

RESOLUTION NO. 2022-001

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE UPPER CAPTIVA FIRE PROTECTION AND RESCUE SERVICE DISTRICT, LEE COUNTY, FLORIDA; PROVIDING FOR A DEFINITION OF EXCUSED ABSENCES FOR COMMISSIONERS; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CONSTRUCTION; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Upper Captiva Fire Protection and Rescue Service District ("District") was created by a special act of the Legislature in 2004, as codified by a special act of the Legislature in 2004; and,

WHEREAS, the District is authorized by law, especially Chapter 191, Florida Statutes, to create and enforce policies, procedures and guidelines; and,

WHEREAS, pursuant to S191.005(5), Florida Statutes, the Board shall remove any member who has three consecutive unexcused absences from regularly scheduled meetings; and,

WHEREAS, pursuant to S191.005(5), Florida Statutes, the Board shall adopt definitions of excused and unexcused absences of Commissioners.

NOW THEREFORE, be it resolved by the Board of Commissioners of the Upper Captiva Fire Protection and Rescue Service 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, the District's enabling legislation, and other applicable laws.

SECTION 3. DEFINITIONS OF EXCUSED AND UNEXCUSED ABSENCES OF COMMISSIONERS. To satisfy the requirements of S191.005(5), Florida Statutes, the definition of an excused absence from a regularly scheduled Board of Commissioners meeting is as follows:

- All absences will be considered unexcused.

However, an absence may be excused if:

- *Prior to the meeting*, a commissioner notifies the Chairperson or Vice Chairperson by phone or email that the commissioner will be absent, and

- At the next meeting following the absence, the commissioner requests permission to have the absence excused and a majority of the other board members approve a motion to excuse the absence.

SECTION 4. SCRIVENER'S ERRORS. 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 a public meeting or Board decision making action, by the Chief 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.

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

Commissioner Willaim Byrnes yes
 Commissioner AJ LaVallie yes
 Commissioner Tom Jenkins yes
 Commissioner Duncan Rosen yes
 Commissioner Michael Filipczak yes

Duly passed and adopted on this 18th day of March, 2022

BOARD OF COMMISSIONERS OF THE UPPER CAPTIVA FIRE PROTECTION AND RESCUE SERVICE DISTRICT

By: [Signature]
 William Byrnes, Chair

ATTEST: [Signature]
 Michael Filipczak, Secretary