

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20031333

1. REQUESTED MOTION:

ACTION REQUESTED: Request Board adopt by Resolution, an Administrative Code amending Administrative Code No. 1-3, relating to procedures for Board meetings and adopting Ordinances; adding a provision for the execution of County-approved documents.

WHY ACTION IS NECESSARY: To update AC-1-3.

WHAT ACTION ACCOMPLISHES: Updates the procedures for the execution of Board-approved County documents.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # CW A12A

3. MEETING DATE: 12-02-2003

4. AGENDA:

CONSENT _____
 ADMINISTRATIVE _____
 APPEALS _____
 PUBLIC _____
 WALK ON _____
 TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE _____
 ORDINANCE _____
 ADMIN. CODE 1-3 _____
 OTHER _____

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____
 B. DEPARTMENT County Attorney
 C. DIVISION General Services

BY: David M. Owen
Chief Assistant County Attorney

7. BACKGROUND:
AC-1-3 was originally adopted by the Board in April, 1990 and has had several amendments over the course of the past thirteen years.

As the result of an issue that arose this summer during the issuance of the "GES Bonds", a policy needed to be established for the execution of County-approved documents, particularly in the case when the Chairman and Vice Chairman are not available to sign critical, time sensitive documents approved by the Board (See: August 25, 2003 memo, attached).

(BACKGROUND CONTINUED - NEXT PAGE)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<u>[Signature]</u> 11/6/03	OA <u>[Signature]</u> 11/6/03	OM <u>[Signature]</u> 11/6/03	RISK <u>[Signature]</u> 11/6/03	GC <u>[Signature]</u> 11/6/03	<u>[Signature]</u> 11-10-03

10. COMMISSION ACTION:

_____ APPROVED
 _____ DENIED
 _____ DEFERRED
 _____ OTHER

RECEIVED BY COUNTY ADMIN:	<u>RK</u>
	<u>11/6/03</u>
	<u>11:00am SW</u>
COUNTY ADMIN FORWARDED TO:	<u>DS</u>
	<u>11/10/03</u>

BACKGROUND: (Continued)

AC-1-3 has been updated in this revision, and now includes a new provision, Rule 1.22(F), "Execution of County Legislation and Documents") to address the principal issue of "who signs when the Chair and Vice Chair are unavailable?".

Essentially, Rule 1.22(F) states that in the absence of the Chair and Vice Chair, "...the most senior available Board member shall be authorized to sign all such (approved) documents as required without further action of the Board." (See Page 9. of the amended Administrative Code).

The proposed amendments are all indicated by underlining in the attachment to the Resolution.

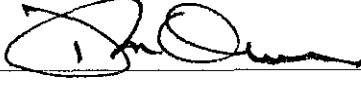
STAFF RECOMMENDATION: Recommend approval of the proposed amendments to AC-1-3.



MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: August 25, 2003

TO: James G. Yaeger
County Attorney

FROM: 
David M. Owen
Chief Assistant County Attorney

RE: REVISIONS TO AC-1-3

Jim;

As part of the GES transition earlier this summer, an issue arose with respect to the execution of the County's BPA due to the Chairman and Vice-Chairman being out of town at the same time when the need to sign the BPA occurred.

The Bond Resolution indicated that the Chairman or Vice-Chairman were authorized to execute the BPA when the market conditions were optimal and the parties were ready. Unfortunately, this took place when both the Chair and Vice-Chair were out of town.

The underwriters for the bonds and particularly, underwriters' counsel, were looking for a County policy that dealt with this issue so that an authorized Board member could execute the document. None existed. Our Administrative Code did not address the issue.

As the result, I have gone through AC-1-3, and more importantly, added a new provision (Rule 1.22(F), "Execution of County Legislation and Documents") to address the subject issue.

Please review and comment.

Thanks.

DMO/dm
Enclosure

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80 and ff., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

WHEREAS, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled Board of County Commissioners' meeting; and,

WHEREAS, certain amendments to the Lee County Administrative Code are now being proposed, and the Board of County Commissioners finds that such proposed amendments are acceptable, serve a public purpose and are consistent with the terms

and conditions of Lee County Ordinance No. 96-01, the Lee County Charter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The above preamble is hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment(s) to the Lee County Administrative Code No. AC-1-3 (attached hereto as Exhibit "A"), is (are) approved, and are hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment(s).
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

The foregoing Resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____
and, being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY	_____
BOB JANES	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this ____ day of _____, 20__.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Administration	CODE NUMBER: AC-1-3
TITLE: The Administrative Code	ADOPTED: 4/18/90
	AMENDED: 12/18/91, 9/2/92, 2/1/95, 3/19/97 (Effective 6/3/97)
	ORIGINATING DEPARTMENT: County Attorney

PURPOSE/SCOPE:

Providing for Rules for Procedure for Board Meetings, Appointments of Additional Boards and Commissions, Procedure for Adopting Ordinances, and execution of County-approved documents, among other matters.

POLICY/PROCEDURE:

BE IT ORDAINED BY THE COUNTY COMMISSION OF LEE COUNTY, FLORIDA

SECTION I: This Code shall be known by its short title: "The Administrative Code."

SECTION II: RULES OF PROCEDURE

The following Rules of Procedure shall govern all meetings of the County Commission namely:

RULE 1.01 - GOVERNING RULES

Except as may be provided by these rules of law, questions of order, the methods or organization and the conduct of business of the Commission shall be governed by Robert's Rules of Order in all cases to which they are applicable.

The General Rules basically of the Board are:

- Courtesy to all
- Justice to all
- The rule of the majority
- The rights of the minority
- Partiality to none

RULE 1.02 - REGULAR MEETINGS

The County Commission shall hold regular meetings on every Tuesday. These meetings shall begin at 9:30 AM. On the Second and Fourth Tuesdays of the month the Board will hear Consent, Administrative, scheduled Public Hearings and Appeals Agendas. In addition, every Second and Fourth Tuesdays agendas will include a time frame for "Public Presentation of Matters by Citizens" as provided herein. On the First and Third Tuesdays of the month the Board will hear presentations of awards and resolutions, in addition to the Consent,

Administrative and Appeals Agendas. There will be no public hearing agenda scheduled for the First and Third Tuesdays' meetings. Every regular meeting will have a scheduled time frame for public discussion on pending Consent and Administrative items scheduled for that meeting. When the day fixed for any such regular meeting falls on a day designated by law or policy as a legal, national or religious holiday, such meeting may be held on the next succeeding day not a holiday or such meeting may be canceled, at the discretion of the County Commission. Regular meetings may be otherwise postponed or canceled by a resolution or motion adopted at a regular meeting by a majority of the Commission members present. Notice of the postponement or cancellation of any regular meeting shall be published in a newspaper of general circulation for at least one publication. All regular meetings shall be held in the County Courthouse or such place as may be approved by resolution or motion adopted at a regular meeting by a majority of Commission members present and shall be open to the public and all news media.

RULE 1.03 - SPECIAL MEETINGS, EMERGENCY MEETINGS

- A) A special meeting of the County Commission may be called by the Chairman or by consent of the majority of the members of the Commission. Whenever a special meeting is called, notice shall be given to the Clerk by the Manager. The Manager shall forthwith serve either verbal or written notice upon each member of the Commission stating the date, hour and place of the meeting and the purpose for which such meeting is called. At least twenty-four hours must elapse between the time the Clerk receives notice in writing and the time the meeting is to be held. Provided, however, if a determination to hold a special meeting is reflected upon the record of any County Commission meeting, no additional notice is necessary.
- B) An emergency meeting of the County Commission may be called by the Chairman or by consent of the majority of the members of the Commission whenever an emergency exists, which requires immediate action by the Commission. Whenever such emergency meeting is called, the Manager shall notify the Clerk and serve either verbal or written notice upon each member of the Commission, stating the date, hour and place of the meeting and the purpose for which it is called. Sufficient time shall elapse between the time the Clerk receives notice to properly notify the news media.
- C) If after reasonable diligence, it was impossible to give notice to each Commissioner, such failure shall not affect the legality of the meeting if a quorum be in attendance. All special or emergency meetings shall be open to the public and shall be held and conducted in the Lee County Courthouse or other suitable County building. Minutes thereof shall be kept by the Clerk.
- D) Anything herein to the contrary notwithstanding, notice of any special or emergency meeting of the County Commission shall be waived only by not less than a majority of the entire membership of the Commission. No special or emergency meeting shall be held unless notice thereof shall be given in compliance with the provisions of this section or notice thereof is waived by a majority of the entire membership of the Commission. No special or emergency meeting shall be held unless notice thereof shall be given in compliance with the provisions of this section or notice thereof is waived by a majority of the entire membership of the Commission. Notice in compliance with the "Sunshine Law" must be given and in no event may be waived.

RULE 1.04 - AGENDAS

There shall be an official agenda for every regular meeting of the County Commissioners, which shall determine the order of business conducted at the meeting. The official Agenda shall consist ~~in general~~ of the public discussions to be heard on scheduled Consent and Administrative Action items, scheduled Public Hearings, the Public Presentation of Matters by Citizens, as applicable, Appeals, and any other item(s) as directed by the Commission. The Agenda listing ~~is to~~ will be published in a daily newspaper prior to the Tuesday meeting. The County Commission shall not take action upon any matter, proposal, or item of business which is not listed in the official Agenda, unless ~~the~~ a majority of the entire Commission shall have first consented to the presentation thereof for consideration and action, except for emergency or other matters presented during the Public

Presentation of Matters by Citizens.

All requests to be included on the scheduled Public, Administrative, Consent and Appeals Agendas shall be submitted to the appropriate County Departments no later than 5:00 PM on ~~Tuesday~~ the Thursday two weeks prior to the Board meeting at which the item will be considered.

The County Manager, or designee, shall have the responsibility for delivering the Agenda kits to the County Commissioners no later than 5:00 PM on the Tuesday, one week preceding the meeting date.

Notwithstanding any prior practice, tradition or informal Board policy, Commissioners may not request nor obtain through any means, an automatic continuance of any agenda item or public hearing. All requests for continuance of an agenda item, specifically including matters previously advertised for a public hearing, require Board approval to ~~become~~ be effective. As a result, no person is entitled to rely for any reason, upon any assurances made by County Staff, a Commissioner or Commissioner's assistant that an agenda item or public hearing will be continued. Requests for continuance will be made in writing, ~~and~~ include an explanation of the reasons why the continuance is needed and be granted only by a majority vote of the Board in open session.

RULE 1.05 - CHAIRMAN PRESIDING OFFICER, DUTIES

The Chairman of the Commission shall preside at all meetings at which he is present. In the absence of the Chairman, the Vice Chairman of the Commission shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the Commission. He shall state every question coming before the Commission and announce the decision of the Commission on all matters coming before it. A majority vote of the members present shall govern and conclusively determine all questions of order not otherwise covered. The presiding officer may vote on all questions. The Clerk of the Commission shall certify all ordinances and resolutions adopted by the Commission. In the absence of the Chairman or in the event of his inability to serve by reason of illness or accident, the Vice Chairman shall perform the duties and functions of the Chairman until his return to the County or recovery and resumption of duty.

RULE 1.06 - AUTHORITY OF THE CHAIRMAN

- A) May call a member to order if his remarks are not relevant to the subject under discussion, or for lack of decorum.
- B) Is obligated to vote on each motion in which he has no personal interest. No abstentions.
- C) May discuss a motion as any other Commissioner without relinquishing the Chair.
- D) May call for a reading of the motion after discussion, but before voting.
- E) In the event of a tie vote, shall rule the motion is ~~lost~~ defeated.
- F) Shall recognize Commission members in the order of their request to speak, except the maker of the motion may be the first speaker.
- G) Is authorized to appoint Board-member committees or designate members to other committees or boards consisting of County Commission members, ~~only~~ if no objection is raised. If there is no objection, he is obliged to call for a motion which must be seconded to determine the result by a majority vote. This motion is debatable and is amendable.
- H) May call a recess for a definite period if no objection is raised. If there is objection, he is obliged to call for a motion which must be seconded to determine the result by a majority vote. This is not debatable, but is amendable as to time.
- I) May refer the subject to the next regular meeting, if no objection is raised. If there is objection he is obliged to call for a motion which must be seconded to determine the result by a majority vote. This is debatable and amendable.
- J) If no motion is pending, may ask, "Is there any further business?" Hearing no response, the Chair may then state, "Since there is no further business, the meeting is "in recess" (when applicable), or adjourned." If there is no objection, he is obliged to call for a motion which must be seconded to determine the result by a majority vote. This is not debatable nor amendable.

RULE 1.07 - AUTHORITY OF THE COMMISSIONERS

- A) Must vote on every motion in which he has no personal interest. No abstentions.
- B) May, only after recognition by the Chair, introduce motions, discuss subject and vote.
- C) May request to consider a subject informally, if no objection. If there is objection, he is obliged to put a motion which must be seconded to determine the result by a majority vote. This is debatable, but not amendable.
- D) May appeal a decision of the Chair without a second. This is debatable if the question was debatable, is not amendable and is decided by a majority vote.
- E) May move to recess, stating a definite time. This takes a second and is decided by a majority vote. It is not debatable, but the time is amendable.
- F) May move to refer the subject to the next regular meeting. This is seconded, decided by a majority vote, is debatable and amendable.
- G) If no motion is pending, may move to adjourn. Upon the incompleteness of the Agenda, an adjourned meeting may be "moved" by specifying time and date before or on the date of the next regular meeting. These motions are seconded and decided by a majority vote. They are not debatable, but are amendable as to time.
- H) All Commissioners, including the Chairman, may second motions.
- I) Notwithstanding any prior practice, tradition or informal Board policy, Commissioners may not request nor obtain through any means, an automatic continuance of any agenda item or public hearing. All requests for continuance of an agenda item, specifically including matters previously advertised for a public hearing, require Board approval to ~~become~~ be effective. As a result, no person is entitled to rely, for any reason, upon any assurances made by County Staff, a Commissioner or Commissioner's assistant that an agenda item or public hearing will be continued. Requests for continuance will be made in writing, ~~and~~ include an explanation of the reasons why the continuance is needed, and be granted only by a majority vote of the Board in open session.

RULE 1.08 - PARLIAMENTARIAN

The County Attorney or his designee in his absence, shall act as Parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.

RULE 1.09 - ATTORNEY

The County Attorney or such member(s) of his office as he may designate, shall ~~be available to the~~ attend and be available for legal consultation to the Commission at all meetings.

RULE 1.10 - COUNTY MANAGER

The County Manager or designee(s) shall attend all meetings of the Commission.

RULE 1.11 - CALL TO ORDER

The Chairman shall take the Chair at the hour appointed for the meeting, and shall call the Commission to order immediately. In the absence of the Chairman and the Vice Chairman, the Clerk shall then determine whether a quorum is present and in that event shall call for ~~the~~ an election of a temporary Chairman.

Upon the arrival of the Chairman or the Vice Chairman, the temporary Chairman shall relinquish the Chair upon the conclusion of the business that immediately before the Commission at that time.

RULE 1.12 - QUORUM

A majority of the whole number of members of the Commission shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the Commission without the affirmative vote of the majority of all

members present.

A) LACK OF QUORUM - COMPREHENSIVE PLAN HEARINGS, LAND USE ORDINANCE ADOPTION HEARINGS AND ZONING HEARINGS:

Should no quorum attend within thirty minutes after the hour appointed for the meeting of the Commission to hear these matters, the County Attorney, or his designee, shall announce that the hearing is canceled for lack of a quorum and the hearing shall be rescheduled and readvertised following the procedures set forth in Section 125.66 and Chapter 163, Florida Statutes.

B) LACK OF QUORUM - ALL OTHER MATTERS:

Should no quorum attend within thirty minutes after the hour appointed for the meeting of the Commission, the Chairman or the Vice Chairman or in their absence, the Clerk or his designee may adjourn the meeting until the next day, unless by unanimous agreement by those members present, select another hour or day. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

RULE 1.13 - ORDER OF BUSINESS

All meetings of the Commission shall be open to the public attendance and participation pursuant to the rules as set out herein. Promptly at the hour set for each meeting, the members of the Commission, the County Attorney, the County Manager, and the Clerk shall take their regular stations in the designated location and the business of the Commission shall be taken up consideration and disposition in accordance with the agenda for the meeting.

RULE 1.14 - RULES OF DEBATE

A) QUESTION UNDER CONSIDERATION:

When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present.

B) GETTING THE FLOOR, IMPROPER REFERENCES TO BE AVOIDED:

Every member desiring to speak for any purpose shall address the presiding officer, and upon recognition, shall confine himself to the question under debate; avoiding all personalities and any indecorous language.

C) INTERRUPTION:

A member, once recognized, shall not be interrupted when speaking, unless it be to call him to order or as herein otherwise provided. If a member while speaking be called to order, he shall cease speaking until the question of order be determined by the presiding officer, and if in order, he shall be permitted to proceed. Any member may appeal to the Commission from the decision of the Chairman upon a question or order, when without debate, the Chairman shall submit to the Commission the question, "Shall the decision of the Chair be sustained?" and the Commission shall decide by a majority vote.

D) PRIVILEGE OF CLOSING DEBATE:

The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of closing the debate by requesting the Chairman call the question.

E) ROLL CALL:

Upon any roll call, there shall be no discussion by any member voting and he shall vote either yes or no. Any member, upon voting, may give a brief statement to explain his vote. A member shall have the privilege of filing with the Clerk a written explanation of his vote. A member of the Commission may abstain from voting on any matter, only in the event said member shall have a real conflict of interest, which conflict shall be made known on the record of the meeting and filed with the Supervisor of Elections pursuant to law.

F) CONFLICT OF INTEREST:

No member shall participate in the discussion or vote upon any matter under consideration wherein he has a conflict of interest as defined in Chapter 112, Florida Statutes, as it may be amended or renumbered from time to time. Such a conflict of interest must be made known on the record or and in writing.

G) RECONSIDERATION:

Action of the Commission may be reconsidered at the same meeting or the very next meeting of the Commission sitting in the same capacity or a like capacity when the principal action was taken only upon motion by a member who voted on the prevailing side of the question and with the concurrence of a majority of those present on the date that the reconsideration was requested; provided, however, that a motion for reconsideration may not be entertained at a subsequent meeting in the event of an affirmative vote, whose provisions have been partly carried out; an affirmative vote in the nature of a contract when the party to the contract has been notified of the outcome; any vote which has caused something to be done that it is impossible to undo; an affirmative vote upon which reliance was had and either monies expended or a change of position was made; or when practically the same result as desired can be obtained by some other parliamentary motion. Adoption of a motion to reconsider shall rescind the action reconsidered.

A motion to reconsider, whenever made, shall not be considered unless at least the same number of members are present as participated in the vote under consideration or upon affirmative vote of the majority of the Commission.

H) VOTE CHANGE:

Any Commissioner may change his vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first.

RULE 1.15 - READING MINUTES

Unless a reading of the minutes of a meeting is requested by a majority of the Commission, such minutes, when approved by the Commission and signed by the Chairman and the Clerk, shall be considered approved without reading; provided, that the Clerk deliver a copy thereof to each member of the Commission and to the County Attorney at least two full working days preceding the meeting. The minutes of prior meetings may be approved by a majority of the members present, and upon such approval, shall become the official minutes.

RULE 1.16 - METHOD OF VOTING

Upon every roll call vote if taken, the names of the Commissioners shall be called by districts, except that the District Commissioners shall be rotated after each roll call vote, so that the Commissioners who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, the District Commissioner shall call the roll, tabulate the votes, and announce the results. The vote upon any ordinance, resolution, motion or other matter may be voice vote, provided that the Chairman or any Commissioner may ask a roll call vote to be taken

upon any ordinance, resolution or motion.

RULE 1.17 - ADDRESSING THE COMMISSION

A) AGENDA ITEMS

All proceedings and the order of business at all meetings of the Commission shall be conducted in accordance with the official Agenda. Any departure from the order of business set forth in the official Agenda shall be made only upon majority vote of the members of the Commission present at the meeting. Except for appeals of decisions of the Hearing Examiner, appeals of administrative interpretations of the Lee Plan, or any other type of appeal to the Board, any citizen shall be entitled to be heard ~~on~~ during the official Public Presentation Agenda of a regular meeting of the Commission as scheduled on the second and fourth Tuesdays, and be heard concerning any matter within the scope of the jurisdiction of the Commission. Appeals shall be placed on the Board's Agenda only when the applicable ordinance permits such appeals. Any citizen shall be entitled to speak on matters scheduled on the official Agenda under the section entitled "Public Hearings".

At every regular meeting and during the time scheduled, any citizen shall be entitled to address the Commission on matters scheduled for Board consideration on that date and identified as either Consent or Administrative Action items. On the second and fourth Tuesday's Agenda any citizen shall be entitled to address the Commission on any matter within the scope of the jurisdiction of the Commission, under the Agenda section set aside for "Public Presentation of Matters by Citizens". Speakers wishing to address the Commission during the times set aside for public comment as to Consent and Administrative Action items and the Public Presentation of Matters by Citizens Agenda shall fill out a Commission ~~speaker form~~ "Speaker's Card" and will keep the presentation to no more than three (3) minutes. ~~or less~~

B) NON-AGENDA MATTERS

No citizen shall be permitted to address the Commission on any matter not appearing on the official Agenda, unless it is presented under the section entitled "Public Presentation of Matters by Citizens", or unless the Commission shall first grant permission to be heard by a majority vote of the entire Commission; provided, however, that such permission may not be granted in the case of appeals of decisions of the Hearing Examiner or similar matters where the privilege of addressing the Board is controlled by ordinance or other administrative codes.

C) PUBLIC DISCUSSION ON AGENDA ITEMS

No citizen shall be entitled as a matter of right, to address the Commission on any item listed on the official Agenda which is not scheduled for public hearing, discussion or debate, unless same is addressed during the public comment on the Consent and Administrative Agenda item schedule or the "Public Presentation of Matters by Citizens" time as scheduled. Appeals of decisions of the Hearing Examiner, appeals of administrative interpretations of the Lee Plan and other types of appeals from Administrative or lower board decisions are not "public hearings" for purposes of this Code, notwithstanding the description of such proceeding in the applicable ordinance as being a "public hearings". Such appeals instead shall be heard on a separate part of the Agenda which is specifically reserved therefore and identified as such. In such appeals, the right to address the Board shall be limited only to those persons who are given such privilege pursuant to applicable ordinances or other administrative codes.

Citizens shall not be permitted to speak on any matters listed on the official Agenda other than those appearing under the sections entitled "Public Hearings", "Public Presentation of Matters by Citizens", and the public discussion time for items specifically appearing on that meeting's Consent and Administrative Action Agenda, unless the Commission shall first grant permission to

be heard by a majority vote of the Commission members present at the meeting; provided, however, that such permission may not be granted in the case of appeals of decisions of the Hearing Examiner or similar matters where the privilege of addressing the Board is controlled by ordinance or other administrative codes.

RULE 1.18 - ADDRESSING COMMISSION, MANNER, TIME

Each person addressing the Commission shall step up to the podium, shall give clearly state his or her name and address in an audible tone of voice for the minutes, and unless the matter has been reviewed by the appropriate County staff personnel, shall limit his address to three minutes. All remarks shall be addressed to the Commission as a body and not to any single member thereof. No person, other than Commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the presiding officer. No question shall be asked a of any Commissioner except through the presiding officer.

RULE 1.19 - DECORUM

Order must will be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace and decorum of the Commission, or disturb any person having the floor. No person shall refuse to obey the lawful orders of the Chairman or the Commission. Any person making irrelevant, impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chairman and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall not be allowed to continue speaking unless permission to continue or again address the Commission is granted by the majority vote of the Commission members present.

Upon failure of the Chairman to maintain decorum, a call for "Point of Order" by a Commission Member shall require business proceedings to cease until decorum is restored.

The Lee County Sheriff or his designee shall carry out all reasonable orders and instructions given by the Chairman for the purpose of maintaining order and decorum at the Commission meeting including directions to escort ~~disrupters~~ disruptive persons back to his/her seat, remove them from the meeting, or arrest any such individuals who violate the order and decorum of the meeting and will not promptly leave the premises voluntarily.

RULE 1.20 - PERSONS AUTHORIZED BEYOND THE PODIUM

No person, except County officers or their representatives shall be permitted beyond the podium or staff desks in front of the Commission, and no person shall be permitted to disturb any Commissioner while on the floor during any meeting without the express permission of the Commission.

RULE 1.21 - COMMITTEES

The Board of County Commissioners may resolve itself into a committee of the whole at any regular or special meeting and select a Chairman to preside over such meeting of the Committee of the whole. The Board is further authorized to appoint standing committees which shall continue in existence until dissolved by vote of a majority of the Commission members present at any regular meeting, or at a special or emergency meeting called for that purpose. Whenever the Commission deems it necessary or desirable that the Commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, departments, agencies, or officials of the County Government, the Chairman may designate a member or members of the Commission, or himself, to represent the Commission at such meetings, conferences, or other occasions. Such representatives shall have no power to act for or on behalf of the Commission or the County, unless previously ~~so~~ authorized by a vote of the majority of the Board. Such representative shall report in writing to the Commission either orally or in writing with regard to such meeting, conference or other occasion.

RULE 1.22 - ORDINANCES, RESOLUTIONS, MOTIONS, CONTRACTS AND OTHER DOCUMENTS, EXECUTION

A) PREPARATION OF ORDINANCES

The County Attorney, when requested, shall prepare ordinances and resolutions which shall be delivered to the Commission.

Ordinances may be introduced and adopted by title and shall be read by title only by the County Attorney or his designee before consideration by the Commission. ~~of first reading~~ Copies of all proposed ordinances shall be furnished to each Commissioner, and shall be made available to all interested persons and be duly advertised.

B) APPROVAL OF ORDINANCES BY COUNTY ATTORNEY

All ordinances, resolutions and contract documents, before presentation to the Commission, shall have been reduced to writing and shall have been approved as to form and legality by the County Attorney. Prior to presentation, all such documents may be referred to the head of the department or division under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract would involve.

C) INTRODUCING INTRODUCTION FOR PASSAGE OR APPROVAL

Ordinances, resolutions and other matters and subjects requiring action by the Commission must be introduced and sponsored by a member of the Commission, except that either the County Manager or County Attorney may present ordinances, resolutions and other matters or subjects to the Commission for consideration, and any Commissioner may assume sponsorship thereof by moving that such ordinance, resolution, matter, or subject be adopted in accordance with law; otherwise, they shall not be considered.

D) WHEN ACTION TO BE TAKEN BY RESOLUTION OR ORDINANCE

All actions of the Commission may be taken by resolution or ordinance except that any action of the Commission which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed, shall be by ordinance, and except that approval of purely administrative matters may be accomplished by motion duly adopted and recorded in the minutes of the meeting.

E) NUMBERING OF RESOLUTIONS AND ORDINANCES

All resolutions and ordinances, respectively, shall be numbered consecutively by the Clerk upon their passage.

F) EXECUTION OF COUNTY LEGISLATION AND DOCUMENTS; ORDER OF COMMISSIONERS SIGNATORY AUTHORITY

The Chairman of the Board of County Commissioners shall on behalf of the Board and upon an affirmative vote of the Board members on matters coming before the Board at a regular or special (emergency) meeting, sign all orders, resolutions, ordinances, regulations, contracts, agreements, applications, settlements, leases, closing documents for assets and/or bond issuances and all other documents duly authorized by the Board. In the absence of the Chairman, the Vice Chairman shall sign all such documents. In the event of the absence of both the Chairman and the Vice Chairman, the most senior available Board member shall be authorized to sign all such documents as required without further action of the Board.

SECTION III: APPOINTMENT OF ADDITIONAL BOARDS AND COMMITTEES

The Board of County Commissioners shall have the power to designate or create by resolution or specific direction by a majority vote of the Board, such other boards, committees or commissions as may be necessary for the administration of the affairs of the County, and shall provide the duties and powers of the officers and members of such boards or commissions.

Members of these boards shall serve without compensation unless otherwise specified by County resolution. All such boards shall be part of the County Government and shall utilize the services of County Administration and the County Attorney's Office, except in instances where outside counsel is specifically retained by the Commission to avoid conflicts of interest with the County Attorney's Office.

The length of term of appointees and methods of appointment shall be specified in the enacting resolution enabling legislation. Vacancies occurring in the membership of any board or commission shall be filled for the remainder of the unexpired term in the manner providing for the original appointment. Members of boards and commissions may be removed for cause by ~~two thirds (2/3)~~ a majority vote of the Commission.

The County Manager shall be responsible for maintaining an accurate and up-to-date roster of all boards, commissions, and their respective memberships, and shall advise the Commission prior to the expiration of any appointments.

SECTION IV: ORGANIZATION AND REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS

~~Florida Statute Chapter 125, Florida Statutes, and the Lee County Charter (Lee County Ordinance No. 96-01, as amended)~~, provides that the legislative and governing body of a County shall have the power to carry on County Government to the extent not inconsistent with general or special law. This power shall include, but shall not be limited to, the power to adopt its own rules and procedures, select its officers and set the time and place of its meetings.

RULE 2-4.01 - ANNUAL ORGANIZATION

The Board of County Commissioners of Lee County, Florida, shall annually, on the third Tuesday of November, organize or reorganize the officers of the Board as to designating or redesignating a Chairman and Vice Chairman. The Chairman and Vice Chairman shall serve for a one year term, unless the Board shall reorganize as set forth in the procedures below.

The Clerk to the Board or the Deputy Clerk to the Board shall be present and conduct the meeting until a Chairman has been selected. The organization of the Board will be the first item on the Agenda for that day.

RULE 2-4.02 - PROCEDURE FOR ANNUAL ORGANIZATION

The Clerk shall call for nominations of the Chairman and after a member has been recognized by the Chair, a Commissioner may place in nomination a name for the Chairman. The nomination does not require a second. The Chair must call for nominations until an affirmative vote is received to close the nomination. The election of the Chairman will be upon roll call, there shall be no discussion by any member voting. He shall vote "Yes" or "No". After a new Chairman is elected, the Vice Chairman's election shall be held in the same manner by the newly elected Chairman.

RULE 2-4.03 - REORGANIZATION OF THE BOARD

Any member of the Board of County Commissioners may, at any regular or special called meeting of the Board, after being duly recognized by the Chairman, request a reorganization of the Board. For this purpose the Commissioner, upon being recognized shall request Special Privilege. The rule governing Special Privilege does not require a second and is not debatable, however, the question of privilege is decided by the Chair. If the Chair elects to grant Special Privilege of reorganization the procedure for organization as outlined above shall proceed.

If the Chair elects to deny the question of Special Privilege unless further action is taken, the ruling of the Chair is final. If any member of the Board wishes to enforce the Special Privilege Rule, he must call for the "Orders of the Day". The rule governing this motion does not require a second but does require a 2/3 negative vote not to proceed to the Orders of the Day. If the Orders of the Day motion is an affirmative, the reorganization takes place as outlined under Organizational Procedures.