit access to public roads.

Item H7 Board granted approval and authorized execution of Amendment Number two to the Contract between Monroe County and ACS Government Systems, Inc., (Monroe County Property Appraiser's Software Vendor) to modify the query tool designed to provide data for ground floor living area (potential downstairs enclosures) increasing the cost by \$3,000.

Item H8 Board adopted the following Resolution for the reservation for seven (7) affordable housing allocations retroactive to June 1, 2011, for property described as Mandalay

MONROE COUNTY
MARINE AND PORT ADVISORY COMMITTEE
ADMINISTRATIVE PROCEDURES
BY-LAWS

Revised June 20, 2012

BOCC Approved 6/20/12

**MONROE COUNTY MARINE AND
PORT ADVISORY COMMITTEE**

ADMINISTRATIVE PROCEDURES and BY-LAWS

Sec. (1.01) Governing Rules:

Except as may be provided by these Procedures and By-Laws, questions of order, the methods of organization and the conduct of business of the Committee shall be governed by Robert's Rules of Order, Newly Revised, 1990 Edition, Policies of the Board of County Commissioners and by adopted Policy decisions of the Committee.

Sec. (1.02) Meetings:

(a) **Regular Meetings:** The Committee shall hold regular meetings on the first Tuesday of the month, no less than once a quarter. Meeting times shall be established to maximize the ability for both the committee members and general public to attend. Meetings shall be held on a regular basis in Marathon. No meeting shall be scheduled when the day fixed for a regular meeting falls on a day designated as a holiday. Regular meetings may be postponed or cancelled by Committee action and may be re-scheduled on another suitable day. With advanced notice, in extenuating circumstances, the Chair and/or the County Administrator may designate other suitable locations.

(b) **Special Meetings:** A special meeting of the Committee may be called by the Chair whenever, in his/her opinion, the public interest may require it, and shall be called whenever a majority of the committee request a special meeting. Whenever a special meeting shall be called by the Chair, a written request signed by the Chair shall be delivered to the County Administrator; and whenever a special meeting shall be called by members of the Committee, a written request signed by at least four (4) members of the Committee and shall be delivered to the County Administrator. The request shall state the purpose of the meeting. The County Administrator shall forthwith serve either verbal or written notice, unless specifically waived, upon each member of the Committee, stating the date and hour and the place of the meeting and the purpose for which such meeting is being called. The County Administrator shall insure the proper notice is given under statute and Attorney General opinion per F.S. 286.011.

No other business shall be transacted at that meeting unless a full ten (10) member quorum is present and unanimously agrees to the additional items. The Administrator in his notice shall allow at least forty eight (48) hours to elapse between the call of the meeting and the date and hour of the meeting. If, after reasonable diligence, it was impossible to give notice to each Committee member, such failure shall not affect the legality of the meeting if a quorum (simple majority) be in attendance. The minutes of each special meeting shall show the manner and method by which notice of such special meeting was given to each member of the Committee or shall show a waiver of notice.

All special meetings shall be open to the public and shall be held and conducted in an appropriate location designated by the Chair or the County Administrator.

Minutes thereof shall be kept by the Administrator or his designee, as is kept for regular meetings.

Sec. (1.03) Agenda:

(a) **Official Agenda:** An agenda will be prepared by the County Administrator's office or his designee for every regular meeting or special meeting of the Committee. A written add-on agenda shall be prepared by the County Administrator's Office for every regular meeting or special meeting of the Committee, if necessary, and will be considered an official agenda. The Committee shall not take action on any matter, proposal, report or item of business which is not listed upon the official agenda, unless there is a unanimous consent of the Committee on the day of a scheduled meeting to the presentation thereof for consideration and action.

All regular meeting agenda items will be delivered to the Administrator's office by 4:00 p.m. on the second Friday preceding the scheduled meeting date. Add-on agenda items will be delivered to the Administrator's office by 4:00 p.m. on the Friday preceding the scheduled meeting date. The agenda shall be prepared and distributed not later than five (5) working days preceding the meeting on Thursday.

(b) **Regular Meeting Agenda Items:** Matters for consideration may be placed on the regular meeting agenda only by a member of the Monroe County Commission (governing body), Committee Members, the County Attorney, the County Clerk and the County Administrator; written comments and/or recommendations from staff as is appropriate.

(c) **Public Input:** To provide that any member of the public who wishes may have the opportunity to address the Committee on items from the agenda, the Committee will allow individuals to address said issue for a period not to exceed three (3) minutes per individual or five (5) minutes per group and as provided for under Section (1.11) Rules of Debate contained herein.

Sec. (1.04) Presiding Officer, Election, Duties:

(a) **Chair:** The Presiding Officer of the Committee is the Chair, who shall be elected by a simple majority vote of the members present at the first regular meeting of each calendar year. Selection of the Chair shall be nomination from the floor, with no second required, followed by alphabetical roll call vote of Committee members on each nomination, in order of nominations made. Selection of the Vice Chair shall be in an identical manner.

(b) **Vice Chair:** If, for any reason, the Chair is absent or unable to perform his/her duties, the Vice Chair, who will have been elected under the same circumstances as the Chair, shall succeed the Chair. If the Committee determines that the disability or absence is expected to extend for a period of time in excess of the length of the meeting at which this is determined, a new Vice Chair shall then be elected by a simple majority of the members present at that meeting.

(c) **Presiding Officer:** The Presiding Officer shall preserve strict order and decorum at all meetings of the Committee. A majority vote of the members

present shall govern and conclusively determine all questions of order not otherwise covered. The Presiding officer may vote on all questions, his/her name being called last.

The Chair shall sign all resolutions adopted by the committee in his/her presence. In the event of the absence of the Chair, such resolutions shall be signed by the Presiding Officer. The Chair shall represent the Committee before the Monroe County Port Authority and the Monroe County Commission.

Sec. (1.05) Parliamentarian:

A staff person may be provided by the Office of the County Administrator to act as Parliamentarian for the purpose of ensuring that rules of order are followed.

Sec. (1.06) Additional Officers:

A Secretary for the purposes of calling the roll, recording the Minutes, retaining documents to be entered into the Record of the Committee's proceedings, and other lawful duties necessary for the efficient functioning of the Committee may be provided by the Office of the County Administrator.

Sec. (1.07) Call to Order:

The Presiding Officer shall take the chair at the hour appointed for the meeting and shall immediately call the Committee to order. In the absence of the Chair, and the Vice Chair, the Secretary shall then determine whether a quorum is present and in that event shall call for the election of a Temporary Chair. Upon the arrival of the Chair or the Vice Chair, the Temporary Chair shall relinquish the chair upon the conclusion of the business immediately before the Committee.

Sec. (1.08) Quorum:

A majority of the whole number of members of the Committee shall constitute a quorum. No resolution or motion shall be adopted by the Committee without the affirmative vote of the majority of the members present at any meeting. Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting of the Committee, the Chair, or the Vice Chair, or in their absence, the Secretary, may adjourn the meeting until the next day; unless by unanimous agreement those members present and their action at such meeting shall be recorded in the minutes by the Secretary.

Sec. (1.10) Order of Business:

All meetings of the Committee shall be open to the public. Promptly at the hour set forth for each meeting, the members of the Committee, the County Attorney (or his designee), and the Secretary shall take their stations in the meeting hall. The business of the Committee shall then be taken up for consideration and disposition in accordance with the agenda for the meeting. The agenda shall constitute the order of business, unless otherwise determined by a majority of the members present.

Sec. (1.11) Rules of Debate:

(a) **Questions under Consideration:** When an item of business has been announced by the Secretary, the Chair shall first ask if there is any member of the audience who wishes to be heard regarding this matter. Expert witnesses may be required by the Chair to provide documentation establishing their credentials prior to said testimony being entered into the record as "Expert Witness Testimony". Any person who wishes to be heard shall, prior to the item being called, provide the Secretary with his/her name and residence, and the agenda item on which he/she wishes to be heard. Upon conclusion of the audience participation, the Committee shall then consider the item.

After the Committee has begun its discussion of the item, no further audience participation shall be permitted, unless otherwise determined by the Chair or by committee majority; a member of the audience is permitted to respond to specific questions from the Committee Members. A motion must be made and properly seconded in order for official action to be taken by the Committee. The presenter/mover shall be allowed to address the Committee on the motion initially, whereupon each of the other Members shall be allowed to address the Committee on the motion before it.

(b) **As to the Chair:** The Chair or such other Member of the Committee as may be presiding may move, second, and debate from the chair; Subject only to such limitations of debate as they are rules imposed upon all members and shall not be deprived of any of the rights and privileges of a Member by reason of his being the Presiding officer.

(c) **Obtaining the Floor, Improper References:** Every Member desiring to speak for any purpose shall address the Presiding Officer, and upon recognition, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

(d) **Interruption:** A Member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order; or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined by the Presiding Officer, and if in order, he/she shall be permitted to proceed. Any Member may appeal to the Committee from the decision of the Chair upon a question of order when without debate the Chair shall submit to the Committee the questions, "Shall the decision of the Chair be sustained?" and the Committee shall decide by a majority vote.

(e) **Roll Call Vote:** A vote shall be recorded or counted for each member present, except when, with respect to any such matter there is, or appears to be, a possible conflict of interest under provisions of Florida Statutes Sections 112.311, 112.313 or 112.3143. In such cases said member shall comply with disclosure requirements of Section 112.3143.

Sec. (1.12) Reading of the Minutes:

Unless a reading of the minutes of a meeting is requested by a majority of the Committee, such minutes shall be considered approved without reading; provided that the County Administrator (or his designee) deliver a copy thereof to each member of the Committee at least five (5) working days preceding the next meeting on Tuesday. The minutes of the meetings may be approved by majority of the members present, and upon such approval shall become the official minutes.

Sec. (1.13) Votes by Roll Call:

The vote upon every motion or resolution may be taken by roll call in alphabetical order except the Chair shall be the last member called, and the vote shall be entered upon the minutes. Resolutions, proclamations, or written recommendations shall be signed by the Presiding Officer at such meetings and by the Secretary before they are entered upon the minutes. Each Resolution and Motion shall contain, at the conclusion of the "Passed and Adopted" clause, a list of the members of the Committee and the vote cast by each ("Yes", "No", "Abstention", or "Not Present").

Sec. (1.14) Decorum:

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Committee shall be barred from further audience before the Committee by the Presiding Officer, unless permission to continue or again address the Committee be granted by the majority vote of the Committee.

Sec. (1.15) Sergeant-At-Arms:

While probably unnecessary for the purposes of this Committee, the Presiding Officer shall make the determination whether a Sheriff is required for the purposes of maintaining order and decorum in accordance with these rules and Florida Statutes.

Sec. (1.16) Motions, Resolutions and Recommendations:

(a) **Preparation of Resolutions and Recommendations:** The Secretary, when requested, shall prepare resolutions and draft recommendations, a copy of which shall be provided to both the County Administrator and the County Attorney before such documents are presented by the Chairman to the County Commission (Port Authority). All resolutions, contract recommendations or formal presentations of the Committee shall have been reduced in writing and may have been approved as to form and legality by the County Attorney. When so referred, the County Attorney shall affix his signature to the document certifying to the legal sufficiency and shall append his recommendations as appropriate. Any action by the committee which has the effect of "advising" or "recommending" expenditures of public monies by the Board of County Commissioners shall adhere to County purchasing Policies and Procedures, which are founded in public law requirements.

(b) **Introduction for Passage or Approval:** Motions, resolutions, recommendations and other matters and subjects requiring action by the Committee must be introduced and sponsored by a member of the Committee; except the County Administrator, County Attorney or any member of the Monroe County Commission may also sponsor an item for consideration, providing that any such item prepared at the request of a Commissioner or Department Director shall bear the name of the person on the document.

Sec. (1.17) Adjournment:

A motion to adjourn shall always be in order and decided without debate. Said motion cannot be amended, except where there is no other business before the Committee, nor can it be reconsidered.

Sec. (1.18) Minutes, Correspondence:

(a) **Secretary to the Committee:** The County Administrator, or his designee, shall act as the Secretary to the Committee and shall prepare the minutes and attest to all motions, resolutions and recommendations of the Committee.

(b) **Correspondence:** Correspondence of a general nature addressed to the Committee shall be referred to the County Administrator without first filing with the Committee. The receipt of all correspondence will be immediately acknowledged. Current files of such correspondence will be maintained for the Committee's examination and/or action. The County Administrator shall advise the Committee when action is required in response to any correspondence received.

(c) **Official Minutes:** The official minutes as prepared by the Secretary shall be as brief as possible and reflect only the very essential elements or actions. Those items specifically requested by the Committee shall appear in the minutes in the manner as directed.

Sec. (1.19) The Committee and it's Sub-Committees:

(a) **Establishment of the Marine and Port Advisory Committee:** This Marine and Port Advisory Committee, having been duly established by passage of the following resolutions by the Monroe County Board of County Commissioners; 124-1977, 55--1977, 057-1991, and 138-1991; shall consist of ten members consisting of two appointments from each County Commissioner, all to serve without pay. The terms of the Marine and Port Advisory Committee members shall be staggered, with appointments for three years. A Committee seat left vacant for three (3) meetings within a 12 month period may be considered "Vacant" and the appropriate County Commissioner may be requested to make a new appointment.

(b) **Chairmanship or Chair:** A Chair shall be elected once a year by the committee members in accordance with Section (1.04) of the Administrative Procedures contained herein. A Vice Chair shall be elected in a similar manner.

(c) **Function:** The Committee will only function in an advisory or investigative manner, having no legislative, directive or enforcement authority.

(d) **Formal Action:** Any item requiring formal action shall be referred to the Board of County Commissioners for action at a regular meeting for consideration.

(e) **Scheduled Meetings:** Committee meetings shall be scheduled through the County Administrator's office with appropriate notice requirements of statute.

(f) **Committee Reports made to the County Commission:** Committee reports to the County Commission may contain recommendations of actions but must contain all data and views concerning the matter so as to inform the Commission of all available information prior to their decision, and not simply consensus views.

(g) **Minutes:** Taped minutes of all meetings shall be made and delivered to the Administrator's Office. Written minutes shall be made and distributed to each Commissioner by a representative from the Administrator's office, functioning as the Committee's Secretary.

(h) **Annual Report:** The Committee shall provide the Board of County Commissioners with a written or oral report at least once a year based on a schedule developed and distributed by the County Administrator.

(i) **Subcommittees:** The Committee may form subcommittees to be headed by a member of the full Committee in order to focus attention on specific areas of interest.

(j) **Address:** The official address of the Marine and Port Advisory Committee:

**Monroe County Marine and Port Advisory Committee
Marine Resources Office
Growth Management Division
2798 Overseas Highway, Suite 420
Marathon, Florida 33050**