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RESOLUTION NUMBER 2017 - 035

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, AMENDING RESOLUTION 2001-055 TO PROVIDE THAT BEACHES AND SHORES ADVISORY COMMITTEE MEMBERS' TERMS COINCIDE WITH THE TERM OF THE COMMISSIONER WHO APPOINTED THE MEMBER; DEEMING A MEMBER'S POSITION VACATED AFTER MISSING MORE THAN THREE MEETINGS IN A FISCAL YEAR; UPDATING THE RULES OF PROCEDURE; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Resolution 2001-055, was adopted by the Board of County Commissioners ("the Board") on April 24, 2001, reestablishing the Beaches and Shores Advisory Committee ("BSAC"); and

WHEREAS, the Board of County Commissioners ("the Board") adopted Resolution 2005-041, on February 22, 2005, amending Resolution 2001-055 to eliminate a district residency requirement; and

WHEREAS, in order to ensure that BSAC members serve at the appointment of a sitting Commissioner, the term of a Commissioner-appointed BSAC member shall coincide with the term of the Commissioner appointing the BSAC member; and

WHEREAS, in order to ensure that the BSAC consists of active members, any member who is absent from more than three meetings in a fiscal year shall be deemed to have vacated the appointed position and is automatically removed from the BSAC.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners

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of Charlotte County, Florida that:

1. Resolution 2001-055, as amended, is hereby further amended to revise paragraphs 3(c), 4(b) and 4(c) to read as follows: (deletions shown in ~~strike-through~~, additions are underlined)

"3. Membership.

c. Members shall be appointed to serve a four (4) year term that coincides with the term of the commissioner who appointed the member, where applicable of four (4) years, with terms staggered so that not more than two (2) of the Committee member terms shall expire in any one year. (For example, the terms for BSAC members appointed by the Commissioner representing Districts 1, 3, or 5 shall coincide with the end of the Commission District term in November 2020, and members appointed by the Commissioner representing Districts 2 or 4 shall coincide with the end of the Commission District term in November 2018.) ~~The terms of the initial Committee appointments may vary, so that the Board may achieve the staggered terms as required. At large members appointed by the Board shall serve a four-year term beginning January 1 of the year appointed and expiring December 31 fours years after the year appointed.~~ Members shall be eligible for reappointment. All appointments on the current BSAC whose terms coincide with the commissioner appointing the member shall become/remain the appointments for the Committee. At large vacancies on the Committee shall be filled by appointment of the Board. Vacancies shall be filled by the county commissioner who appointed the member who is leaving or has left. The vacancy for the Florida Shore and Beach Preservation Association seat shall be filled by

nomination by such association and appointment by the Board.

4. Removal from office: failure to attend meetings.

~~b. In the event that any Committee member is absent from three (3) consecutive Committee meetings without a satisfactory excuse acceptable to the Committee chairman, the Committee chairman shall state such fact at the next regularly scheduled Committee meeting and shall thereafter notify, in writing, the chairman of the Board of the Committee member's failure to attend without satisfactory excuse. The Board shall review the Committee chairman's notification at a county commission meeting and may declare the Committee member's position to be vacant if the Board concurs that the Committee member was absent from three (3) consecutive Committee meetings without a satisfactory excuse and shall promptly fill the vacant position. The Committee member shall not serve at any meetings after his or her position is declared vacant.~~

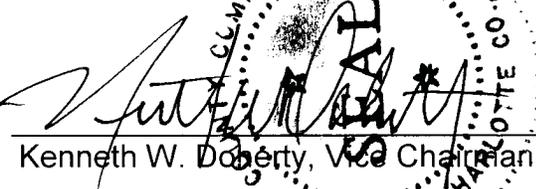
c. If any member of the Committee is absent for more than ~~one third~~ three of the Committee's meetings in a given fiscal year, it shall be deemed that the member has tendered his/her resignation from the Committee. The Board shall ~~as soon as practicable after such resignation, declare the position to be vacant and shall promptly act to fill the vacancy.~~ The Committee member shall not serve at any meetings after his/her position has been ~~declared vacant by the Board~~ deemed vacated."

2. The BSAC Rules of Procedure are hereby amended pursuant to the changes described herein and as specifically detailed in the attached Exhibit "A."

3. This Resolution shall take effect immediately upon approval by the Board of County Commissioners.

PASSED AND DULY ADOPTED this 28th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Kenneth W. Doherty, Vice Chairman

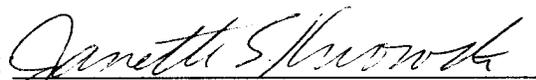


ATTEST:

Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk to the
Board of County Commissioners

By: 
Michelle DiBerardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR17-0096 

RULES OF PROCEDURE FOR CHARLOTTE COUNTY BEACHES AND SHORES ADVISORY COMMITTEE

Article I Objectives and Purposes

Section I. The objectives and purposes of the Charlotte County Beaches and Shores Advisory Committee ("the Committee") shall be those set forth in Resolution #2001-055, Charlotte County, Florida.

Article II Membership

Section I. The members of the Committee shall be appointed and serve their terms in accordance with the provisions of Resolution 2001-055. All terms of at-large members appointed by the Board of County Commissioners ("Board") shall be deemed to have commenced on January of the applicable year and end on December 31 of the applicable year. All terms of members appointed by an individual commissioner shall coincide with the term of the commissioner's district who makes the appointment. All terms of members appointed by an individual commissioner shall be deemed to have commenced on the first Tuesday after the first Monday in November in the year that commissioner was sworn in to office and end on the first Tuesday after the first Monday in November four years later.

Section II. An at-large member of the Committee shall continue in office until his/her successor is appointed, but when any person is appointed later than January 1st of the year he/she should have been appointed, he/she shall be deemed to have commenced his/her term on the 1st day of January of the year his/her term should have commenced, and his/her term shall end on the 31st day of December of the fourth year of his/her term. A commissioner-appointed member shall continue in office until his/her successor is appointed, but when a commissioner-appointed member is appointed during that commissioner's term, that member's term shall coincide with the commissioner's term and end simultaneously.

Article III
Member Attendance

Section I. In order for the Committee to carry out its duties and responsibilities to the best of its ability, it is necessary for all members to attend all meetings; therefore, ~~said Committee shall consider asking for the designation or removal of any member who has been absent from more than three (3) regular meetings during a fiscal year period of six (6) months or three (3) consecutive regular, special or called meetings without reasons for such absence(s) satisfactory to the Committee Chairman shall be deemed to have tendered his or her resignation from the Committee.~~

Article IV
Removal

Section I. Replacement of a Committee member may be initiated by official communication from said Committee or Committee Chairman to the Board of County Commissioners stating the facts in the case, requesting removal of such member for cause as stated in Resolution 2001-055 or these rules of procedure, and requesting that a replacement be appointed.

Article V
Officers and their Duties

Section I. The officers of the Committee shall be as follows:

- a) A Chairman who shall preside at all meetings and shall have duties as may be prescribed in these rules of procedure.
- b) A Vice-Chairman who shall, in the absence of the Chairman, or his/her inability to act, preside at all meetings and assume all other duties of the Chairman.

Section II. The Chairman, or in his/her absence or inability to act, the Vice-Chairman, shall sign all records of the Committee to be kept as public record or presented to the Board of County Commissioners for action.

Article VI
Election of Officers

Section I. The Chairman and Vice-Chairman of the Committee shall be elected from the members of the Committee for a term of one year. The Committee shall, from its members, fill any vacancy of the offices of Chairman or Vice-Chairman at any regular or special meeting. Written notice shall be mailed to each member five (5) days prior to a meeting, announcing the election of officers to fill a vacancy on the Board.

Section II. The annual election of the Committee officers shall be held at the last regular meeting in January and shall be the last item of business of such meeting.

Article VII **Meetings**

Section I. Regular meetings shall be held on the first Thursday of each month. Any regular meeting may be adjourned to a definite date, place and time as established by a majority vote of the members present.

Section II. Called or special meetings may be held at any time or place by the Committee provided that such meetings shall be held as required subject to the call of the Chairman or, in his/her absence, the Vice Chairman, or upon written request of at least four (4) members of the Committee.

Section III. Each member shall be notified of the place, date, and time of each called or special meeting at least forty-eight hours before said meeting. His/her notice shall state business to be transacted.

Section IV. All regular, special or called meetings shall be open to the public and the proceedings shall be governed by the Florida Sunshine Law, Chapter 286.011, Florida Statutes, and the Public Records Law, Chapter 119, Florida Statutes.

Section V. Appropriate administrative staff as designated by the County Administrator shall attend all meetings of the Committee but shall not participate in any official discussions except where requested by the Committee.

Article VIII **Order of Business**

Section I. At regular meetings, the order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Determination of a quorum
4. Review of minutes of previous meeting and action thereon
5. Adoption of changes to the agenda, if any
6. Conduct of business as per adopted agenda
7. Correspondence and communications
8. Public Comments
9. Comments by Administrative Staff or Consultants
10. Member Comments
11. Adjournment

Section II. Anyone having business before the Committee in regard to any matter on the agenda shall be invited to speak only after the matter is presented by the Chairman or the applicable Committee member or Administrative staff. If in the opinion of the Chairman, time limitations are proper, he/she may place reasonable time limits. Anyone wishing to speak on matters not on the agenda may do so at the pleasure of the Committee.

Section III. The order of business for special or called meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Determination of a quorum
4. Business which is the subject of said special or called meeting
5. Adjournment

Section IV. In order to provide an opportunity for discussion of business before the Committee prior to making of a motion, it shall be the duty of the Chairman to state the matter of business to the Committee and to provide for a period of discussion of problems and business before the Committee prior to the making of a motion.

Section V. The Chairman shall maintain order at all times. Anyone, after speaking to the Committee on the matter before the Committee, shall not be allowed to again speak unless permission is granted, nor shall he/she be permitted to speak on any matter which is not before the Committee.

Article IX **Agenda**

Section I. There are two types of agendas: regular and special. All requests presented on or before the close of business ten days before the regular scheduled meeting for each month shall be put on the regular agenda. A copy of such regular agenda shall be sent to each member of the Committee at least five (5) days before the meeting date, together with such information that may help members make personal inspections or investigations of each matter of business as listed.

Section II. All requests presented after the close of business ten (10) days before the regular scheduled meeting for such month, but at least five (5) days before the regular meeting shall be listed on a special agenda. Any item on this agenda can be taken up for business at the regular meeting at which it is presented on the affirmative vote of four (4) members of the Committee. If the Committee does not take up the item for business at such regular meeting, it shall be taken up at the next regular meeting.

Article X
Quorum

Section I. For the purpose of transacting business at any meeting, a minimum of four (4) members shall constitute a quorum and an affirmative majority vote of the members present at a meeting shall be required to pass on any matter. A tie vote shall not be considered an affirmative vote.

Article XI
Minutes

Section I. The Committee shall keep a record of minutes of all meetings which shall become a matter of public record.

Section II. After approval by the Committee, the minutes shall be initialed by the Recording Secretary which action shall certify that the minutes are accurate and a correct record of the proceedings of such meeting.

Article XII
Committees

Section I. The Chairman or Vice-Chairman acting as Chairman shall have the power to appoint all subcommittees which he/she or the Committee, by affirmative vote, deem necessary for the purpose of investigation and making recommendations. The Chairman shall serve as an ex-officio member of all subcommittees.

Article XIII
Voting

Section I. Voting on all matters of business before the Committee shall be made by motion, second and vote. In no case shall a member request that his/her vote be deferred.

Section II. No member shall abstain from voting on roll call unless he has been disqualified by voting conflict.

Section III. The Chairman shall have no vote in the subcommittees on which he/she serves as an ex-officio member.

Article XIV
Correspondence and Communications

Section I. Official communications of the Committee to the Board of County Commissioners shall be in writing and signed by the Chairman or Vice-Chairman; and all original records, recommendations, and reports shall be kept on file in an office so designated by the County Administrator.

Section II. All correspondence, notices, or communications originating from the Committee shall require approval by four (4) affirmative votes.

Section III. All official papers, reports, studies, and plans involving the authority of the Committee after acceptance by the affirmative votes of four (4) members, shall bear the signature of the Chairman or Vice-Chairman.

Article XV
Parliamentary Authority and Organization Procedure

Section I. The rules contained in the last revised edition of Robert's Rules of Order shall apply in all meetings of the Committee and special committees appointed by the Committee to the extent that such rules are not in conflict with these rules of procedure. The committee shall comply with the organizational procedures set forth in these rules of procedure.

Article XVI
Amendments

Section I. Amendments to these rules of procedure of the Committee must be presented for discussion at one meeting and voted upon at the following meeting. All proposed amendments must be approved by this Committee before being presented in writing, to the Board of County Commissioners for its review and information.