

**Addition to the Agenda  
BOD-03**

**BOARD OF DIRECTORS, FLORIDA KEYS AQUEDUCT AUTHORITY  
AGENDA ITEM SUMMARY**

AGENDA ITEM # BOD-

CONSENT:                      REGULAR: XXX

MEETING DATE: December 23, 2010

DEPARTMENT: BOARD OF DIRECTORS

**AGENDA TITLE:** Consideration to authorize Staff to initiate Rulemaking for Revision to FKAA Rule 48-101.010(5)(c) and to appoint a Hearing Officer. (Sponsored by: Rose M. Dell)

**ITEM BACKGROUND:** Rule 48-101.010(5)(c) provides that any changes to the FKAA Rules and Regulations shall be by majority vote of the Board of Directors. The proposed change to the Rule would change the majority vote required to a four-fifths (4/5) vote by the Board of Directors to adopt changes to the FKAA Rules and Regulations.

**PREVIOUS RELEVANT ACTION BY FKAA BOARD OF DIRECTORS: 5/27/2010:** The Board Approved Resolution #10-14 to Adopt Revised FKAA Rules and Regulations; to Establish Reclaimed Water Rate and Rules, Leak Detection Fee, Meter Lid Key Fee, Fire Hydrant Flow Test Fee, Industrial Pretreatment Fees and Regulations; Rules to provide On-line Customer Account Management; Revisions to Water Main Extension Rules; Rule Revision Reformatting.

**STAFF RECOMMENDATION (MOTION):** The Board authorize the FKAA to enter into Rulemaking for Revision to FKAA Rule 48-101.010(5)(c) and appoint Kirk C. Zuelch, FKAA General Counsel, as the Hearing Officer to conduct Public Hearings on the proposed revision.

**SUPPLEMENTAL INFORMATION:** Summary Document Attached.

<b>DOCUMENTATION:</b>	Included: <b>XX</b>	To-Follow:	Not Required:
<b>COST FKAA:</b>	\$ _____	<b>BUDGETED:</b>	Yes      No
<b>COST/OTHERS:</b>	\$ _____		
<b>COST TOTAL:</b>	\$ _____		
<b>DEPARTMENT DIRECTOR APPROVAL:</b> _____			
Internal Auditor: _____ General Counsel: _____ Executive Director: _____			

**BOARD ACTION:**

Approved:                      Tabled:                      Disapproved:                      Recommendation Revised:

Comments: \_\_\_\_\_

Date: \_\_\_\_\_

Recording Clerk: \_\_\_\_\_

# FKAA SUMMARY DOCUMENT

## PROPOSED REVISIONS TO FKAA RULES AND REGULATIONS FOR PUBLIC HEARING TO BE HELD

*Sections which address proposed revisions are shown as follows. New Language is underlined and deleted language is shown with 'strike-through':*

Proposed Revision Objective and Effect:

Chapter 48-101.010 RULE DEVELOPMENT AND ADOPTION. Proposed revision provides for a change in majority vote required to a four-fifths (4/5) vote by the Board of Directors to adopt changes to the FKAA Rules and Regulations.

### **48-101.010(5)(c)      RULE ADOPTION**

(c) Rule Adoption. The Board of Directors, in a public meeting duly advertised, shall adopt the revised Rules by ~~majority~~ a four-fifths (4/5) vote. Any members of the public who wish to address the Board regarding the proposed rules will be allotted time to do so during presentation of the proposed rules to the Board.