

RESOLUTION NO. 16-07-01

A RESOLUTION OF THE LEHIGH ACRES FIRE CONTROL AND RESCUE DISTRICT ("DISTRICT"), APPROVING AMENDMENTS TO THE DEFINITIONS OF EXCUSED AND UNEXCUSED ABSENCES OF COMMISSIONERS IN RESOLUTION NO. 10-05-02; PROVIDING FOR CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESCISSION; PROVIDING FOR LIBERAL CONSTRUCTION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lehigh Acres Fire Control and Rescue District was created by a Special Act of the Legislature in 1963 and is authorized to create and enforce policies, procedures, and guidelines; and,

WHEREAS, pursuant to Florida Statutes § 191.005(5), the Board shall remove any member who has three consecutive unexcused absences from regularly scheduled meetings; and,

WHEREAS, pursuant to Florida Statutes § 191.005(5), the Board shall adopt definitions of excused and unexcused absences of Commissioners; and,

WHEREAS, the Board adopted Resolution No. 10-05-02 which defines excused and unexcused absences of Commissioners from Board of Commissioners meetings; and,

WHEREAS, the Board now wants to amend the definitions of excused and unexcused absences of Commissioners as described in Section 3 of Resolution No. 10-05-02.

NOW THEREFORE, be it resolved by the Board of Commissioners of the Lehigh Acres Fire Control and Rescue District, that:

SECTION 1. INCORPORATION OF RECITALS.

The recitals set forth above are true and correct and form a part of this Resolution.

SECTION 2. AUTHORITY.

The Board of Commissioners of the District is authorized to adopt this Resolution by Chapter 191, Florida Statutes, and other applicable laws.

SECTION 3. AMENDMENT OF DEFINITIONS OF EXCUSED AND UNEXCUSED
ABSENCES OF COMMISSIONERS IN RESOLUTION NO. 10-05-02.

Section 3 of Resolution No. 10-05-02, which is entitled "DEFINITIONS OF EXCUSED AND UNEXCUSED ABSENCES OF COMMISSIONERS", is hereby amended to read as follows (*added words are underlined*):

To satisfy the requirements of §191.005(5), Florida Statutes, the definition of an excused absence by a Commissioner from a regularly scheduled public Board of Commissioners meeting, which is normally held once per calendar month to conduct the normal business decision making of the Board of Commissioners, is as follows:

1. Work Commitment
2. Vacation
3. Sick
4. Personal reasons

In order for an absence to be counted as an excused absence, in addition to the absence being for one of the reasons stated above, the excused absence must be called in to the Chair of the Commission or a member of the administrative staff prior to the regularly scheduled public Board meeting from which a Commissioner will be absent. If contact cannot be made with the Chair or with the administrative staff, a message may be left on the voicemail of the District Administrative offices.

To satisfy the requirements of §191.005(5), Florida Statutes, the definition of an unexcused absence by a Commissioner from a regularly scheduled public Board of Commissioners meeting is any other absence not described above as an excused absence. An absence by a Commissioner from any other Board of Commissioners meeting does not count toward the provisions of §191.005(5), Florida Statutes, which prohibits a Commissioner from having three (3) consecutive unexcused absences from regularly scheduled Board of Commissioners meetings.

SECTION 4. CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S
ERRORS.

The provisions of this Resolution may become codified as a section or article in a future Code of the District and sections of this Resolution may be renumbered or re-lettered and the word "Resolution" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intention. Further, regardless of whether such inclusion in the Code is accomplished, sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the Chief, or his designee, without need of further approval by the Board of Commissioners, by filing a corrected or re-codified copy of same with the District's records custodian.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause or other provision of this Resolution is held unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remainder of this Resolution.

SECTION 6. RESCISSION.

The Board of Commissioners hereby rescinds all prior resolutions and other official action of the Board of Commissioners to the extent of any conflict with any part of this Resolution.

SECTION 7. CONSTRUCTION AND EFFECTIVE DATE.

This Resolution shall be liberally construed to affect the purposes hereof and shall take effect immediately upon its adoption.

[NEXT PAGE FOR SIGNATURE]

THE FOREGOING RESOLUTION WAS OFFERED BY COMMISSIONER Becker WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY COMMISSIONER Adams AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

Commissioner David P. Adams	<u>Aye</u>
Commissioner Larry Becker	<u>Aye</u>
Commissioner Linda Carter	<u>Absent</u>
Commissioner Cathy Kruse	<u>Aye</u>
Commissioner Matt Smith	<u>Aye</u>

Duly passed and adopted on this 13 day of July, 2016.

Board of Commissioners of the Lehigh
Acres Fire Control and Rescue District

By: Cathy Kruse
Cathy Kruse, Chair

Attest by: David P. Adams
David P. Adams, Secretary