



SAN CARLOS ESTATES WATER CONTROL DISTRICT

POLICIES AND PROCEDURES MANUAL

The following document includes the basic policies and procedures for the San Carlos Estates Water Control District located in the City of Bonita Springs, Florida.

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SECTION ONE: PURPOSE OF POLICIES AND PROCEDURES

The Board of Supervisors (Board) of the San Carlos Estates Water Control District (SCEWCD or District) has developed and enacted the following policies and procedures by virtue of the laws of the State of Florida, especially Chapter 298, Florida Statutes.

These policies and general operating procedures were enacted and are being adopted for the effective operation of SCEWCD. The day-to-day functional implementation of these policies and procedures is the responsibility of the Board of Supervisors of SCEWCD.

The purpose of these policies and procedures is to serve as a tool in making decisions involving the management and operation of SCEWCD; to establish guidelines to be followed by the Board of SCEWCD and by any of its agents, contractors or employees; and to acquaint employees with their general employment rights, benefits and responsibilities. The manual will also provide information on SCEWCD's policies and procedures with respect to accounting and financial management, procurement, records retention, internal controls, inventory, equipment, ethics, and Board meetings.

The District's policies and procedures should be reviewed on a periodic basis by the Board of Supervisors to determine if any changes are necessary.

SECTION TWO: PERSONNEL POLICIES

I. Affirmative Action

It is the policy of SCEWCD that it will operate and conduct business without discrimination or segregation because of age, sex, race, color, religion, national origin, or handicap, except where there is a bona fide occupational qualification for the job tasks to be performed.

II. Employment

All positions not filled by internal promotion of existing employees will be advertised, and all applicants will be considered for employment in compliance with all applicable federal, state and local laws. The Board will have the sole discretion of who to hire to fill District positions based upon the needs and the best interests of the District.

A. Hiring

The Board of Supervisors has the responsibility of hiring all employees of the District, including the District's Secretary, Treasurer, and Superintendent/Manager, all of whom will be subject to a hiring and interviewing process and screening of qualified applicants for all positions pursuant to the requirements of Florida law, including Chapter 298, Florida Statutes, related to Drainage and Water Control Districts.

B. Termination

The Board of Supervisors has the responsibility for the termination of any employee, in accordance with Florida law, these policies and any applicable agreements.

III. Employment Status

A. Employment At Will

Employees hereby understand and acknowledge that, unless otherwise defined by applicable law or a written employment agreement, any employment relationship with SCEWCD is of an "at-will" nature and is subject to termination in the sole discretion of the Board at any time.

B. Full-time

A full-time regular employee is one who works more than 33 hours per week on a regularly scheduled basis.

C. Part-time

Part-time employees are employees who work less than full-time as defined above.

D. Consultants

Consultants are contracted for a specific scope of work and/or time period and are not employees of SCEWCD. Instead, consultants are independent contractors. Unless Florida law or a written agreement between the District and a consultant states otherwise, consultants are “at will” and are subject to termination in the sole discretion of the Board at any time.

IV. Work Schedule and Pay Periods

A. Work Schedule

It is anticipated that all employees will be part-time employees. Part-time employees generally will work during the work week and if necessary on weekends to fulfill the employment requirements established by the SCEWCD Board of Supervisors, including working with SCEWCD authorized contractors and agents.

B. Time Sheets

As directed by the SCEWCD Board of Supervisors, employees shall be required to complete time sheets on a weekly basis for SCEWCD.

C. Personal Sick Leave

Personal sick leave will be accumulated as follows: five (5) days at one (1) year of service, eight (8) days at three (3) years of service, and ten (10) days at five (5) years of service. Any unused sick leave will be forfeited at year’s end of the District’s fiscal year on September 30, and shall have no monetary value. All accumulated sick time is also forfeited upon termination of employment for any reason and shall have no monetary value.

D. Bereavement

Five (5) working days of paid bereavement leave will be granted to employees who have a death in the immediate family, which is defined as a spouse, significant other, child, father, step-father, mother, step-mother, foster child, step-children, sibling, grandparent, grandchildren, any financially dependent relative living in the employee’s household, and any person for which the employee is the legal guardian. For purposes of this provision “significant other” is defined as an individual who is in a relationship with the employee where neither of the individuals in the relationship is married and where the two individuals intend to remain in a relationship with each other indefinitely and where there is a joint

responsibility for each other's common welfare and where there are significant shared financial obligations and where there is a shared primary residence.

E. Leave of Absence

Employees may request an unpaid leave of absence that must be submitted in writing to the Chair of the Board of Supervisors. Granting of such leave is at the sole discretion of the Chair of the Board of Supervisors except in such cases where granting of leave is required by law, such as the Family Medical Leave Act.

F. Vacation

Because employees are expected to be part-time employees of the District, paid vacation is not given to any employees unless the Board approves it.

V. Resignation, Suspension, and Termination

A. Resignation

Employees who wish to resign from their positions will give at least two (2) weeks' advance written notice to their immediate supervisor with the reasons for the resignation stated therein. If two weeks' notice is not given before resignation, the employee will lose any accumulated vacation time and other benefits.

B. Termination With Cause

Termination with cause will be for unsatisfactory job performance, violation of the Florida law related to Water Control Districts, violation of the District's Policies and Procedures, illegal acts, or any other legal just cause as determined by the Board of Supervisors. Written notice of termination will be given with reasons for the action stated to the employee. Immediate termination will occur for breach of District confidentiality, theft, and/or other just cause. A disciplinary conference will be held prior to termination for unsatisfactory job performance. Unsatisfactory job performance includes, but is not limited to excessive absenteeism, insubordination, tardiness, failure to cooperate with other employees, contractors, and agents, and unauthorized use of company property.

C. Termination Without Cause

As previously stated, employees are "at will" employees of the District and can be terminated without cause, and without recourse, at any time upon an official decision of the Board.

VI. Travel and Other Expenses

Employees will be reimbursed for travel and expenses provided the trip is pre-approved by the Board. Employees, including employees using personal automobiles for travel, will be reimbursed using the current IRS approved travel reimbursement rates. All requests for reimbursement will be documented on the approved travel and expense reimbursement form, including mileage.

VII. Conflict of Interest

1. No employee will participate in activities or other employment that causes a repetitive or a continuing conflict of interest with the activities of the District. Conflicts of interest are generally as described in this Manual and in Florida law, especially Part III of Chapter 112, Florida Statutes. Activities or employment that create possible conflicts will be disclosed to the Board of Supervisors in writing for review.
2. Any employee of the District, who accepts gifts or gratuities from contractors, agents, individuals, companies, clients, or suppliers in conjunction with their job, or who violates this Manual or Florida law on conflicts of interest will be subject to disciplinary action up to and including termination.
3. No SCEWCD employee is to become involved in water drainage activities, for pay, in the county or state except for SCEWCD activities unless the Board has granted pre-approval in writing.
4. SCEWCD encourages employees to serve in constructive and legitimate not-for-profit organizations. Participation in civic affairs is encouraged as part of our commitment to community involvement. There are cases, however, in which organizations have business relationships with the District which might result in a repetitive or continuing conflict of interest for an employee. An employee's immediate supervisor must be advised when a potential exists for a repetitive or continuing conflict.

VIII. Policy Prohibiting Unlawful Harassment, Including Sexual Harassment

It is the policy of SCEWCD that it will not tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile work environment.

As an equal opportunity employer, it is SCEWCD's policy that every applicant and employee shall enjoy a work environment free from all forms of unlawful harassment, including sexual harassment. Unwelcome verbal, physical or visual conduct involving any individual's race, color, religion, sex, sexual orientation, pregnancy, age, national origin, ancestry, citizenship, medical condition, physical disability, marital status, or military service, or any other basis protected by any

federal, state or local law is strictly prohibited.

Sexual harassment is an unlawful employment practice under Title VII of the Civil Rights Act of 1964 and various state laws. The current regulations of the Equal Employment Opportunity Commission define “sexual harassment” as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual’s employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

Some examples of sexual harassment include, but are not limited to, the following:

- Unwelcome requests for sexual favors or dates.
- Unwelcome physical touching.
- Jokes or gestures that have a sexual content or sexual connotation.
- Posters or cartoons that have a sexual content or sexual connotation.
- Sending or forwarding written or electronic correspondence of a sexually explicit nature.
- Creating an otherwise offensive work environment or unreasonably interfering with another’s ability to perform his or her job.

SCEWCD does not condone sexual relationships between supervisors and their staff. A relationship of this type can easily be considered sexual harassment. If such a relationship develops, the Board will decide what action must be taken to protect the best interests of the District.

Both as a matter of law and common decency, each employee of SCEWCD is entitled to pursue his or her employment, free of harassment or discrimination on any of the prohibited bases enumerated above. Accordingly, unlawful harassment or discrimination against any employee of SCEWCD will not be tolerated. Violation of this policy may subject an employee to discipline, up to and including immediate termination for cause.

Any employee who believes that he or she (or another employee) is the object of harassment or discrimination on any of the above-enumerated bases is strongly encouraged to follow the complaint procedure outlined below.

Any employee may initiate the complaint procedure, without fear of reprisal, by immediately reporting such complaints to:

- the employee's immediate supervisor; or,
- the Board or to any individual member of the Board, if the employee feels that he or she is unable to report a complaint to his or her immediate supervisor.

SCEWCD takes all complaints of harassment or discrimination seriously. All complaints will be investigated immediately by an impartial designee to be decided upon by the Board of Supervisors of SCEWCD.

Any employee who believes that the actions or words of a supervisor or fellow employee or some other person(s) encountered in the workplace constitutes unwelcome harassment has a responsibility to report such incident as soon as possible to the appropriate supervisor, manager or Board member (Supervisor) of the District. Employees are encouraged to utilize the foregoing complaint procedure. No employee will be retaliated against for having opposed unlawful harassment or discrimination, or for having filed a complaint or for having otherwise participated in an investigation concerning a complaint.

Employees are also notified that there are governmental agencies that handle claims of unlawful discrimination and harassment. These agencies include the Equal Employment Opportunity Commission and parallel state agencies.

IX. Personnel Files and Employment Information

All staff members have a right to access to their personnel file as provided by the law. It is the responsibility of the staff member to provide information to their supervisor to keep personnel folders up-to-date (e.g., current resumes, change in marital status, name, address, telephone numbers, number of dependents, designated beneficiaries, education and training skills). Neither a member of the Board of Supervisors nor any employee is authorized to provide a prospective employer of a present or former employee of the District with any information other than dates of employment and title.

SECTION THREE: ACCOUNTING, AUDIT AND FINANCIAL MANAGEMENT POLICIES

I. Accounting Policies

It shall be the policy of SCEWCD to create and maintain accounting, billing, and cash control policies, procedures and records which are consistent with Generally Accepted Accounting Principles (GAAP) and which meet the requirements of state and federal statutes and regulations.

- (1) SCEWCD accounting, audit, and financial management policies are designed to:
- (2) Protect and secure the assets of SCEWCD;
- (3) Ensure the maintenance of accurate records of the SCEWCD's financial activities; and
- (4) Ensure compliance with governmental and private funder reporting requirements.

A. Cash

- (1) Bank accounts are established as required by Florida law including Chapter 218, Florida Statutes and Chapter 298, Florida Statutes, and best practices of entities like SCEWCD and funding requirements.
- (2) Pursuant to Section 298.17, Florida Statutes, funds of the District shall be paid out only on warrants issued by the District (Board of Supervisors) and only after the warrants are signed by the President/Chair of the Board of Supervisors and attested by the Secretary. The form of the warrant required by Section 298.17, Florida Statutes is as follows:
- (3) All checks written on SCEWCD accounts require the signatures of two (2) current members of the Board of Supervisors or the Treasurer of the District. No one else is authorized to pay District funds or sign checks written on SCEWCD accounts.
- (4) The Treasurer who is qualified, appointed and bonded pursuant to Section 298.17, Florida Statutes, shall have authority to sign checks on SCEWCD accounts in accordance with to the requirements of Florida law, especially Section 298.17, Florida Statutes.
- (5) All current Supervisors and the Treasurer must be formally approved by the SCEWCD's Board of Supervisors to sign checks or pay funds from SCEWCD accounts. The approval of signers on District bank

accounts shall be reflected in the Board of Supervisor's meeting minutes and may be approved by a resolution adopted by the Board of Supervisors from time to time as members of the Board of Supervisors or the Treasurer changes.

- (6) Banks will be promptly notified of all changes of authorized check signers.
- (7) All checks are to be pre-numbered and accounted for by a check custodian as either used, voided, not used and shall be issued pursuant to a proper warrant as described above.
- (8) Voided checks are to be properly defaced and maintained.
- (9) Bank reconciliations to the general ledger are to be done monthly and provided to the Board of Supervisors by the Treasurer at the regular monthly Board meeting.

B. Petty Cash

The District does not utilize a separate petty cash fund; however, from time to time the District may be paid a fee or invoice in cash which shall be secured and deposited into a District bank account as soon as possible/practicable.

C. Cash Receipts

- (1) From time to time, landowners may purchase remote control gate units for control of the gate located on Stillwell Road. Any cash paid to SCEWCD will be deposited into the SCEWCD designated bank account with a log entry into the SCEWCD accounting system that acknowledges the payment.
- (2) The SCEWCD Treasurer prepares bank deposit slips, listing each deposit item. Receipts are deposited daily or as received weekly or when appropriate. The bank's stamped duplicate deposit slip will be attached to the remittance documentation.
- (3) The account deposit slip will be scanned as a PDF file and kept in the SCEWCD records.

D. Cash Disbursements

There are no Cash Disbursements from SCEWCD and all payments to employees, contractors, agents, third parties or Board of Supervisors will be by bank check or other non-cash payment/disbursement method that is authorized by the Board.

E. District Credit Card Usage

The Board can authorize the establishment and use of a District credit card account and can designate authorized users of the District credit card by Board action which may be in the form of a Board resolution. The District credit card can only be used to make Board authorized transactions.

F. General Ledger Account Coding

- (1) All SCEWCD receipts and disbursements are account coded and reviewed by the Board of Supervisors.
- (2) A policy will be developed that documents the rationale used to allocate shared expenses among SCEWCD required functions, operating activities, and/or contracts and the allocation will be reviewed periodically.
- (3) Funding from multiple sources may be kept in an account with other funding; however, it must be tracked independently. If a funding source is from a State of Florida or U.S. Federal Grant related to Hurricanes or other Natural Disasters, this will be identified and may be kept in a separate bank account for audit purposes or for funding source purposes.

G. Revenue/Non-Ad Valorem Assessment

- (1) Revenue is primarily in some form of a non-ad valorem assessment or multiple non-ad valorem assessments and is accounted for using the accrual basis of accounting.

H. Expenses

- (1) Expenses are charged directly to on-going SCEWCD operations and/or specific projects required and approved by the Board of Supervisors in support of the requirements stated in Florida law, including Chapter 298, Florida Statutes, and the District's enabling judicial decree. Specific identification of expenses is required as part of any reimbursement process.
- (2) Expenses are prohibited to be used for any purpose that is not authorized by Florida law, including Chapter 298, Florida Statutes, and the District's enabling judicial decree, for regular on-going SCEWCD operations.
- (3) Expenditures for each of the District's operations or specific Board of Supervisors approved projects to carry out the District's statutory obligations are to be recorded according to the budget categories for that particular expenditure as it relates to its specific funding source,

if any. For each source funding (award), SCEWCD, will maintain records that allow for a comparison of outlays with approved budget amounts.

- (4) A cost will be considered allocable to an external funding source (unless otherwise prohibited) if it is treated consistently with other costs incurred for the same purpose in like circumstances and if:
 - a. The cost is incurred specifically for the project or for SCEWCD operations;
 - b. The cost benefits both the project or operations and other work and can be distributed in reasonable proportion to the benefits received; or,
 - c. It is necessary to the overall operation of the SCEWCD, although a direct relationship to any particular cost objective cannot be shown.

I. Collection of Delinquent Accounts

- (1) SCEWCD collects non-ad valorem assessments primarily using the uniform collection method by the Lee County Tax Collector under Chapter 197, Florida Statutes.
- (2) The District's imposed non-ad valorem assessments constitute liens against real property under Florida law, including Chapter 298, Florida Statutes.
- (3) The Board may utilize outside collection agencies or other legal methods to collect delinquent amounts due the District as authorized by Florida law.

II. Financial Reporting Procedures

- A. The Treasurer employed by the Board of Supervisors will be responsible for compiling monthly and year-to-date reports on all cost against revenue source expense code, and asset and liability account balances.
- B. Financial reports are reconciled to the general ledger and accounting records prior to submission to a separate external funding source, if any.
- C. If a District expenditure is different from an external funding source's approved budget, prior approval must be obtained from the funding source prior to the submission of the financial report.
- D. Monthly financial reports which analyze the District's financial position and the effectiveness of its management and programs will be presented to the Board of Supervisors and also reported within the Board meeting

information for the monthly meetings of the Board of Supervisors.

- E. Periodic reports will be provided to all funding sources as requested or required by contract or by Florida law or federal law.
- F. SCEWCD's finance and accounting staff will maintain records that adequately identify the source and application of funds for all activities using GAAP. These records shall contain information pertaining to awards, authorizations, obligations, assets, outlays, income and interest. Records to be maintained include copies of contracts, invoices, proof of payments and allocation tracking when costs are distributed among several funding sources.

III. Investment/Banking Policies

The SCEWCD Board of Supervisors will follow Florida law, including Chapter 208, Florida Statutes, and the adopted investment policy outlined in Section Nine of this Policies and Procedures Manual.

A. Principles:

- (1) Minimize Risk: The Board will define a minimum risk strategy that will be reviewed annually to ensure appropriate discharge of responsibilities to District landowners, donors, lenders, other funding sources, and contractual relationships.
- (2) Maximize Investment Return: Within the parameters defined as "minimum risk", funds will be invested as authorized by Florida law and the District's policies and procedures at the highest area interest/return available at the time of the investment decision.

B. Procedures:

- (1) Each monthly meeting, the Board of Supervisors will review the projected cash needs of the District and the assets and liabilities as well as progress on any District projects and operations.
- (2) The Board of Supervisors will define a policy for minimizing risk annually.

IV. Budget Principles/Procedure

The budgetary process shall be governed by Florida law, including Chapter 298, Florida Statutes, and will evolve from the obligations of the District.

A. Budget Principles

- (1) The budgetary process shall comply with Florida law and the

District's funding sources for the use of the District's Non-Ad Valorem Assessment and other revenue sources, in accordance with applicable state and federal laws.

- (2) The budgetary process shall comply with the guidelines and principles set forth by the Board of Supervisors and any provisions cited in Florida law, and federal law, including Chapter 298, Florida Statutes.
- (3) Annually, the District will identify and develop a plan for its yearly operations, and if required, any projects to maintain District assets. The budgets needed to execute the District's plan shall be developed by appropriate personnel, with approval by the Board of Supervisors, and with input from outside paid engineering and legal counsel.

B. Procedures:

- (1) The SCEWCD's Board of Supervisors, with support from District staff and consultants, will prepare and adopt a budget of anticipated revenue and expenses for the next fiscal year of the District that will be reviewed by the Board and adopted by the Board as required by Florida law. It is the Board's intention to adopt the District's budget for the next fiscal year 30 to 60 days prior to the beginning of the next fiscal year. If a budget submission is due to a funding source prior to 60 days before the beginning of the fiscal year, the Board will review a preliminary budget and tentatively approve it if necessary.

C. Adjustments in Budget/Spending Plans

- (1) Florida law will control the budget amendment process of the District throughout each fiscal year.
- (2) Notwithstanding anything else contained herein to the contrary, no budget amendments or changes in spending policies or planned expenditures will be authorized until they are approved by official action of the Board.
- (3) Any amendments to the District's budget that affects any District contractual obligations will be communicated to the party whose contract with the District has been affected and a contract amendment to reflect the budget change will be entered into by the District and the contracting party.

V. Audit Procedure

- A. As an independent special district of Florida, the District is required by Florida law to have an independent audit prepared of the District's finances and operations as a government entity on an annual basis.

- B. The District's auditor must be selected using the procedure described in Florida law, especially Section 218.391, Florida Statutes.

SECTION FOUR: PROCUREMENT POLICIES

I. The purpose of this Policy is to guide the District when making purchases (procurements) for the District. At all times, purchases, and the procedure used to accomplish a purchase, will comply with Florida law, federal law, and the additional requirements of any funding sources such as a State of Florida or Federal government agency (South Florida Water Management District, FEMA, etc.) or a private funding source such as a lender (financial institution) or a bond issuer.

The purchasing of goods and services will be based on a variety of factors, including but not limited to, factors such as cost, quality, delivery, and customer support after the sale. At all times, decisions on District purchases must include a verification of whether the purchase supports a public purpose of the District, whether the purchase is in the best interest of the District, and whether the purchase constitutes an ordinary, reasonable and necessary purchase. The Board of Supervisors, in its sole discretion, can, at any time, elect to not use the purchasing procedures described in this Purchasing Policy for any purchase of any goods, any services, or otherwise. This Purchasing Policy does not apply to any preexisting agreements of the District, including agreements for continuing services or repetitive purchases of goods; however, the Board can elect to apply the terms of the Purchasing Policy to a pre-existing agreement at the end of the term of the pre-existing agreement in the Board's discretion. Except as otherwise required by Florida law or federal law, the purchasing procedures described in this Purchasing Policy will not apply to the District's purchase of professional services and the Board of Supervisors can unilaterally determine the purchasing procedure the District desires to use to procure professional services as long as the District complies with Florida law and federal law.

If there is a project that a contractor or agent is working on, then time sheets, material quotes and labor quotes will be required per project. This is to ensure that the SCEWCD operating budget is managed per project and that funding is appropriate per project.

II. Contract Award Management Policy

- (1) All contracts for services, materials and labor required to support SCEWCD operations or projects will be awarded using the procurement process described herein or selected by the Board, in its sole discretion, with the goal being to always comply with all legal requirements and the best interests of the District. It is the Board's preference to use a competitive selection process that seeks to have at least three (3) responses with detailed statements of the scope of work and materials and services that will be used to complete a project for the District, including a District project that is required to provide emergency operations and emergency repairs of District works and property due to hurricanes and other emergency events.
- (2) If goods or services are competitively selected, after the Board's decision on the competitive selection of a vendor/responder, SCEWCD will enter into contract negotiations with the selected vendor/responder on contract terms

that specify the services to be completed and payment terms and other contract terms, including contract terms required by Florida law and federal law, all of which will be reduced to a written agreement (contract). It is the desire of the Board to include a not-to-exceed price provision, a scope of work provision, and a completion of work deadline provision in each written agreement (contract) for the purchase of goods or services. Further, each written agreement (contract) shall contain such other terms and conditions that are required by Florida law, federal law or a funding source.

- (3) SCEWCD will evaluate each respective provider of goods and services throughout the term of each contract. This evaluation will be utilized when making award decisions for future contracts.
- (4) At the discretion of the Board, the Board may request individuals (preferably District landowners) to participate as volunteers (on a pro bono basis) in the review of the scope of work for certain District projects and in reviewing responses in a competitive selection process for the District. At the discretion of the Board, the Board may also request individuals (preferably District landowners) to participate as volunteers (on a pro bono basis) to perform inspections of District projects, District works, and District property.

III. Acquisition Policy for Goods and Services

SCEWCD may select qualified vendors using numerous methods of procurement, depending on the amount of the purchase price and other considerations. As previously stated, at a minimum, the District shall comply with all Florida and federal laws for the procurement of goods and services, including the use of competitive selection methods where required.

Following are a few examples of possible procurement procedures that the Board may elect to use:

- (1) The Board of Supervisors, or other qualified individuals delegated by the Board of Supervisors, may inquire in the open market for responses from prospective vendors to ensure that the price and quality of the goods or services is the most advantageous to SCEWCD.
- (2) The Board of Supervisors, or other qualified individuals delegated by the Board of Supervisors may request competitive oral quotes and follow up by requesting written quotes with details that include materials, labor and any third-party expenses related to the competitive oral quotes.
- (3) The Board of Supervisors, or other qualified individuals delegated by the Board of Supervisors may request written quotes from at least three (3) different responders for work and projects over \$10,000.00.
- (4) For large purchases and contracts over \$50,000, the Board of

Supervisors may solicit competitive written responses through a formal written request for responses procedure. Written Responses will remain sealed until the opening time designated in the request for responses. All requests for responses shall satisfy the minimum legal requirements of the applicable Florida law and federal law for the specific scope of work and cost/price of the work.

- (5) For purchases of goods or services the anticipated cost of which may exceed \$300,000.00, the Board of Supervisors can only approve the purchase upon an unanimous vote of approval by the Board. Other purchases of goods and services can be approved by the Board upon a simple majority vote of approval.
- (6) In all procurements, a file shall be kept with a copy of the request for proposals, a list of individuals/organizations solicited for a response, and a bid sheet that lists the responses received by the individuals/organizations and their respective response information, including the scope of work specifications, the price, and the time to complete the work. In all instances, justification documentation for the District's selection decision, such as a memo outlining the selection criteria, will be placed in the file.
- (7) As previously indicated, once the Board approves the selection of a vendor on a competitive selection process, a written contract will be negotiated with the selected vendor as directed and authorized by the Board.

IV. Property/Equipment Standards

If and when the Board of Supervisors authorizes the purchase of any property (both real property and personal property), the following procedures will be followed:

- (1) Title to all property purchased with District funds will vest in the District.
- (2) Property records of the District property (inventory) will be kept as required by Florida law, including Chapter 274, Florida Statutes, and will show the name of the property, identification number, original cost, and depreciated value. These records will be reviewed and necessary revisions made on at least an annual basis at the end of the District's fiscal year.
- (3) If required, SCEWCD will provide the equivalent insurance coverage for real property and personal property regardless of how the property was acquired by the District.

V. Federal Debarment Standard

- A. When purchasing goods and services through the utilization of federal

funding, SCEWCD will ensure that the contract awardee is not debarred or suspended from doing business with the federal government nor delinquent in a debt to the United States as defined in OMB Circular A 1-29. Before a contract is awarded, staff from SCEWCD will consult the Federal Government's General Services Administration ("GSA")'s "List of Parties Excluded from Federal Procurement or Non-procurement Programs". Further, staff from SCEWCD will comply with any requirements of the federal funding source related to the contractual terms and obligations of a contract awardee which are prerequisites to SCEWCD receiving the federal funding.

SECTION FIVE: RECORDS MANAGEMENT POLICY

- I. Maintenance, Storage and Retention Requirements of District Records as Public Records
 - A. Section 119.021 of the Florida Statutes and the related Florida Administrative Code provisions generally govern the maintenance and storage of public records of the District. As a public agency, the District is subject to the public records laws of Florida which are generally found in Chapter 119, Florida Statutes. A public record is defined as: “All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” (Section 119.011(12), Florida Statutes).
 - B. All public records of the District should be retained in a secure location, preferably the building in which they are ordinarily used, so that, to the greatest extent possible, they can be preserved and protected from damage by fire, water, theft, etc. and so that they are available for inspection and copying by a member of the public who has made a public records request. Normally, a custodian of public records is appointed by a public agency to maintain public records in a safe and orderly fashion. Chapter 119 of the Florida Statutes does not prescribe a location at which public records must be maintained; however, it does suggest that the public records of the District should be kept where they are ordinarily used.
 - C. Section 119.021(2)(a) of the Florida Statutes requires the Division of Library and Information Service of the Department of State to adopt rules establishing retention schedules and a disposal process for public records. The District must comply with the retention and disposal rules established by the Division of Library and Information Service. District public records can only be disposed of or destroyed in accordance with the retention schedules established by the Division of Library and Information Service of the Department of State. Some public records of the District are required to be permanently retained and cannot be disposed of or destroyed. In addition to the provision of Florida law, especially Chapter 119 of the Florida Statutes, and the Florida Administrative Code provisions related to the maintenance and disposal of public records, there may also be separate requirements of contractors, lenders, grant funding agencies or the federal government, that may require a longer time period for the confidential maintenance and retention of public records of the District in certain circumstances.
 - D. Some public records of the District are exempt from disclosure or are confidential such as certain employment records and records related to

pending litigation, etc. Exempt and confidential public records of the District are generally described in Chapter 119 of the Florida Statutes. If a public record contains exempt/confidential information which is exempt from disclosure as a public record, the exempt information should be redacted from a public record before it is released under a public records request. In addition to exempt/confidential information in public records that must be protected from public disclosure, there are also some entire documents that are exempt/confidential so that the entire document must be protected by the District from public disclosure. In addition to all of the above, there are some exemptions of public records that are temporary such as the exemption of Board meeting minutes of Board meetings that are called and held for the purpose of discussing negotiation strategies in pending litigation under Section 286.011(8), Florida Statutes. The conclusion with regard to exempt and confidential information and public records is that in any instance of a public records request to review public records of the District there needs to be an inspection made of the requested public record to determine whether there is any specific information contained in the public record that needs to be redacted as a result of the information being exempt/confidential or whether the entire public record should be exempt/confidential on either a temporary basis or a permanent basis so that it is not released as a public record. Chapter 119 of the Florida Statutes has different subsections which apply to public records that are exempt or confidential in whole or in part.

- E. To ensure that pertinent records are properly managed, SCEWCD will implement a file maintenance and disposition plan for each project/funding source when that project becomes inactive/closes-out. When a project is closed a file maintenance and disposition plan form will be filled out and filed for the project. The form includes, but is not limited to, the date the project began, the date the project ended, amount of contract, name and signature, a contact number for the project's manager, a description of the files within the storage case and their filing arrangement, and disposition instructions. Once the "File Maintenance and Disposition Plan" form has been completed, it will be filed and the storage box sent to SCEWCD's off-site storage facility or other locations designated by the Board of Supervisors and in accordance with Florida law.
- F. Financial records, supporting documents, statistical records, and all other records pertinent to an award of funding from an external source will be retained for a minimum period of three (3) years from the date of the submission of the final expenditure report. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings have been resolved and final action taken.
- G. Records for real property and equipment acquired with federal funds will be retained for a minimum of three (3) years after final disposition of said property.

- H. Notwithstanding anything else contained herein to the contrary, all District records will be maintained as required by Florida law, including but not limited to Chapter 119 and Chapter 298, Florida Statutes.

SECTION SIX: DRUG-FREE WORKPLACE POLICY

SCEWCD is a drug-free workplace. Following is the District's drug-free workplace policy. SCEWCD does and will continue to provide a drug-free workplace by:

- A. Publicly posting a statement notifying employees, contractors and agents of the District that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited on SCEWCD properties or rented spaces and while working for or performing any task for or on behalf of the District as an agent of the District.
- B. SCEWCD will operate an ongoing drug-free awareness program which informs full time and part time employees and independent contractors performing the work of the District (all of which are generally referred to as agents of the District for purposes of the Policy) about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The District's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee/agent assistance programs; and,
 - (4) The penalties that may be imposed upon employees or agents for drug abuse violations in the workplace.
- C. Providing each employee/agent engaged in the performance of a grant be given a copy of the statement specified in paragraph A, above.
- D. When an employee/agent of SCEWCD works on a government-funded project or activity that has funding with a drug-free workplace certification, SCEWCD will notify affected employees/agents that they are required to:
 - (1) Abide by the terms of the statement; and,
 - (2) Notify SCEWCD in writing of his/her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- E. SCEWCD will notify the respective government funding grant officer(s) within 10 calendar days after receiving notice about a conviction of a criminal drug statute from an employee/agent or upon SCEWCD otherwise receiving actual notice of such conviction.
- F. Within 30 days of being informed by an employee/agent that he/she has been arrested on drug charges and convicted, SCEWCD will:

- (1) Take appropriate action against such employee/agent, up to and including termination, consistent with the Rehabilitation Act of 1973, as amended; or,
 - (2) Require the employee/agent to participate and satisfactorily complete a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- G. SCEWCD will strive to make a good faith effort to continue to maintain a drug- free workplace through implementation of paragraphs A through F, above.

SECTION SEVEN: WEBSITE COMPLIANCE

The District adopts Section 189.069, Florida Statutes, as the District's general website compliance policy. Section 189.069, Florida Statutes, requires the District to maintain its own website and to post, at a minimum, the below described information on the District's website (items 1 through 15 below are directly quoted from Section 189.069(2)(a), Florida Statutes):

1. The full legal name of the special district.
2. The public purpose of the special district.
3. The name, official address, official e-mail address, and, if applicable, term and appointing authority for each member of the governing body of the special district.
4. The fiscal year of the special district.
5. The full text of the special district's charter, the date of establishment, the establishing entity, and the statute or statutes under which the special district operates, if different from the statute or statutes under which the special district was established. Community development districts may reference chapter 190 as the uniform charter but must include information relating to any grant of special powers.
6. The mailing address, e-mail address, telephone number, and website uniform resource locator of the special district.
7. A description of the boundaries or service area of, and the services provided by, the special district.
8. A listing of all taxes, fees, assessments, or charges imposed and collected by the special district, including the rates or amounts for the fiscal year and the statutory authority for the levy of the tax, fee, assessment, or charge. For purposes of this subparagraph, charges do not include patient charges by a hospital or other health care provider.
9. The primary contact information for the special district for purposes of communication from the department.
10. A code of ethics adopted by the special district, if applicable, and a hyperlink to generally applicable ethics provisions.
11. The budget of the special district and any amendments thereto in accordance with Section 189.016, (Florida Statutes).

12. The final, complete audit report for the most recent completed fiscal year and audit reports required by law or authorized by the governing body of the special district. If the special district has submitted its most recent final, complete audit report to the Auditor General, this requirement may be satisfied by providing a link to the audit report on the Auditor General's website.

13. A listing of its regularly scheduled public meetings as required by Section 189.015(1), Florida Statutes.

14. The link to the Department of Financial Services' website as set forth in Section 218.32(1)(g), Florida Statutes.

15. At least 7 days before each meeting or workshop, the agenda of the event. The information must remain on the website for at least 1 year after the event.

In addition to Section 189.069, Florida Statutes, the District shall also comply with the website posting requirements of Section 189.016, Florida Statutes concerning the posting of certain budget and audit related items of the District.

In all instances, the District shall comply with Florida law and federal law website compliance requirements, as said laws may be amended.

SECTION EIGHT: ETHICS POLICY (CODE OF ETHICS)

Statement of Commitment

The Board of Supervisors recognizes the need for competent and committed elected board members and employees to serve the District and the landowners within the District who have put their trust in the Board of Supervisors and the employees of the District. The Board members acknowledge and commit to observe a high standard of ethics and conduct and to devote their best efforts, skills and resources in the best interests of SCEWCD. The Board members will perform their duties in such a manner that the landowners' confidence and trust in the integrity, objectivity and impartiality of the Board members are conserved and enhanced.

San Carlos Estates Water Control District adopts Chapter 112, Part III, Florida Statutes, as it may be amended, as the Code of Ethics for the District.

The titles of the subsections of Chapter 112, Part III, Florida Statutes, entitled the CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES, are as follows:

[112.311](#)

Legislative intent and declaration of policy.

[112.312](#)

Definitions.

[112.3125](#)

Dual public employment.

[112.313](#)

Standards of conduct for public officers, employees of agencies, and local government attorneys.

[112.3135](#)

Restriction on employment of relatives.

[112.3136](#)

Standards of conduct for officers and employees of entities serving as chief administrative officer of political subdivisions.

[112.3142](#)

Ethics training for specified constitutional officers, elected municipal officers, and commissioners.

[112.3143](#)

Voting conflicts.

[112.3144](#)

Full and public disclosure of financial interests.

[112.31445](#)

Electronic filing system; full and public disclosure of financial interests.

[112.31446](#)

Electronic filing system for financial disclosure.

[112.3145](#)

Disclosure of financial interests and clients represented before agencies.

[112.31455](#)

Collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.

[112.3146](#)

Public records.

[112.3147](#)

Forms.

[112.3148](#)

Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.

[112.31485](#)

Prohibition on gifts involving political committees.

[112.3149](#)

Solicitation and disclosure of honoraria.

[112.3151](#)

Extensions of time for filing disclosure.

[112.316](#)

Construction.

[112.317](#)

Penalties.

[112.3173](#)

Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.

[112.3175](#)

Remedies; contracts voidable.

[112.3185](#)

Additional standards for state agency employees.

[112.3187](#)

Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.

[112.3188](#)

Confidentiality of information given to the Chief Inspector General, internal auditors, inspectors general, local chief executive officers, or other appropriate local officials.

[112.3189](#)

Investigative procedures upon receipt of whistle-blower information from certain state employees.

[112.31895](#)

Investigative procedures in response to prohibited personnel actions.

[112.31901](#)

Investigatory records.

[112.3191](#)

Short title.

[112.320](#)

Commission on Ethics; purpose.

[112.321](#)

Membership, terms; travel expenses; staff.

[112.3213](#)

Legislative intent and purpose.

[112.3215](#)

Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.

[112.32151](#)

Requirements for reinstatement of lobbyist registration after felony conviction.

[112.32155](#)

Electronic filing of compensation reports and other information.

[112.3217](#)

Contingency fees; prohibitions; penalties.

[112.322](#)

Duties and powers of commission.

[112.3231](#)

Time limitations.

[112.3232](#)

Compelled testimony.

[112.324](#)

Procedures on complaints of violations and referrals; public records and meeting exemptions.

[112.3241](#)

Judicial review.

[112.3251](#)

Citizen support and direct-support organizations; standards of conduct.

[112.326](#)

Additional requirements by political subdivisions and agencies not prohibited.

[112.3261](#)

Lobbying before water management districts; registration and reporting.

SECTION NINE: INVESTMENT OF FUNDS POLICY

The Board of Supervisors has previously adopted on July 19, 2005, the following Resolution to establish the District's "Investment of Funds Policy:"

RESOLUTION
OF THE SAN CARLOS ESTATES WATER CONTROL DISTRICT PROVIDING
FOR AN INVESTMENT POLICY PURSUANT TO CHAPTER 218,
FLORIDA STATUTES

**A RESOLUTION OF SAN CARLOS ESTATES WATER CONTROL DISTRICT
ADOPTING AN INVESTMENT POLICY PURSUANT TO SECTION 218.415,
FLORIDA STATUTES, 2004**

WHEREAS, the District is a special drainage district formed by a Judicial Decree from the 12th Judicial Circuit, dated April 3, 1969, for the purpose of operating a system of perimeter canals, dikes, roadside swales, roadbeds, basins and outfall canals to provide normal drainage and stormwater flow control to the land located within the District's limited geographical area; and

WHEREAS, the District is required to comply with the requirements of Section 218.415, Florida Statutes, 2004, as amended from time to time with regard to funds under the control of the District in excess of those required to meet current expenses; and

WHEREAS, on or about July 19, 2005, the District held a duly advertised public meeting and considered the advice of counsel and financial advisor regarding the requirements of Section 218.415.

NOW THEREFORE, based upon the foregoing, it is hereby resolved that the Investment Policy attached hereto as Exhibit "A" is hereby adopted.

BE IT FURTHER RESOLVED, that the District secretary/treasurer, attorney, and financial advisor are hereby authorized to take actions necessary to implement the Investment Policy attached hereto.

DONE AND ADOPTED this 19th day of July 2005.


Carolyn Williamson, President of San Carlos Water Control District

Attest:



Bud Lawson, Secretary Treasurer for San Carlos Estates Water Control District

EXHIBIT "A"

Investment Policy of the San Carlos Estates Water Control District

Adopted on July 19, 2005

- (1) SCOPE--This investment policy of the San Carlos Estates Water Control District (the "District") shall apply to funds under the control of the District in excess of those required to meet current expenses. This investment policy shall not apply to pension funds, including those funds in Chapters 175 and 185, Florida Statutes, or funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds.
- (2) INVESTMENT OBJECTIVES--The investment objectives of the District are safety of capital, liquidity of funds, and investment income, in that order.
 - (a) SAFETY OF CAPITAL-Safety of capital is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
 - (b) LIQUIDITY-The District's investment portfolio will remain sufficiently liquid to enable the District to meet all operating and capital requirements which might be reasonably anticipated.
 - (c) INVESTMENT INCOME - The District's investment portfolio shall be designed with the objective of attaining a benchmark rate of return throughout budgetary and economic cycles, commensurate with the District's investment risk constraints and the portfolio's cash flow characteristics.
- (3) The investment officers authorized to make investments in accordance with this policy are the Board of Supervisors.

(4) PERFORMANCE MEASUREMENT--The District's investment strategy is passive. Given this strategy, the basis used by the District to determine whether market yields are being achieved shall be the Florida State Board of Administration's (SBA) monthly participant return.

(5) PRUDENCE AND ETHICAL STANDARDS-- The District's standard of prudence and ethics is the Prudent Person Rule, which states that: Investments should be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual securities' credit risk or market price changes, provided that deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

(6) MATURITY AND LIQUIDITY REQUIREMENTS--The investment portfolio shall be structured to provide sufficient liquidity to pay obligations as they come due. To the extent possible, investment maturities shall match known cash needs and anticipated cash-flow requirements.

(7) PORTFOLIO COMPOSITION--To the extent practicable based upon the nature of the District's surplus funds, the investment program shall not over concentrate in security issues, issuers, and maturities. Diversification strategies shall be reviewed and revised periodically, as deemed necessary by the appropriate management staff.

(8) AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS--The District shall maintain a list of the authorized securities dealers, issuers, and banks from whom the District may purchase securities.

(9) THIRD-PARTY CUSTODIAL AGREEMENTS-- Securities shall be held with a third party; and all securities purchased by, and all collateral obtained by, the District shall be properly designated as an asset of the District. No withdrawal of securities, in whole or in part, shall be made from safekeeping, except by an authorized investment officer. Securities transactions between a broker-dealer and the custodian involving purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction.

(10) MASTER REPURCHASE AGREEMENT-- All approved institutions and dealers transacting repurchase agreements shall execute and perform as stated in a Master Repurchase Agreement. All repurchase agreement transactions shall adhere to the requirements of such Master Repurchase Agreement.

(11) BID REQUIREMENT--The District's official responsible for making investment decisions shall determine the approximate maturity date based on cash-flow needs and market conditions, analyze and select one or more optimal types of investment, and competitively bid the security in question when feasible and appropriate. Except as otherwise required by law, the bid deemed to best meet the investment objectives specified in subsection (2) must be selected.

(12) INTERNAL CONTROLS--The District's official responsible for making investment decisions shall establish a system of internal controls which shall be in writing and made a part of

(13) the governmental entity's operational procedures. Such controls shall be periodically reviewed by the District's independent auditors as part of any financial audit periodically required of the unit of local government. The internal controls are designed to prevent losses of funds which might arise from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the District.

(14) CONTINUING EDUCATION--The District's official responsible for making investment decisions shall annually complete 8 hours of continuing education in subjects or courses of study related to investment practices and products.

(15) REPORTING--The District's investment activities shall be reported on an annual basis. To that end, the District's official responsible for making investment decisions shall prepare an annual report for submission to the District's Board of Supervisors which shall include securities in the portfolio by class or type, book value, income earned, and market value as of the report date. Such reports shall be available to the public.

(16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT POLICIES-The District may invest and reinvest any surplus public funds in their control or possession in:

(a) The Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act as provided ins. 163.01.

(b) Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency.

(c) Interest-bearing time deposits or savings accounts in qualified public depositories as defined in s. 280.02.

(d) Direct obligations of the United States Treasury.

(e) Federal agencies and instrumentalities.

(f) Securities of, or other interests in, any open-end or closed-end management-type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided that the portfolio of such investment company or investment trust is limited to obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided that such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

(g) Uncollateralized guaranteed investment contracts with a provider rated at least AA- by Standard and Poor's or Aa3 by Moody's Investor Services at the time of purchase of the guaranteed investment contract.

(h) Other investments authorized by law or by resolution for a special district.

(17) SECURITIES; DISPOSITION--

(a) Every security purchased under this section on behalf of the District will be properly earmarked and:

1. If registered with the District or its agents, must be immediately placed for safekeeping in a location that protects the District's interest in the security;
2. If in book entry form, must be held for the credit of the District by a depository chartered by the Federal Government, the state, or any other state or territory of the United States which has a branch or principal place of business in this state as defined in s. 658.12, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in this state, and must be kept by the depository in an account separate and apart from the assets of the financial institution; or
3. If physically issued to the holder but not registered with the District or its agents, must be immediately placed for safekeeping in a secured vault.

(b) The District's Board of Supervisors may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held, together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the Federal Government, this state, or any other state or territory of the United States which has a branch or principal place of business in this state as defined in Section 658.12, Florida Statutes, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in this state.

(18) SALE OF SECURITIES--When the invested funds are needed in whole or in part for the purposes originally intended or for more optimal investments, the District's investment officer may sell such investments at the then-prevailing market price and place the proceeds into the proper account or fund of the District.

(19) PREEXISTING CONTRACT--Any District funds subject to a contract or agreement existing on October 1, 2000, may not be invested contrary to such contract or agreement.

(20) AUDITS--Certified public accountants conducting audits of the District pursuant to Section 218.39, Florida Statutes, shall report, as part of the audit, whether or not the District has complied with Section 218.415, Florida Statutes, governing the investment of public funds in excess of the amount needed to meet current expenses.

SECTION TEN: POLICY ON CAPITALIZATION, DEPRECIATION, AND DISPOSITION OF ASSETS POLICY

This policy is intended to comply with applicable Florida law and Auditor General rules and regulations related to the capitalization, depreciation and disposition of District assets.

1. Fixed assets of the San Carlos Estates Water Control District (“District”) shall be capitalized and depreciated based upon generally accepted accounting principles (GAAP). Records of fixed assets, their location and treatment of capitalization and their depreciation shall be maintained for management, accountability and maintenance purposes. The District shall appoint and name a fixed asset custodian who shall initially be the District’s Secretary. Fixed asset records shall be maintained pursuant to Auditor General rules.
2. Definitions:
 - a. *Asset Class* shall generally refer to the various classes (groupings) of assets of the District.
 - b. *Depreciation* shall generally refer to a cost or charge for the utilization of a fixed asset, generally based upon its useful life using parameters established by GAAP and District policies.
 - c. *Fixed Assets* shall include such things as buildings, vehicles, machinery, furniture, equipment, intellectual property, and similar items valued over \$5,000.00 and with an estimated useful life of one (1) year or longer.
 - d. *Useful life or useful lives* shall generally reflect the estimated time of utilization by the District.
 - e. *Custodian* shall generally mean the person to whom the custody of District property has been delegated.
3. Stated Value:
 - a. Fixed assets shall be recorded at Fair Market Value (FMV) at the time acquired or received by the District.
 - b. Donated fixed assets shall be recorded at FMV or estimated FMV at the time of acquisition or receipt by the District.
4. Capitalization and Depreciation
 - a. Land and public domain assets shall not generally be depreciated unless the underlying property is being consumed by use.

- b. Capitalization and depreciation of assets acquired by bond or other debt shall comply with relevant terms of the bond or debt instrument as well as this policy.
 - c. Capitalization and depreciation of assets acquired shall be recorded and the type of funds used for purchase noted on the Fixed Asset Record. Fund types include but are not limited to: bond proceeds, Federal and State Grants, contributed capital, and assessment proceeds.
5. Recording Fixed Assets and Depreciation:
- a. Fixed assets shall be recorded at the time of acquisition in the General Fixed Asset list.
 - b. General fixed assets shall be depreciated according to the Classification and Lives of Assets in this policy.
 - c. Land and public domain assets not being depreciated will be recorded on the General Fixed Assets list in a separate classification.
 - d. Fixed assets shall be subject to annual physical inventory and marking procedures as dictated by Auditor General rules.
6. Method of Depreciation: Depreciation shall generally be by the use of the straight line method over the estimated useful lives of the assets.
7. Classification and Lives of Assets:
- a. The following general ranges of the useful lives of various classes (groupings) of fixed assets shall be utilized:
- | CLASS | LIFE in years |
|---|---------------|
| Automobiles | 5-10 |
| Buildings | 39 |
| Building Improvements | 10-20 |
| Equipment | 5-20 |
|
Roadway Paved Surface/Road Base
Improvements |
10-30 |
| Canal/Swale Improvements | 3-10 |
| Other Right of Way Improvements | 5-10 |
- b. The actual life assigned to a particular fixed asset will be determined by the usage of the asset.
 - c. An asset which is in heavy service will have a shorter life than one which is in relatively light service.
 - d. The useful life of a fixed asset may be changed at the discretion of the Board of Supervisors. Examples of this are when an asset is transferred, its

intensity of usage changes, it is remodeled or reconditioned, it is damaged, or it deteriorates faster than anticipated.

8. Costs:

- a. Cost of acquisition, including bond issue expense, underwriter discounts or premiums, bond insurance, fees for professional services such as legal or engineering, appraisal fees, or commissions shall be capitalized and, depreciated according to this policy.
- b. Fixed assets with an acquisition cost of less than \$5,000.00 shall not be subject to this policy. However, such minor assets are important to the District and internal controls for such assets may be separately established.

9. Disposition of District Assets and Property:

- a. The Board of Supervisors shall be deemed responsible for the disposition of District Surplus Fixed Assets pursuant to Florida law, as amended, especially Chapter 274, Florida Statutes. The individual Fixed Asset record shall be documented as to disposition in accordance with the Auditor General rules.
- b. Assets with an original purchase value of less than \$5,000.00 may be disposed of at the discretion of the Board of Supervisors.
- c. After first being declared Surplus by the Board of Supervisors, assets must first receive Board of Supervisor approval for disposal and, may then be disposed of as directed by the Board, in the fashion described in Florida law, especially Chapter 274, Florida Statutes, after first removing and either destroying or retaining any parts of the asset that contains protected information such as computer hard drives.
- d. At no time is an employee allowed to take, give away, or sell an asset or inventory item of the District, regardless of condition, without prior approval of the Board of Supervisors. No personal or private use of District fixed assets shall be permitted.

Modification: This policy is intended to be in compliance with applicable Florida Statutes and Auditor General Rules. Amendment to this policy shall be permissible as the guiding legislation is amended or by direction of the Board of Supervisors in their discretion.

SECTION ELEVEN: POLICY ON MEETINGS OF THE BOARD OF SUPERVISORS

The Board of Supervisors has adopted a Board of Supervisors Meeting Policy to define and prescribe the conduct and administration of certain public meetings of District, consistent with the provisions of Florida law. Nothing contained in this Policy shall limit the legal authority of the District or of the Board as provided by law.

Rules of Meeting Procedure

A. All Public Board Meetings shall be conducted pursuant to the following Board Meeting Agenda order of business unless otherwise set by the Board:

1. Call meeting to order
2. Roll Call of the Board of Supervisors
3. Engineer's Report
4. Manager's Report
5. Chair's Report
6. Treasurer's Report
7. Attorney's Report
8. Amendments to the Meeting Agenda
9. Public Input on Business Agenda Items (3 minute limit)
10. Business Agenda Items (Agenda Items Requiring Action)
 - a. Meeting Minutes Approval
 - b. Financial Report Approval
 - c. _____
 - d. _____
 - e. _____
11. Public Input on Non-Business Agenda Items (3 minute limit)
12. Supervisor Comments
13. Adjournment

B. The order of business at emergency public Board meetings or special public Board meetings or Board workshops or meetings that are not public Board meetings as a result of an exemption of a Board meeting from the public Board meeting requirements of Florida law shall be as set by the Board and shall follow the order described in Article A above if not otherwise set by the Board.

C. The Board recognizes the importance of public input and the public’s participation in the decision making process on Board decision making items. In order to provide timely and meaningful public input and public participation opportunities on District items requiring decision making by the Board, the following standards shall apply to the presentation of public input at public Board meetings where official decision making action may be taken by the Board except in the Board meetings described below as exceptions to the public input requirements.

1. Members of the public shall be given a reasonable opportunity to be heard by the Board during a public Board meeting on District items requiring decision making by the Board during the “Public Input on Business Agenda Items Only” portion of each public Board meeting agenda so that the public input occurs prior to the decision making actions by the Board on District items. Except with the prior approval of the Board Chair, the presentation of public input shall be limited to three (3) minutes for each member of the public who makes a presentation to the Board during public input. Each member of the public who makes a presentation to the Board during a public Board meeting shall, at the beginning of their presentation, state their name and address for the meeting record and shall indicate the District item they are addressing and their position of supporting, opposing, or being neutral on the District item they are addressing. Each member of the public shall also state whether they are a representative of another person or a group on the item on which they are providing public input. All public input shall be given in a clear and concise manner from the location in the District Board meeting designated by the Chair of the Board so that a proper record of the public input can be created. All members of the public who participate in public input shall address their public input to the Board Chair who shall refer any appropriate questions to the proper District staff person. Prior to addressing the Board, it is preferred that each speaker fill out a speaker’s form, if one is provided by the District, which states the speaker’s name and address and the Board meeting agenda item upon which public input is being provided. In the event an agenda item is added to a Board meeting agenda which requires decision making by the Board, the Chair of the Board shall call for and allow public input on the added Board meeting agenda item prior to the Board taking any decision making action on the added Board meeting agenda item. At all times, individuals who provide public input to the Board shall maintain proper decorum and shall remain courteous and polite. The use of insulting, vulgar, profane, derogatory, or inappropriate language directed at the Board, or any individual Board member, or the District staff, or any members of the audience, shall not be tolerated. Any improper conduct by any member of the public, including the violation of any provision of this policy, may result in the speaker being removed from the meeting, by a law enforcement officer, if necessary, at the discretion of the Board Chair.

2. The requirements described in Subsection C.1 above shall not apply to:

a. Official action by the Board that must be taken to deal with an emergency situation affecting the “public health, welfare, or safety” if compliance with the public input

requirements stated above will cause an unreasonable delay in the ability of the Board to take official decision making action as required;

b. A meeting of the Board that is exempt from § 286.0114, Florida Statutes, or that is otherwise exempt from the public meeting requirements of Florida law that are applicable to the District;

c. A meeting of the Board during which the Board is acting in a quasi- judicial capacity (in which case a person’s right to be heard shall be as otherwise prescribed by law);

d. A ministerial act of the Board such as approval of minutes, reports and ceremonial proclamations; or,

e. A Board workshop where no Board decision making occurs.

3. In addition to public input on Board meeting agenda items requiring decision making by the Board, which shall be received by the Board prior to Board decision making action, members of the public shall also be afforded an opportunity to provide public input to the Board on Board meeting non-agenda items at the end of a public Board meeting. The same rules and standards described above for public input on Board meeting agenda items shall apply to public input on Board meeting non-agenda items except that during public input on Board meeting non-agenda items, a member of the public can speak to the Board about any subject.

SECTION TWELVE: MISCELLANEOUS PROVISIONS

The Board of Supervisors can receive support from a local landowner who volunteers (on a pro bono basis and non-paid basis) to assist the District and the Board of Supervisors on various projects and operations activities of the District.

Notwithstanding anything else contained herein to the contrary, the District shall always comply and satisfy the applicable Florida law and federal law requirements of the District, as said laws may be amended.

Notwithstanding anything else to the contrary, nothing herein shall constitute a waiver or modification of the District's sovereign immunity under Florida law and federal law.

Notwithstanding anything in this Manual to the contrary, in all instances, the District, at a minimum, shall comply with all Florida law and federal law requirements. Nothing contained in this Manual shall limit the legal authority of the District or of the Board as provided by law. This Manual is intended to be a supplement to the laws applicable to the District and not a replacement for said laws, and this Manual is to be interpreted pursuant to applicable law.

Notwithstanding anything else contained in any policy, regulation, or standard of the District, the District's right of ways, including the District's canals, roadways and driveway connections onto the District's roadways, cannot be used for any illegal purposes or for access to any parcels of land in the District where illegal uses are occurring. If any parcel of land in the District or the District's right of ways are being used for an illegal or unauthorized use, including uses in violation of the City of Bonita Springs Land Use Code, the District shall be authorized to take any and all action to terminate the illegal use of the District's right of ways up to and including the cancellation of any driveway permit onto a parcel of land where an illegal use is occurring and the extinguishment of any special use conditions that have been previously granted by the District for the benefit of a parcel of land in the District, said District authorization to be exercised by the Board of Supervisors in the sole discretion of the District Board of Supervisors, without claim or recourse by the owner of the parcel of land where the illegal use is occurring. The illegal use of the District's right of way or the use of the District's right of way to access a parcel of land where an illegal use is occurring, including an illegal use under the City of Bonita Springs Land Use Code, shall constitute a trespass on the District's right of ways which shall be enforced to the greatest extent of the law both civilly and criminally by the District, including but not limited to the use of a City of Bonita Springs code enforcement action against the land owner who is performing the illegal use, including an illegal use in violation of the City of Bonita Springs Land Use Code.

The Board of Supervisors can amend any provision of this Policies Manual upon a simple majority vote of Board approval rendered at an official Board of Supervisors meeting.

This Policy Manual is intended to be a supplement to the law applicable to the District and not a replacement for said laws.

This Policy Manual is to be interpreted and implemented pursuant to applicable Florida law, federal law, and the District's enabling judicial decree and other applicable judicial decrees.

SECTION THIRTEEN: ACKNOWLEDGEMENT FORMS

Each employee and independent contractor performing the work of the District (which are generally referred to as “agents” of the District for purposes of this Policies and Procedures Manual) shall execute the Acknowledgements section below upon completing their reading of this Policies and Procedures Manual of the District.

I, _____, acknowledge that I have read the San Carlos Estates Water Control District Policies and Procedures Manual and I agree to abide by the terms and provisions contained in such Manual.

Name of Employee/Agent: _____

Title: _____

Date: _____

Witness: _____