

1 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

2
3 **RESOLUTION NO.**

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5 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH**
6 **FLORIDA WATER MANAGEMENT DISTRICT CREATING SECTION**
7 **101-41(d) OF THE DISTRICT POLICIES CODE TO DELEGATE TO**
8 **THE EXECUTIVE DIRECTOR THE AUTHORITY TO EMPLOY AN**
9 **OMBUDSMAN; PROVIDING FOR INCLUSION IN THE DISTRICT**
10 **POLICIES CODE; PROVIDING FOR SEVERABILITY; PROVIDING**
11 **AN EFFECTIVE DATE**

12
13 **WHEREAS** Section 373.079(4), Florida Statutes, requires that a governing board
14 of a water management district employ an ombudsman; and

15 **WHEREAS** Section 373.083(5), Florida Statutes, authorizes a governing board
16 to execute any of the powers, duties, and functions vested in the governing board
17 through a member, the executive director, or other district staff as designated by the
18 governing board; and

19 **WHEREAS** the Governing Board has determined that it is necessary, appropriate
20 and in the public interest to amend the District Policies Code to delegate to the
21 Executive Director the authority to employ an ombudsman; now therefore

22 **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**
23 **WATER MANAGEMENT DISTRICT:**

24 **Section 1.** The Governing Board adopts the following amendment to the District Policies
25 Code:

26 **CHAPTER 101 AGENCY ADMINISTRATION**

27 **ARTICLE II. GOVERNING BOARD DELEGATIONS OF AUTHORITY**

28 **DIVISION 2. SPECIFIC DELEGATIONS**

29 **Sec. 101-41. Agency Administration Delegations.**

30 (a) The Governing Board delegates to the Executive Director its authority to:

31 (1) Take final action on permit applications under parts II or IV of Chapter 373,
32 Florida Statutes, or petitions for variances or waivers of permitting requirements under
33 parts II or IV of Chapter 373, Florida Statutes, provided it becomes law. The executive
34 director may execute this delegated authority through designated staff.

35 (2) Employ an ombudsman.

36 (b) The Governing Board delegates to the Executive Director and General Counsel
37 the authority to:

38 (1) Accept donations of property to the District, including real property, interests in
39 real property, and personal property.

40 (2) Grant rights of entry onto District property and accepting rights of entry onto non-
41 District property.

42 (3) Execute all permit applications for permits sought by the District.

43 (4) Certify rules for filing with the Department of State or the District Clerk.

44 (5) Certify, pursuant to Section ~~119.07(3)(w)~~ 112.31901, Florida Statutes, that
45 investigatory records of the Inspector General require an exemption from disclosure
46 under the Public Records Law, Chapter 119, Florida Statutes, to protect the integrity of
47 an investigation or avoid unwarranted damage to an individual's good name or
48 reputation.

49 (c) The Governing Board delegates to the General Counsel, ~~Deputy General~~
50 ~~Counsel~~, and Office of Counsel Attorneys the authority to:

51 Accept service of process for the District or staff acting in their official capacity.

52 **Section 2.** Inclusion of Section 1 of this resolution in the District Policies Code
53 is authorized and directed.

54 **Section 3.** If any section, subsection, subdivision, paragraph, sentence, clause
55 or phrase of this resolution is for any reason held to be unconstitutional or invalid or
56 ineffective by any court of competent jurisdiction, such decision shall not affect the
57 validity or effectiveness of the remaining portions of this resolution.

58 **Section 4.** This resolution shall take effect immediately on adoption.

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PASSED and **ADOPTED** this 8th day of September, 2011.

**SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD**

By:

Chairman

ATTEST

District Clerk

Approved as to form:

BY: _____

Office of Counsel