

RESOLUTION
NUMBER 2001 - 026

A RESOLUTION REPEALING RESOLUTION 97-1260A0 AND RE-ESTABLISHING THE CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE; ESTABLISHING THE NUMBER OF MEMBERS SERVING ON THE COMMITTEE AND THE TERM OF OFFICE; IDENTIFYING THE CRITERIA FOR REMOVAL FROM THE COMMITTEE; ALLOWING FOR REIMBURSEMENT OF EXPENSES OF THE COMMITTEE; SETTING FORTH THE FUNCTIONS, POWERS AND DUTIES OF THE COMMITTEE; AND IDENTIFYING THE DUTIES OF THE COUNTY ADMINISTRATOR FOR THE COMMITTEE.

RECITALS

WHEREAS, the Marine Advisory Committee was created by the Board of County Commissioners by Resolution 97-1260A0 on November 25, 1997; and

WHEREAS, it is the desire of the Board of County Commissioners to change the structure and operation of the Marine Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, THAT:

Section 1. Repeal. Resolution 97-1260A0, and the by laws, membership, and membership terms attached thereto, are hereby repealed in their entirety, and this resolution and the attached bylaws shall be substituted therefor.

Section 2. Establishment. The Charlotte County Marine Advisory Committee (hereinafter referred to as the "Committee") is hereby created in accordance with the following guidelines.

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Section 3. Adoption of Bylaws. The bylaws of the Committee which are attached hereto as Exhibit "A" and incorporated herein by this reference are hereby approved by the Board of County Commissioners as the bylaws of the Committee. In the event of any conflict arising between the provisions of this resolution and the attached bylaws, the provisions of this resolution shall control.

Section 4. Appointment, Composition and Term of Office.

(a) The Committee shall be composed of twenty-one (21) members as indicated in the attached bylaws. The classifications of members and their appointments shall be as indicated in the attached bylaws.

(b) Members of the Committee shall serve at the pleasure of the Board of County Commissioners. All members shall be permanent residents within Charlotte County, and all shall be electors of Charlotte County.

(c) All members shall be appointed to serve a term of three (3) years, with terms staggered so that not more than one-third of the Committee member terms shall expire in any one year. The terms of the initial Committee appointments may vary, so that the Board of County Commissioners may achieve the staggered term as required. Members shall be eligible for reappointment. All seats on the current Marine Advisory Committee shall become vacant upon the effective date of this resolution. Vacancies shall be filled by appointment of the Board of County Commissioners.

Section 5. Removal from Office: Failure to Attend Meetings.

(a) Any member of the Committee may be removed from office, with or without cause, by a majority vote of the Board of County Commissioners.

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

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

Section 6. Officers, Quorum and Rules of Procedure.

(a) Annually the membership of the Committee shall elect a chairman, vice chairman, and a secretary from among the members. Officers' terms shall be for one (1) year, with eligibility for reelection.

(b) The presence of eleven (11) or more members shall constitute a quorum of the Committee necessary to take action and transact business. In addition, an affirmative vote of a majority of members present and voting, after quorum requirements have been met, shall be necessary in order to take official action. A tie vote shall not be considered an affirmative vote. In addition, approval of a revision to the bylaws to forward to the Board of County Commissioners for approval shall require a two-thirds vote of Committee members present and voting, in accordance with the attached bylaws.

(c) The Committee shall keep a written record of meetings, resolutions, reports, findings, determinations, and exhibits. Copies of all Committee minutes, resolutions, reports, findings, determinations, and exhibits shall be submitted to the Board of County Commissioners. All meetings shall be open to the public and shall be subject to Chapter 286, Florida Statutes.

(d) The Committee, its members, and all its proceedings shall be governed by the applicable provisions of the Florida Sunshine Law, Chapter 286, Florida Statutes, the Florida Public Records Law, Chapter 119, Florida Statutes, and the Florida Ethics Code, Chapter 112, Florida Statutes, and any other State or County statute, ordinance, or rule. The Committee, its members, and its proceedings shall be governed by and conducted in accordance with Robert's Rules of Order, insofar as they do not conflict with any other provision(s) of this Resolution or the attached bylaws.

Section 7. Reimbursement of Expenses. Members of the Committee shall serve without compensation but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon approval of the Board of County Commissioners.

Section 8. Functions, Powers and Duties of the Board. The functions, powers and duties of the Committee shall be as follows:

- (a) To evaluate, consider and review marine-related matters in the County.
- (b) To consider and analyze the development and maintenance of marine-related facilities and waterways.
- (c) To solicit input from the public that may assist with the duties listed above.
- (d) To provide recommendations to the Board of County Commissioners on issues relating to those duties specified above or other duties assigned by the Board of County Commissioners.
- (e) To review and provide input on the Capital Improvement Budget for marine-related facilities.

Section 9. Duties of the County Administrator or Designee for the Marine Advisory Committee. The duties of the County Administrator or Designee for this Committee shall be:

- (a) To administer the activities of the Committee in accordance with established policies of the Board of County Commissioners.
- (b) To provide periodic written reports to the Committee and the Board of County Commissioners on the activities of the Committee.
- (c) To attend all Committee meetings.

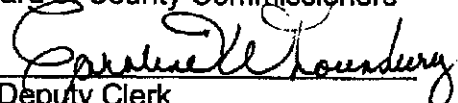
PASSED AND DULY ADOPTED this 13th day of February, 2001.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By 
Adam Cummings, Chair



ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

By 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Renee Francis Lee, County Attorney *Att. C.*

EXHIBIT "A"

BYLAWS

CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE

ARTICLE I - ORGANIZATION

Section 1.01 NAME

The name of the organization shall be CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE (hereinafter referred to as "the Committee").

Section 1.02 ORGANIZATION

The Committee shall be a volunteer organization as authorized by the Board of County Commissioners of Charlotte County, Florida, pursuant to Resolution 97-1260A0 adopted November 25, 1997.

Section 1.03 OBJECTIVES

The objectives shall be to act in an advisory capacity to the Board of County Commissioners of Charlotte County on marine-related matters.

ARTICLE II - MEMBERSHIP

Section 2.01 MEMBERSHIP

Membership on the Committee shall be voluntary and composed as indicated in this article. A potential member of the Committee must be recommended for appointment by the Committee and be appointed by the Board of County Commissioners in order to become a member. Any member must attend at least seventy percent (70%) of all regularly scheduled meetings of the Committee within a calendar year to retain membership.

Membership on the Committee shall be composed of fifteen (15) members representing marine oriented organizations within Charlotte County (organizational representatives), one (1) member representing the City of Punta Gorda (City representative) who shall be recommended for appointment by the City Council of the City of Punta Gorda, five (5) members at large (Members at Large) with preference given to representatives from the following groups: 1) fishing guides or bait and tackle store operators; 2) commercial fishing industry (including clamming industry); 3) marina operation industry; 4) personal watercraft industry; and 5) marine sales industry, and honorary at large members (honorary members).

Each organizational representative shall represent one of the marine oriented organizations listed in the appendix. No organization shall have more than one representative on the Committee. Each organization must be a marine oriented organization which holds regularly scheduled meetings and has a membership of at least twenty-five (25) persons. Term lengths for organizational representatives shall be determined by the Board of County Commissioners.

Members at Large shall serve for three (3) year terms following appointment. However, the initial terms of the Members at Large shall be staggered so that there is one (1) retiring and one (1) newly elected Member at Large each year. The term of a newly appointed Member at Large shall begin on January 1 following the appointment. A retiring Member at Large shall be eligible for re-appointment.

Honorary members shall be excluded from attendance requirements. In addition, honorary members are not included in quorum determinations and do not have voting rights.

ARTICLE III - OFFICERS/ELECTIONS

Section 3.01 OFFICERS

The officers of the Committee shall consist of:

Chair
Vice Chair
Secretary

with terms of one (1) year, beginning January 1, following their elections.

Section 3.02 ELECTIONS

Elections shall be held annually at the November regular meeting for the selection of officers and Members-at-Large. Vacancies may be filled by an election held at any regular or special meeting.

Section 3.03 DUTIES OF CHAIR

The Chair shall preside at all meetings. The Chair shall be the official spokesperson for the Committee. The Chair shall execute all written instruments in the name of the Committee. The Chair shall monitor and take appropriate action regarding attendance of members of the Committee.

The Chair shall appoint subcommittees, prepare budget recommendations, prepare goals and objectives, set agendas and perform other duties as needed to carry out the Committee's objectives.

Section 3.04 DUTIES OF VICE CHAIR

The Vice Chair shall assist the Chair and, in the Chair's absence, act in the Chair's stead.

Section 3.05 DUTIES OF SECRETARY

The Secretary shall maintain a file of minutes of all Committee meetings. Minutes are to be taken by a Recording Secretary provided by the County.

The Secretary shall serve as supervisor of elections, ascertaining that all nominations and voting procedures are in order.

ARTICLE IV - MEETINGS

Section 4.01 MEETINGS

Meetings shall be held monthly on a date approved by the membership. Special meetings may be called by the Chair, or by petition of at least three (3) members when circumstances warrant. The Committee may dispense with any meeting by majority vote.

Section 4.02 QUORUM

Business requiring action by the Committee may only be conducted at a regular or special meeting at which a quorum is present. A quorum shall consist of eleven (11) or more members.

Section 4.03 VOTING

Any action taken by the Committee must be approved by a majority of those present and voting, except for Bylaws and Bylaws amendments; see ARTICLE V, Section 5.01.

Section 4.04 CONDUCT OF MEETINGS

All meetings shall be conducted in accordance with Section 286.011, Florida Statutes, the Florida Sunshine Law. All meetings shall also be conducted in accordance with Robert's Rules of Order, insofar as they do not conflict with these Bylaws.

ARTICLE V - BYLAWS

Section 5.01 BYLAWS

Bylaws, and amendments thereto, must be distributed to all members approximately thirty (30) days before being presented for approval at a regular meeting. Approval must be by two thirds of the members present and voting, with a minimum of eleven (11) members present, and then submitted to the Board of County Commissioners for its approval.

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APPENDIX - MEMBERSHIP OF COMMITTEE

City of Punta Gorda

5 Members at Large with preference given to representatives of the following groups:

- 1) fishing guides or bait and tackle store operators;
- 2) commercial fishing industry (including clamming industry);
- 3) marina operation industry;
- 4) personal watercraft industry; and
- 5) marine sales industry.

MARINE ORIENTED ORGANIZATIONS WITH REPRESENTATIVES:

Harbour Heights Yacht Club
Charlotte Harbor Yacht Club
Isles Yacht Club
South Gulf Cove Yacht Club
Burnt Store Isles Boat Club
Punta Gorda Sports Fishing Club
Peace River Power Squadron, Inc.
Pirate Harbor Yacht Club
Port Charlotte Yacht Club
Punta Gorda Boat Club
Punta Gorda Sailing Club
U.S. Coast Guard Auxiliary, Flotilla 98, Charlotte Harbor
U.S. Coast Guard Auxiliary, Flotilla 89, Rotonda West
U.S. Coast Guard Auxiliary, Flotilla 87, Englewood
Charlotte County Chapter of the Coastal Conservation Association Florida

and such other marine-oriented organizations as this Committee or the Board of County Commissioners may consider appropriate.

BYLAWS, AS AMENDED, APPROVED BY THE MARINE ADVISORY COMMITTEE ON NOVEMBER 20, 2000.

BYLAWS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 13, 2001.