

D.

RESOLUTION

NUMBER 2008-109

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING RESOLUTION NUMBER 2004-062; PROVIDING FOR THE APPOINTMENT OF AN AT LARGE MEMBER TO THE LITTLE GASPARILLA ISLAND ADVISORY COMMITTEE IN CASE OF A VACANCY BY AN APPOINTED OWNERS' ASSOCIATION MEMBER; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on April 13, 2004, the Little Gasparilla Island Advisory Committee ("Committee") was created under Resolution 2004-062 by the Board of County Commissioners of Charlotte County, Florida ("Board"), which is attached hereto as Exhibit "A" and by this reference provided herein; and

WHEREAS, also under Resolution 2004-062, the Board resolved that the Committee shall consist of seven (7) members including one (1) representative from each of the four (4) Owners' Associations located on Little Gasparilla Island and three (3) at-large representatives; and

WHEREAS, Resolution 2004-062 set forth attendance requirements for meetings of the Committee by its members, as well as the Board's duty and requirements to fill any vacancies left by any appointed members that may arise due to, among other things, absences from Committee meetings, as provided in Paragraph 5 of Resolution 2004-062; and

WHEREAS, due to the seasonal population fluctuation that exists on

Little Gasparilla Island and particularly among the residents of the Owners' Associations, who are many times appointed members on the Committee, vacancies often exist on the Committee which can result in a lack of quorum and impede Committee business; and

WHEREAS, at this time, it is the Board's desire to amend Resolution 2004-062 in order to allow the vacancies on the Committee to be filled in an expedited manner so that Committee business can be undertaken at its meetings in a timely fashion throughout the year; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, that Resolution 2004-062 is hereby amended as follows:

1. Paragraph # 5 is hereby amended by adding a new subparagraph (d) as provided in the underlined language which follows:

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 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.

(d) In the event that a vacancy of an Owners' Association seat on the Committee exists, whether due to expiration of a term, absences as provided above, or otherwise, the Owners' Association has within sixty (60) days of the vacancy to recommend a replacement representative to the Board of County Commissioners for appointment on the Committee. If the Owners' Association fails to recommend a replacement representative for appointment by the Board of County Commissioners on the Committee within sixty (60) days, an at-large member shall be appointed by the Board of County Commissioners to serve the term, or the remainder of the term, on the Committee. At the end of the scheduled term, the Owners' Association shall have sixty (60) days to recommend a new representative from its organization for appointment on the Committee by the Board of County Commissioners. If the Owners' Association fails to recommend a new representative for appointment on the Committee by the Board of County Commissioners within sixty (60) days, the at-large member shall be reappointed by the Board of County Commissioners at that time.

2. All other terms of Resolution 2004-062 shall remain the same and in effect.

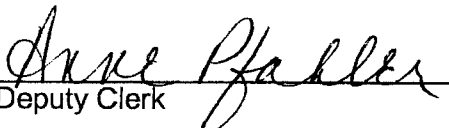
3. This resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED this 9 day of Sept, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Thomas C. D'Apelle, Chairman

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:

By:   
Janette S. Knowlton, County Attorney  
LR 2008-458  
RB