

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Administration

CODE NUMBER: AC-1-3

TITLE: Rules of Procedure

ADOPTED: 4/18/1990

**AMENDED: 12/18/91; 9/2/92; 2/1/95; 3/19/97
(Effective 6/3/97); 12/02/03;02/06/07; 8/17/10;
10/29/13; 06/18/24**

**ORIGINATING DEPARTMENT:
County Manager**

PURPOSE/SCOPE:

Providing for Rules of 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: "Rules of Procedure"

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 for by these rules; 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 of the Board are:

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

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RULE 1.02 - REGULAR MEETINGS

The County Commission shall hold regular meetings on the First and Third Tuesday of each month. These meetings shall begin at 9:30 AM. Public Hearings are to be scheduled on the First and Third Tuesday 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 Commissioners present. Notice of the postponement or cancellation of any regular meeting shall be published in a newspaper of general circulation at least once. 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 Commissioners 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 Chair or by consent of the majority of the Commissioners. Whenever a special meeting is called, notice shall be given to the Clerk by County Administration. County Administration shall forthwith serve either verbal or written notice upon each Commissioner 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 Chair or by consent of the majority of the Commissioners whenever an emergency exists which requires immediate action by the Commission. Whenever such emergency meeting is called, County Administration shall notify the Clerk and serve either verbal or written notice upon each Commissioner, 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 may only be waived by a majority of the Commissioners. No special or emergency meeting shall be held unless notice thereof is

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given in compliance with the provisions of this section or notice thereof is waived by a majority of the Commissioners. No special or emergency meeting shall be held unless notice thereof is given in compliance with the provisions of this section or notice thereof is waived by a majority of the Commissioners. Notice in compliance with the "Sunshine Law" must be given and may not 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 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 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 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 pursuant to Administrative Code 1-2 (AC-1-2).

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 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, 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 - CHAIR PRESIDING OFFICER, DUTIES

The Chair of the Commission shall preside at all meetings at which the Chair is present. In the absence of the Chair, the Vice Chair of the Commission shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the Commission. In the absence of both the Chair and the Vice Chair, the most senior available Commissioner shall serve as the presiding officer and 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 Commissioners 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 Chair or in the event of the Chair's inability to serve by reason of illness or accident, the Vice Chair shall perform the duties and functions of the Chair until the Chair's return or recovery and resumption of duty. In the absence of both the Chair and the Vice

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Chair, the most senior available Commissioner shall assume the duties of the Chair and Vice Chair until his or her return.

For purposes of this Rule, the term “most senior” will mean the most cumulative time in office as a Lee County Commissioner; which will include time as a Commissioner that may be separated by time out of office.

RULE 1.06 - AUTHORITY OF THE CHAIR

- A) May call a Commissioner to order if the Commissioner’s remarks are not relevant to the subject under discussion, or for lack of decorum.
- B) Is obligated to vote on each motion in which the Chair has no conflict of interest. No abstentions.
- C) May make a motion as any other Commissioner without relinquishing the Chair.
- D) May discuss a motion as any other Commissioner without relinquishing the Chair.
- E) May call for a reading of the motion after discussion, but before voting.
- F) In the event of a tie vote, shall rule the motion is defeated.
- G) Shall recognize Commissioners in the order of their request to speak, except the maker of the motion may be the first speaker.
- H) Is authorized to appoint Board-member committees or designate members to other committees or boards consisting of County Commissioners, if no objection is raised. If there is objection, the Chair 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.
- I) May call a recess for a definite period if no objection is raised. If there is objection, the Chair 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.
- J) May refer the subject to the next regular meeting, if no objection is raised. If there is objection the Chair is obliged to call for a motion which must be seconded to determine the result by a majority vote. This is debatable and amendable.
- K) 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 objection, the Chair is obliged to call for a motion

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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 the Commissioners have no conflict of interest. No abstentions.
- B) May, only after recognition by the Chair, introduce motions, discuss subjects and vote.
- C) May request to consider a subject informally, if no objection. If there is objection, the Commissioners are 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 must be seconded, decided by a majority vote, is debatable and amendable.
- G) If no motion is pending, may move to adjourn. Upon the completion 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 Chair, 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 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, 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.

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- J) May, at a regular meeting, request to discuss a “Commissioner Item” seeking majority Commission approval for consideration of the matter at a later meeting as a regular agenda item. A “Commissioner Item” may include any prospective matter of public business. A “Commissioner Item” may not include:
- i. addressing prior affirmative votes of the Commission,
 - ii. matters involving contracts upon which reliance is had, funds have been expended and the positions of Parties have changed, or performance made that cannot be practically undone,
 - iii. is financially imprudent, or
 - iv. requires approval of the Board at the same meeting when the “Commissioner Item” is raised for an expenditure of funds.

RULE 1.08 - PARLIAMENTARIAN

The County Attorney or designee in his or her 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 the office as may be designated, shall 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 Chair shall take the Chair at the hour appointed for the meeting, and shall call the Commission to order immediately. In the absence of both the Chair and the Vice Chair, the most senior available Commissioner shall assume the duties of the Chair until the Chair's return.

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

For purposes of this Rule, the term “most senior” will mean the most cumulative time in office as a Lee County Commissioner; which will include time as a Commissioner that may be separated by time out of office.

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RULE 1.12 - QUORUM

A majority of the whole number of Commissioners shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the Commission without the affirmative vote of the majority of all Commissioners 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 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 Chair or the Vice Chair or in their absence, the Clerk or designee may adjourn the meeting until the next day, unless by unanimous agreement of those Commissioners present, select another hour or day. The names of the Commissioners 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 public attendance and participation pursuant to the rules as set out herein. Promptly at the hour set for each meeting, the Commissioners, the County Attorney, the County Manager, and the Clerk shall take their regular stations in the designated location and all the scheduled business of the Commission shall be taken up for 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 Commissioners present.

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B) TAKING THE FLOOR: IMPROPER PERSONAL COMMENTS TO BE AVOIDED:

Every Commissioner desiring to speak for any purpose shall address the Chair, and upon recognition, shall confine the discussion to the question under debate avoiding personal comments towards other Commissioners, staff or members of the public, and any indecorous language.

C) INTERRUPTION:

A Commissioner, once recognized, shall not be interrupted when speaking, unless the Commissioner is called to order, or as otherwise provided for herein. If a Commissioner while speaking is called to order, the Commissioner assigned the floor shall cease speaking until the question of order is determined by the Chair, and if in order, the Commissioner will be permitted to proceed. Any Commissioner may appeal to the Commission as a whole from the decision of the Chair upon a question or order, when without debate, the Chair shall submit to the Commission the question, "Shall the decision of the Chair be sustained?" and the Commission will 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 Chair call the question.

E) ROLL CALL:

Upon any roll call vote, there shall be no discussion by any Commissioner voting and each Commissioner shall vote either yes or no. Any Commissioner, upon voting, may give a brief statement to explain his or her vote. A Commissioner shall have the privilege of filing with the Clerk a written explanation of his or her vote. A Commissioner may abstain from voting on any matter, only in the event said Commissioner 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 Commissioner shall participate in the discussion or vote upon any matter under consideration wherein a conflict of interest exists 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 and in writing.

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G) MOTION TO RECONSIDER:

If a motion has been either adopted or defeated during a meeting, and any Commissioner who voted on the prevailing side of the vote desires to have the vote reconsidered, such a Commissioner may make the motion to Reconsider.

This motion may only be made by a Commissioner who voted on the prevailing side. For example, if the motion was adopted, the motion to Reconsider can be made only by a Commissioner who voted in favor of the motion, or if the motion was defeated, then only by a Commissioner who voted against it. The motion to Reconsider can, however, be seconded by any Commissioner, no matter how they voted.

A motion to Reconsider can be made only on the same day on which the vote sought to be considered was taken. Once a meeting of the Commission has adjourned, the motion to reconsider is no longer available to any Commissioner.

H) MOTION TO RESCIND:

Once a meeting is adjourned and the time has passed for a Motion to Reconsider, then at the next regular meeting with a full Board present, a Commissioner may make a motion to Rescind the Board's action(s) from the preceding meeting.

The Motion to Rescind may be made by any Commissioner regardless of how that Commissioner voted on the original motion.

The motion to Rescind will only be adopted if approved by a 2/3 ("Super Majority") affirmative vote of the entire membership of the Commission.

I) CHANGE OF VOTE:

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

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 Chair and the Clerk, shall be considered approved without reading; provided, that the Clerk deliver a copy thereof to each Commissioner 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 Commissioners present, and upon such approval, shall become the official minutes.

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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 by voice vote, provided that the Chair 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 will be conducted in accordance with the official Agenda. Any departure from the order of business set forth in the official Agenda will be made only upon majority vote of Commissioners present at the meeting. Each published Agenda for a Board meeting must include a period for public comment that must commence and conclude prior to the undertaking by the Board of any action on the Agenda; however, pursuant to Florida Statutes, Section 286.011(3), public comment on an item does not apply to:

- An official act that must be taken to deal with an emergency situation affecting the public health, safety, or welfare, if compliance with the requirements would cause an unreasonable delay in the ability of the Board or Commission to act;
- An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- A meeting that is exempt from Florida Statutes, Section 286.011; or
- A meeting during which the board or commission is acting in a quasi-judicial capacity.

Any person wishing to address the Commission on scheduled Agenda items during the times set aside for "Public Comment", and/or "Public Hearings" must complete and turn in a Commissioner "Speakers Card." Each speaker may address the Commission and will limit his/her presentation to no more than three minutes as detailed in Rule 1.18 - Addressing Commission.

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B) NON-AGENDAED

On the Board's regularly scheduled Tuesday meetings and during the time scheduled under the Agenda section set aside for "Public Presentation of Matters by Citizens", any citizen is entitled to address the Board on any matter within the scope of the jurisdiction of the Board. Speakers wishing to address the Commission during "Public Presentation of Matters by Citizens" must fill out a Commissioner "Speakers Card" and will limit his/her presentation to no more than three minutes as detailed in Rule 1.18 - Addressing Commission.

C) APPEALS

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 Hearing". Such appeals instead will 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 will be limited only to those persons who are given such privilege pursuant to applicable ordinances or other administrative codes.

RULE 1.18 - ADDRESSING COMMISSION, MANNER, TIME

Each person addressing the Commission shall step up to the podium, shall clearly state his or her name 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 or her presentation to three minutes. All remarks shall be addressed to the Commission as a body and not to any single Commissioner 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 Board. No question shall be asked of any Commissioner except through the Chair.

RULE 1.19 - DECORUM

Order 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 Chair 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 Chair 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 Commissioners present.

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

The Lee County Sheriff or designee shall carry out all reasonable orders and instructions given by the Chair for the purpose of maintaining order and decorum at the Commission meeting including directions to escort disruptive persons back to his or 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 without permission from the Board during the course of a meeting, 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 Chair 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 Commissioners 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 Chair may designate a Commissioner or Commissioners, or the Chair, 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 authorized by a vote of the majority of the Board. Such representative shall report 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 or directed, shall prepare ordinances and resolutions which shall be delivered to the Commission for consideration.

Ordinances will be introduced only by the County Attorney or designee before consideration by the Commission. Copies of all proposed ordinances shall be furnished to

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each Commissioner, 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) 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, must be by ordinance. Approval of purely administrative matters may be accomplished by motion duly adopted and recorded in the minutes of the meeting.

D) NUMBERING OF RESOLUTIONS AND ORDINANCES

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

E) EXECUTION OF COUNTY LEGISLATION AND DOCUMENTS: ORDER OF COMMISSIONERS SIGNATORY AUTHORITY

The Chair of the Board of County Commissioners shall on behalf of the Board and upon an affirmative vote of the Commissioners 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 Chair, the Vice Chair shall sign all such documents. In the event of the absence of both the Chair and the Vice Chair, the most senior available Commissioner shall be authorized to sign all such documents as required without further action of the Board.

For purposes of this Rule, the term “most senior” will mean the most cumulative time in office as a Lee County Commissioner; which will include time as a Commissioner that may be separated by time out of office.

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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 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 a majority vote of the Commission.

County Administration 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

Chapter 125, Florida Statutes, and the Lee County Charter (Lee County Ordinance No. 96-01, as amended), provide 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 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 Chair and Vice Chair. The Chair and Vice Chair shall serve a one (1) 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 Chair has been selected. The organization of the Board will be the first item on the Agenda for that day.

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RULE 4.02 - PROCEDURE FOR ANNUAL ORGANIZATION

The Clerk shall call for nominations of the Chair and after a Commissioner has been recognized by the Chair, a Commissioner may place in nomination a name for the Chair. 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 Chair will be upon roll call, there shall be no discussion by any Commissioner voting. Members shall vote "Yes" or "No". After a new Chair is elected, the Vice Chair's election shall be held in the same manner by the newly elected Chair.

RULE 4.03 - REORGANIZATION OF THE BOARD

Any Commissioner may, at any regular or special called meeting of the Board, after being duly recognized by the Chair, 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 Commissioner 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.