

Agenda Item Summary

1. **ACTION REQUESTED/PURPOSE:** Adopt by Resolution a new administrative code providing procedures for the Executive Regulatory Oversight Committee (EROC).

2. **WHAT ACTION ACCOMPLISHES:** Clarifies and establishes the purpose, membership, and operating procedures for EROC.

3. **MANAGEMENT RECOMMENDATION:**

4. Departmental Category: /2

*A12D*

5. Meeting Date:

*10-25-2005*

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Board
<input type="checkbox"/> Walk-On		<input type="checkbox"/> Directed

Commissioner  
 Department \_\_\_\_\_ County Attorney  
 Division \_\_\_\_\_ Land Use  
 By: *[Signature]*  
 Timothy Jones

9. Background:

The Executive Regulatory Oversight Committee was originally established by the Commission as a temporary committee with a sunset date. The Commission later decided to convert EROC to a standing committee, but it does not appear that any specific procedures were established with regard to appointment of committee members or other operating procedures for the committee. This information came to light because of recent vacancies in the membership of the committee which need to be filled by the Board. Consequently, the Board directed the drafting of appropriate procedures for the committee.

Attachments:

- Proposed New Administrative Code
- Draft Resolution providing for Adoption of the New Administrative Code

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
	N/A	N/A	N/A	<i>[Signature]</i>	<i>RK 10/11</i>	<i>MR 10/11</i>	<i>10/11/05</i>	<i>10/11/05</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY ADMIN:  
 10-11-05  
 10:32am  
 COUNTY ADMIN  
 FORWARDED TO:  
 10-11-10:45 *RK*

CO. ATTY.  
 FORWARDED  
 TO CO. ADMIN.  
 10/11/05

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

<b>CATEGORY:</b> Committees/Boards/Commissions/Examiners	<b>CODE NUMBER:</b> AC-2-__
<b>TITLE:</b> Guidelines for the Lee County Executive Regulatory Oversight Committee	<b>ADOPTED:</b>
	<b>AMENDED:</b>
	<b>ORIGINATING DEPARTMENT:</b> County Attorney

**PURPOSE/SCOPE:**

To provide rules of procedure for the Executive Regulatory Oversight Committee (EROC).

**POLICY/PROCEDURE:**

**Section I: PURPOSE**

The purpose of the EROC is to assess the impact of all new regulations on the local economy in accordance with the Economic Element of the Lee Plan.

**Section II. GOVERNING RULES**

The EROC will be a standing Advisory Committee. Except as otherwise provided herein, all meetings of the EROC will be governed by Robert's Rules of Order and AC 2-3. All members must file Form 1 financial disclosure.

**Section III. MEMBERSHIP AND OFFICERS**

The EROC will consist of 15 residents of Lee County. Members will be appointed for a term of two years beginning October 1<sup>st</sup> and ending September 30<sup>th</sup> of the appropriate years, except as provided herein for existing members and vacancies.

The current members of EROC, as shown on the attached Exhibit A, are hereby reappointed to serve until they resign or are removed due to absence as described herein; or they are removed by the Board of County Commissioners (BOCC). Vacancies created by resignation or removal of these current members will be filled for an initial term ending on September 30<sup>th</sup> of the second year after the vacancy is created.

Vacancies shown on Exhibit A will be filled by the Board for the following terms: Odd numbered vacancies until September 30, 2007; and, even numbered vacancies until September 30, 2008. These vacancies will be filled by nominations from individual Board members, subject to approval of a majority of the Board. Nominations will begin with the District 1 Commissioner for existing vacancy number 11; and District 2 Commissioner for existing vacancy number 12, and so on, until all 5 current vacancies are filled.

All other future vacancies will be filled for the unexpired term by rotating nominations among Commissioners in order by District number, starting with District 1.

The unexcused absence of any committee member for three or more meetings in any term year will constitute a voluntary resignation. The chairman of the committee will notify the Board Chairman in writing and ask the Board to appoint a new member.

A chairman and vice-chairman will be elected by the EROC to serve a term of one year beginning with the first regularly scheduled meeting in October of each year.

#### **Section IV. MEETINGS/QUORUM**

A quorum will consist of five or more members of the committee. The Community Development Department (DCD) will provide staff support as needed by the committee, including the keeping of minutes and attendance records.

Exhibit A

1.	Ed Adkins
2.	Hal Arkin
3.	Chuck Basinait
4.	David Crawford
5.	Ron Inge
6.	Randy Mercer
7.	Dennis Merrifield
8.	Michael Reitmann
9.	Mike Roeder
10	R.J. Ward, P.E.
11.	
12.	
13.	
14.	
15.	

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AN AMENDMENT TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF A NEW ADMINISTRATIVE CODE SECTION 2-\_\_\_\_; 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, 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 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 provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at regularly scheduled Board of County Commissioners' meetings; and,

WHEREAS, an amendment to the Lee County Administrative Code is now proposed which will create a new Administrative Code, Section 2-\_\_\_\_, and the Board of County Commissioners finds that the proposed amendment is acceptable, serves a public

purpose, and is 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 true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment establishing a new Lee County Administrative Code, Section 2-\_\_\_ (attached hereto as Exhibit A), providing for establishment, purpose, and procedures governing the Executive Regulatory Oversight Committee, is approved and is hereby directed to be incorporated into the Lee County Administrative Code.
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 are held unconstitutional by a court of competent jurisdiction, the decision of the court will not affect or impair the remaining provisions of this Resolution. It is the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution will 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:

ROBERT P. JANES  
DOUGLAS R. ST. CERNY  
RAY JUDAH  
TAMMY HALL  
JOHN E. ALBION

DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2005.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Timothy Jones  
Office of the County Attorney

Attachments: Exhibit A - Administrative Code 2-\_\_\_\_\_