

# CAPTIVA EROSION PREVENTION DISTRICT **RULES OF PROCEDURE**

**The following Rules of Procedure shall control the government and proceedings of the District Board.**

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## **SECTION I: PROCEDURE FOR MEETINGS**

### ***Rule 1.01: Governing Rules***

Except as may be provided by these rules of law, questions of order, the methods of organization and the conduct of business of the District Board shall be governed by Robert's Rules of Order (1967 Edition) in all cases to which they are applicable.

Rules basically are:

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

### ***Rule 1.02: All Meetings***

(a) All meetings of the District Board shall be open to the public and the news media.

(b) The minutes of any meeting of the District Board shall be promptly recorded by the Secretary or his/her designee, and such records shall be open for public inspection. Meeting minutes shall be reviewed by the Secretary or his/her designee for distribution to the commissioners within seven working days of the last meeting.

### ***Rule 1.03: Regular Meetings***

(a) **Annual Schedule of Regular Meetings:** The District Board shall file annually a schedule of its regular meetings with the local governing authority (Lee County). The schedule shall include the date, time and location of each scheduled meeting. The schedule shall be sent by certified mail to the County Administrator of Lee County. The District Board shall annually publish this schedule of meetings in the **Fort Myers News Press, The Island Reporter** and **The Islander** and may publish such other notice of regular meetings as is deemed appropriate by the District board.

Any change of regular meeting day or time shall be approved by a resolution or motion adopted by a majority of the Commissioners. Notice of any change shall be promptly sent to the local governing authority (Lee County), and notice of the change shall be posted at the regular meeting place.

(b) **Cancellations of Regular Meetings:** Regular meetings may be canceled by a resolution or motion adopted at a regular meeting by a majority of the District Board. Votes to cancel a regular meeting may also include written notice from Commissioners not present stating their inability to attend the regular meeting proposed to be canceled. Regular meetings may otherwise be canceled when the Chairman or designee receives notice from a majority of the Commissioners stating their inability to attend a regular meeting. Notice that a regular meeting has been canceled shall be promptly posted at the regular meeting place.

(c) **Meeting Place:** For purposes of this Rules of Procedure document, the regular meeting place is defined as 11513 Andy Rosse Lane, Unit 4, Captiva, FL 33924. Regular, special and emergency meetings can be held in locations other than the regular meeting place, as long as the address of that other location is included in the public notice for the meeting in question. The Administrator may choose the locations for the regular meetings.

### ***Rule 1.04: Special Meetings***

(a) Special meetings are meetings in addition to regular meetings, which are called for a particular purpose or purposes. Only business relating to such purpose(s) may be discussed and /or transacted.

(b) Notice of special meetings must be published in the **legal notices** section of the Fort Myers New Press at least seven days prior to such meetings. The special notice shall include the day, time, place and purpose of the Special Meeting and shall include the following language:

"If a person decides to appeal any decision made by the District Board with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

F.S. S189.005 (1) (1983); S286.0105 (1983)

(c) A special meeting of the District Board may be called by the Chairman or by consent of a majority of the members of the District Board, whenever a special meeting is called, a Commissioner or his/her designee shall serve either verbal or written notice upon each member of the District Board stating the date, time, place and purpose or purposes of the special meeting.

### ***Rule 1.05: Emergency Meetings***

(a) Emergency meetings shall only be called when a bona fide emergency situation exists. Such meetings shall be called by the Chairman or by consent of a majority of the members of the District Board. Only business relating to the emergency situation may be transacted or discussed at such meetings.

(b) Whenever such emergency meeting is called, a Commissioner or representative shall serve either verbal or written notice upon each member of the District Board. 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 is in attendance.

(c) Such time shall elapse to reasonably notify the news media of such a meeting.

(d) Notice including the date, time, place and purpose of the emergency meeting and that a record is required to appeal (see language for special meetings) shall be posted at the regular meeting place and the local post office.

(e) Any official acts transacted at any emergency meetings shall be summarized and ratified by the District Board at a subsequent regular meeting.

### ***Rule 1.06: Agenda***

There shall be an official agenda for every regular meeting of the District Board which shall determine the order of business conducted at the meeting. The Chairman, working with the Administrator, shall set the agenda for a meeting. Commissioners may contact the administrator to request an item to be placed on the agenda. The District Board shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless the majority of the entire District Board shall have first consented to the presentation thereof for consideration and action, except for emergency matters.

All requests to be included on the agenda for any regular meeting will have to be filed in the office of the District no later than two working days prior to the meeting.

### ***Rule 1.07: Officer's Duties***

The Chairman of the District Board shall preside over all meetings at which he/she is present. In the absence of the Chairman, the Vice Chairman of the District Board shall preside. In the absence of the Vice Chairman, the Secretary shall preside.

The presiding officer shall preserve strict order and decorum at all meetings of the District Board. He/she shall state every question coming before the District Board and announce the decision of the District Board 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 Secretary of the District Board or other duly authorized Commissioner shall certify all resolutions adopted by the District Board.

In the absence of the Chairman or in the event of his/her inability to serve by reason of illness or accident, the Vice Chairman shall perform the duties and functions of the Chairman until his/her return or recovery and resumption of duty. In the absence of the Vice Chairman or in the event of his/her inability to serve by reason of illness or accident, the Secretary shall perform the duties and functions of the Chairman until his/her return or recovery and resumption of duty.

### ***Rule 1.08 - Authority of the Chairman***

The Chairman:

(a) May call a member to order if his/her remarks are not relevant to the subject under discussion, or for lack of decorum.

(b) Is obliged to vote on each motion in which he/she has no personal interest. The Chairman may not abstain unless he/she has a bona fide conflict of interest as defined in Section 112.3143 F.S., as amended.

(c) May discuss a motion as any other Commissioner without relinquishing the Chair.

(d) May call for a reading of the motion after discussion, but before voting.

(e) In the event of a tie vote, shall rule the motion is lost.

(f) Shall recognize Commissioners in the order of their request to speak, except the maker of the motion may be the first speaker.

(g) Is authorized to appoint committee or designate members to other committees consisting of Commissioners only if no objection is raised. If there is objection, he/she is obliged to call for a motion which must be seconded to determine the result by a majority vote. This motion is debatable and amendable.

(h) May call a recess for a reasonable time. If there is an objection, he/she 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. The length of time of the recess and the time the meetings will be reconvened must be announced before recessing. A meeting may not be recessed for more than five hours and must be reconvened the same day.

(i) May refer the subject to the next regular meeting, if no objection is raised. If there is objection, he/she is obliged to call for a motion which must be seconded to determine the result by a majority vote. This is debatable and amendable.

(j) 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 adjourned." If there is objection, he/she is obliged to call for a motion which must be seconded to determine the result by a majority vote. This is neither debatable nor amendable.

(k) Is authorized to sign for Board approved contracts, and to approve administrative expenditures or non-administrative, non-recurring expenditures under \$2,500.

### ***Rule 1.09 - Authority of the Commissioners***

Each Commissioner:

(a) Must vote on every motion in which he/she has no personal interest. A commissioner may not abstain unless he/she has a bona fide conflict of interest as defined in Section 112.3143, F.S., as amended.

(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, he/she is 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 refer the subject to the next regular meeting. This is seconded, decided by a majority vote, is debatable and amendable.

(f) May informally request a recess in a meeting for a reasonable time. If there is an objection, the Commissioner shall state the request in the form of a motion, which must be seconded, to determine the result by a majority vote. The length of time of the recess and the time the meeting will be reconvened must be announced before recessing. A meeting may not be recessed for more than five hours and must be reconvened the same day.

(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 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.

### ***Rule 1.10 - Parliamentarian***

The Secretary, or his/her designee in his/her absence, shall act as Parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.

### ***Rule 1.11 - Attorney and Administrator***

(a) The District's Attorney or such member of his/her office as he/she may designate shall be available upon request of the District Board at all regular



meetings. The District's Attorney shall review and approve in a timely manner the legality of all budget procedures outlined in Rule 2.01.

(b) The Administrator shall respond to all reasonable requests of any Commissioner with priority to be set by the Chairman as necessary. Duties shall include the running of the District's office, attendance at Board meetings, custodian of the records, agent, and all other administrative duties associated with carrying out the duties, responsibilities and policies of the District Board.

### ***Rule 1.12 - Call to Order***

The Chairman shall take the chair at the hour appointed for the meeting, and shall call the District Board to order immediately. In the absence of the Chairman and the Vice Chairman, the Secretary shall then determine whether a quorum is present and in that event shall take the Chair temporarily. Upon arrival of the Chairman or Vice Chairman, the Secretary shall relinquish the chair upon the conclusion of the business immediately before the District Board.

### ***Rule 1.13 - Quorum***

A majority of the whole number of members of the District shall constitute a quorum. No resolution or motion shall be adopted by the District Board without the affirmative vote of the majority of all members.

Should no quorum attend within thirty minutes after the hour appointed for the meeting of the District Board, the Chairman, Vice Chairman, or Secretary may adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes.

### ***Rule 1.14 - Order of Business***

All meetings of the District Board shall be open to the public. Promptly at the hour set for each meeting, the Commissioners and any other designated representatives shall take their stations and the business of the District Board shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

## ***Rule 1.15 - Rule of Debate***

(a) **Questions 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 set by a majority of the members present.

(b) **Getting the Floor, Improper Reference to be Avoided:** Every Commissioner desiring to speak for any purpose shall address the presiding officer, and upon recognition, shall confine himself/herself to the question under debate; avoiding all personalities and indecorous language.

(c) **Interruption:** A Commissioner, once recognized, shall not be interrupted when speaking, unless it be to call him/her to order as herein otherwise provided. If a Commissioner, while speaking, be called to order, he/she shall cease speaking until the question of order be determined by the presiding officer, and if in order, he/she shall be permitted to proceed. Any Commissioner may appeal to the District Board from the decision of the Chairman shall submit to the District Board the question, "Shall the decision of the chair be sustained?" and the District Board shall decide by a majority vote.

(d) **Privilege of Closing Debate:** The Commissioner moving the adoption of a motion or resolution shall have the privilege of closing the debate.

(e) **Roll Call:** Upon any roll call, there shall be no discussion by any Commissioner voting and he/she shall vote yes or no. Any Commissioner upon voting, may give a brief statement to explain his/her vote. A Commissioner shall have the privilege of filing with the Secretary a written explanation of his/her vote.

A Commissioner shall abstain from voting on any matter in the event said Commissioner shall have a conflict of interest as defined in Subsection (f), in which case the Commissioner shall, prior to the vote being taken, publicly state to the District Board the nature of his/her interest in the matter from which he is abstaining from voting. Within fifteen (15) days after the vote occurs, the Commissioner must disclose the nature of his interest as a public record in a memorandum filed with the Secretary, who shall incorporate the memorandum in the minutes.

**(f) Conflict of Interest:** No Commissioner shall participate in the discussion or vote upon any matter under consideration wherein he/she has a conflict of interest as defined in Section 112.3143, of Florida Statutes, as amended. Such a conflict of interest must be made known on the record and in writing.

**(g) Reconsideration:** Action of the District Board may reconsidered at the same meeting or the very next meeting only upon motion by a Commissioner who voted on the prevailing side of the question and with a concurrence of a majority of those present. Adoption of a motion to reconsider shall rescind the action reconsidered. A motion to reconsider, whenever made, shall not be considered unless at least the same number of commissioners is present as participated in the vote under consideration or upon affirmative vote of the majority of the District Board.

**(h) Vote Change:** Any commissioner may change his/her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter.

**(i) Rescind:** A motion to rescind may be made by any Commissioner for the purpose of annulling some previous action taken when it is too late to reconsider. Any action may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.

### ***Rule 1.16 - Reading Minutes***

The minutes of prior meetings may be read and approved by a majority of the Commissioners present, and upon such approval, shall become the official minutes.

### ***Rule 1.17 - Method of Voting***

The vote upon any resolution, motion, or other matter may be voice vote, provided that the Chairman or any Commissioner may ask for a roll call to be taken upon any resolution or motion.

### ***Rule 1.18 - Addressing the District Board***

(a) **Agenda Items:** All proceedings and the order of business at all meetings of the District Board shall be conducted in accordance with the official agenda. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the Commissioners present at the meeting.

Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the District Board and be heard concerning any matter within the scope of jurisdiction of the District Board. Only Commissioners may place a citizen on the official agenda, except that staff may schedule permit requests. The deadline for placing a citizen on the agenda is two working days prior to the meeting at which said citizen wishes to be heard.

Any citizen shall be entitled to speak on any matter appearing on the official agenda under the sections entitled "Public Hearings", "Public Presentation of Matters by Citizens," or "Public Comment."

(a) **Non-Agenda Matters:** No citizen shall be permitted to address the District Board on any matter not appearing on the official agenda, unless the District Board shall first grant permission to be heard by a majority vote of the entire District Board.

(b) **Public Discussion on Agenda Items:** No citizen shall be entitled as a matter of right to address the District Board on any matter listed on the official agenda which is not scheduled for public hearing, discussion or debate. Citizens shall not be permitted to speak on any matters listed on the official agenda other than those appearing under the section entitled, "Public Hearings," and "Public Comment," "Public Presentation of Matters by Citizens," unless the District Board shall first grant permission to be heard by a majority vote of the Commissioners present at the meeting. A public comment period will be held at the beginning of every regular monthly meeting, immediately after the approval of minutes.

### **Rule 1.19 - Addressing the District Board. Manner. Time**

Each person addressing the District Board shall give his/her name and address in an audible tone of voice for the minutes, and unless the matter has

been reviewed by a Commissioner, shall limit his/her address to three minutes. All remarks shall be addressed to the District Board as a body and not to any member 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 Commissioner, without the permission of the presiding officer. No question shall be asked a Commissioner except through the presiding officer.

### ***Rule 1.20 - Decorum***

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the District Board shall be barred from further audience at that meeting before the District Board by the presiding officer, unless permission to continue or again address the District Board is granted by the majority vote of the Commissioners present.

### ***Rule 1.21 - Persons Authorized beyond the Podium***

No person shall be permitted beyond the podium in front of the District Board and no person shall be permitted to disturb any Commissioner while on the floor during any meeting without the express permission of the District Board.

### ***Rule 1.22 - Committees***

(a) The District Board of Commissioners may resolve itself into a committee of the whole at any regular or special meeting and select a chairman to preside over such meeting of the committee of the whole. The District 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. Meetings of standing committees or a committee of the whole shall be called and held in the same manner as meetings of the District Board and shall be open to the public.

(b) Whenever the District Board deems it necessary or desirable that the District Board shall be represented at meetings, conferences, or other occasions involving other governmental entities, agencies, officials, or groups, or non-

governmental organizations, or departments, the Chairman and/or any commissioners) may designate a representative of the District Board which may include himself/herself to attend such meetings, conferences or other occasions. Such attendees shall have no power to act for or on behalf of the District Board or to make any commitment or binding obligation on behalf of the District Board or the District unless previously so authorized. The administrator or his/her designee shall also attend and submit a written report by the next regular meeting.

### ***Rule 1.23 - Resolutions, Motions, Contracts***

(a) **Preparations of Resolutions:** The District's Attorney, when requested by the District Board, shall prepare resolutions which shall be delivered to the District Board.

(b) **Approval of Resolutions by District's Attorney:** Resolutions, when requested, and contract documents, before presentation to the District Board, shall have been put in writing and shall have been approved as to form and legality by the District's Attorney before adoption or acceptance.

(c) **Introducing for Passage or Approval:** Resolutions and other matters and subjects requiring action by the District Board must be introduced and sponsored by a Commissioner, except that the District's Attorney and the District's Administrator may present resolutions and other matters or subjects to the District Board for consideration and any Commissioner may assume sponsorship thereof by moving that such resolution, matter, or subject be adopted in accordance with law, otherwise they shall not be considered.

(d) **When Action to be Taken by Resolution:** All actions of the District Board may be taken by resolution except that approval of purely administrative matters may be accomplished by motion duly adopted and recorded in the minutes of the meeting. A resolution stating budget and purpose shall be required to initiate any project exceeding \$25,000. The resolution, at a future date, may be amended by motion.

(e) **Numbering of Resolutions:** All resolutions shall be numbered consecutively by the Secretary upon their passage.

## **SECTION II: BUDGET AND FINANCES**

### ***Rule 2.01 - Budget***

(a) The District Board shall cause to be prepared, in accordance with these Rules and Florida law, a budget for the General Fund and any bond related funds. Within 30 days of certification by the Lee County property appraiser of the taxable value of properties within the District's jurisdiction, the District Board shall advise the property appraiser of its proposed millage rate, of its rolled-back rate, and of the date, time, and place at which a public hearing will be held to consider the proposed millage rate and the tentative budget.

Within 80 days of said certification of value, but not earlier than 65 days after certification, the District Board shall hold a public hearing on the tentative budget and proposed millage rate, in accordance with Florida law. Prior to the conclusion of the hearing, the District Board shall amend the tentative budget as it sees fit, adopt the amended tentative budget, recompute its proposed millage rate, and publicly announce the percent, if any, by which the recomputed proposed millage rate exceeds the rolled-back rate previously computed. That percent shall be characterized as the percentage increase in property taxes tentatively adopted by the District Board.

(b) Within 15 days of the meeting adopting the tentative budget, the District Board shall advertise in a newspaper of general circulation in the county its intent to finally adopt a millage rate and budget. A public hearing to finalize the budget and adopt a millage rate shall be held not less than two days of more than five days after the day that the advertisement is first published. The final budget and millage shall be adopted by separate resolutions and forwarded to the property appraiser, the tax collector and the Department of Revenue. The Treasurer or other duly authorized Commissioner shall certify the budget.

### ***Rule 2.02 - Fiscal Year***

The fiscal year of the District shall commence on the first day of October of each year and the end of the last day of September of the following year.

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### ***Rule 2.03 - Fees***

The District Board may establish fees for its services reasonably related to the general cost of providing such service including, but not limited to processing of permit applications.

### ***Rule 2.04 - Bank Accounts***

(a) The District shall maintain necessary bank accounts. Each check issued by the District shall be signed by any one authorized commissioner.

#### **(b) GENERAL FUND:**

Each year, any budgeted and collected funds, that were not expended, shall be rolled over to the project reserve fund.

Any budget deficit incurred during a budget year must be recouped in the following budget year.

Interest earned in the general fund accounts shall remain in the General Fund. Interest earned from special escrow funds shall go to the General Fund.

#### **(c) BOND FUND:**

The administrator will review the debt service fund requirements annually at budget time and transfer all excess funds (i.e. those funds above the 10% holdback requirement) into the Project Reserve Fund.

Interest earned on debt service reserve shall flow into the Project Reserve Fund.

#### **(d) PROJECT RESERVE FUND:**

The CEPD Board shall set up a Project Reserve Fund to fund start up costs of the next project.

In setting up the Project Reserve Fund, the CEPD Board shall take into consideration, the annual flow of funds from the Debt Service Reserve.



Interest earned in the Project Reserve Fund shall remain in the Project Reserve Fund to counter inflation.

If excess funds accrue in the Project Reserve Fund, these funds can be used to offset non ad-valorem expenses such as being applied against future project costs, community-wide assessments, funded interest, etc.

Unanticipated costs may be paid with funds borrowed from the Project Reserve Fund, to be repaid by the next year's ad valorem proceeds from the General Fund.

(e) GRANT MONEYS

Undisbursed grant moneys shall be applied against the assessments for the next project, i.e. in same way they were collected

***Rule 2.05 - Financial Statements***

The District Board shall prepare or cause to be prepared annually an independently audited financial statement which shall be officially presented at the first regular monthly meeting after its completion. A copy of this statement shall be maintained in the District's office and provided to the Captiva Library. A quarterly financial report shall be completed by the Treasurer or his/her designee.

***Rule 2.06 - Compensation***

Captiva Erosion Prevention District Commissioners shall serve without compensation.

***Rule 2.07 - Reimbursement***

The District has the power to pay from funds available to it under Chapter 81-413, Laws of Florida, all reasonable and necessary expenses incurred in carrying out its purposes, including reimbursement of actual travel expenses (excluding alcoholic beverages) of members of the District Board or their properly designated agents shall be scheduled for consideration at a regular meeting.

A travel expense report including receipts shall be provided to the Treasurer or his/her designee prior to reimbursement.

## **SECTION III: APPOINTMENT OF ADDITIONAL COMMITTEES**

### ***Rule 3.01 - Creation of Committees, Terms, Meetings***

(a) The Commissioners shall have the power to designate or create by resolution or motion such other committees as may be necessary for the administration of the affairs of the District, and shall provide the duties of the members of such committees. Members of these committees shall serve without compensation, but may be reimbursed in accordance with Rule 2.07.

(b) The length of term of appointees and method of appointment shall be specified in the enabling resolution or motion. Vacancies occurring in the membership of any committee shall be filled for the remainder of the unexpired term in the manner providing for the original appointment. Members of committees may be removed for cause by a two-thirds vote of the District Board.

(c) Meetings of committees shall be called and advertised in the same manner as meetings of the District Board, and shall be open to the public.

### ***Rule 3.02 – Appointment of Emeritus Commissioner***

(a) There shall be a category of Board member known as a *Board Member Emeritus* who is nominated by the Chairperson and elected by the Board of Commissioners. Board Members Emeritus shall be selected from those Board Commissioners who have served with distinction and excellence. Emeritus members shall serve two (2) year renewable terms for as long as they remain active in the work of Captiva Erosion Prevention District, and either the Board or the Member Emeritus may end the term at any time. Emeritus member candidates will have served the Board with distinction and are considered deserving the same for outstanding service.

(b) A Board Member Emeritus shall be entitled to receive all written notices and information which are provided to the Board of Commissioners, to attend all Board of Commissioners meetings, and encouraged to attend all other events conducted by Captiva Erosion Prevention District. A Board Member Emeritus shall not be subject to any attendance policy, counted in determining if a quorum is present at a meeting, entitled to hold office, or entitled to vote at any board meeting.

(c) **Eligibility:** In order to be considered for designation as a Board Member Emeritus, a person must be a current or former member of the Captiva Erosion Prevention District Board of Commissioners who:

1. Has served the Captiva Erosion Prevention District Board with distinction
2. Held an important leadership role, and made or continues to make significant contributions
3. Engaged in major volunteer or advocacy activities in his or her service on the board
4. Completed the term(s) for which he or she was appointed

(d) **Election:** Any active Board member shall make the recommendation for a potential candidate and may nominate one (1) or more individuals for a Board Member Emeritus position. Nominations will be made at a regular Board meeting. A majority vote of Commissioners at a meeting at which a quorum is present is sufficient to approve an appointment.

## **SECTION IV: ORGANIZATION AND REORGANIZATION OF THE BOARD OF COMMISSIONERS**

### ***Rule 4.01 - Powers***

Chapter 81-413, Laws of Florida, creating the Captiva Erosion Prevention District, provides that the legislation and governing body of the Captiva Erosion Prevention District shall have the power to carry out its duties 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 official meetings.

### ***Rule 4.02 - Annual Organization***

The Board of Commissioners of the Captiva Erosion Prevention District shall, at the first regular meeting in December of each year, or thereafter, organize or re-organize the officers of the District Board as to designating or redesignating a Chairman, Vice-Chairman, Secretary and Treasurer. The Chairman, Vice Chairman, Secretary and Treasurer shall serve for a one-year term unless the District Board shall re-organize as set forth in the procedures below. An individual Commissioner may hold the office of Secretary and Treasurer concurrently.

Any Commissioner who incurs more than three unexcused absences within one year shall be asked to resign his or her seat upon the Board.

The incumbent Chairman, Vice-Chairman or Secretary of the District Board shall be present and conduct the meeting until a new Chairman has been selected. The organization of the District Board will be the first item on the agenda for that meeting.

### ***Rule 4.03 - Procedure for Annual Organization***

The Board shall take the time to discuss the positions available, giving a commissioner the chance to decline a post if unable to perform its duties.

The incumbent Chairman shall call for nominations for the new Chairman, taking nominations until a vote is called to close the nominations.

The election of the Chairman will be upon roll call. After a new Chairman is elected the other posts will be elected in the same manner.

### ***Rule 4.04 - Reorganization of the Board***

Any member of the Board of Commissioners may, at any regular or specially called meeting of the District Board, after being duly recognized by the Chairman, 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/she must call for the Orders of the Day. The rule governing this motion does not require a second, but does require a two-thirds majority vote not to proceed to the Orders of the Day. If the Orders of the Day motion passes, the re-organization takes place as outlined under the Organizational Procedures.

## **SECTION V: DISTRICT'S OFFICE AND RECORDS**

### ***Rule 5.01 - District Office***

The District shall maintain an office where records are kept and the public shall have access to such record at hours set by the District Board and posted at the Office.

The District shall maintain a reading file containing recent correspondence for use by Commissioners and the public. The reading file may be cleared and filed with the general District records after the first regular meeting each month.

### ***Rule 5.02 - District Records***

The records of the District shall be kept in the office and shall not be removed except for official business of the District Board or its designated representatives and the material removed shall be signed out on a log maintained in the District Office.

### ***Rule 5.03 - Reproduction of Records***

Anyone desiring to obtain copies of the District records may do so by making the request at the District office and paying a reasonable cost for reproduction.

## **SECTION VI: DISTRICT APPROVAL OF EROSION PREVENTION: PROJECTS, STRUCTURES 1988 GULFSHORE MEAN HIGH WATER LINE: AND STRUCTURES IN TIDAL WATERS**

### ***Rule 6.01 - Requirement for District Approval***

Any person, firm, corporation, or other business associations and any federal, state or local government, or any agency thereof, planning to establish or construct any erosion prevention project within the District, to construct any structure seaward of the 1988 gulfshore mean high water line, or to construct any structure within the tidal waters of the Captiva Erosion Prevention District must first obtain an approval from the Captiva Erosion Prevention District.

### ***Rule 6.02 - Definitions***

(a) Erosion Prevention Projects shall include: Any seawalls, groins, breakwaters, bulkheads, fill and other works, structures, equipment or other facilities used for beach renourishment or erosion control, and in each case necessary or useful in the protection of the lands, including beaches, within the District from tidal action and other causes of beach and coastal erosion. Erosion Prevention Projects shall also include activities associated with repairing and replacing any existing projects.

(b) "Erosion Control" includes, but is not limited to, erosion control, hurricane protection, coastal flood control, shoreline and off-shore rehabilitation, and regulation of work and activities likely to affect the physical condition of the beach or shore.

(c) "Minor Structure or Activity" includes pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; viewing platforms; gazebos; boardwalks; slab patios, and other paved areas not exceeding 144 square feet in area; lifeguard support stands; cantilevered decks or porches on new or existing structures; slab porches on new or existing structures; sidewalks; driveways; earth retaining walls, sand fences, privacy fences, ornamental walls; ornamental garden structures; aviaries; subgrade utilities (e.g., wells, septic tanks, and drain fields) which require material alteration of topography; and permanent beach or deck furniture.

## ***Rule 6.03 - Application Review***

Anyone seeking an approval as required under Rule 6.01 must submit a complete application to the District Administrator prior to action by the Captiva Erosion Prevention District Board of Commissioners. Applications are available in the District offices at 11513 Andy Rosse Lane, Captiva Island, Florida 33924, or by mail at P.O. Box 365, Captiva Island, Florida 33924. Applications shall be reviewed in accordance with the rules and regulations herein promulgated.

(a) Erosion prevention projects as defined previously, construction located seaward of the 1988 gulfshore mean high water line, and construction within the tidal waters of the Captiva Erosion Prevention District shall require an approval by the District Board prior to construction. The applicant shall submit to the District Administrator a completed application and all supporting materials thereof. The applicant may obtain information regarding the gulfshore 1988 mean high water line from the District offices, and such general assistance as may be necessary to understand the application process. The application may provide that minor structures or activities as herein defined may be exempt from certain application questions in regard to approvals for projects and structures seaward of the 1988 gulfshore mean high water line.

(b) The District Administrator may at any time request the review assistance of the District Engineer in order to determine the completeness of the application or suitability of the proposed project. The District Engineer shall submit its recommendation as requested to the District Administrator.

(c) Once the District Administrator has determined that the application is complete and has received any requested recommendation from the District Engineer, the District Administrator shall schedule the application for the District Board's review. The District Administrator shall give written notice to the applicant of the date and time of the meeting and of any recommendation, at least ten days prior to the next scheduled regular meeting.

(d) The application, submitted materials and any recommendation shall be reviewed by the Board of Commissioners of the Captiva Erosion Prevention District at a regular meeting. The applicant or any agent of the applicant may appear at the meeting and the District Board shall receive any public comment on the application. The District Board shall adopt a recommendation for approval, denial, or modification of the proposed project, and reasons for such recommendation based on the following criteria:



- (1) The effect of the proposed project upon the Captiva Erosion Prevention District comprehensive beach and shore preservation program; and
- (2) The erosional impact of the proposed project upon the subject property and upon adjacent riparian properties within 200 feet of the property boundaries where the proposed project is to be located.

(e) Notice of Recommendation. The recommendation shall be forwarded to the applicant and any appropriate state and federal agency, along with reasons for the recommendation.

(f) Any changes in the project from the District approved plan shall require a modification of the permit.

(g) Within 30 (thirty) days of completion of the work authorized by the permit, the permittee shall notify the District of said completion by letter, including a post construction survey certified by the applicant's registered engineer or architect.

## **SECTION VII: EMERGENCY ORDERS**

### ***Rule 7.01 - Emergency Maintenance, Repairs, Orders, Funds***

When a bona fide emergency exists, the District Board shall, at an emergency or other meeting called pursuant to Rule 1.02 —1.05, have the power to issue an "emergency repair and/or maintenance order" authorizing the repair and/or maintenance of any Erosion Prevention Project constructed by any person, firm, corporation, public or private, within the District. The emergency order shall be signed and approved by a majority of the Commissioners present at such meeting.

The emergency order shall contain a declaration that an emergency situation exists, including a brief explanation of why such declaration has been made, the emergency order shall authorize the maintenance and repair to the extent that in the judgment of the District Board it is necessary and practical to insure the continuing efficient operation of such project. In no event may any extension or addition to a project beyond that reasonably necessary for repair and/or maintenance of the project be authorized in such an emergency order.

The District Board shall have the power to authorize the payment of funds to the extent permitted by law to accomplish the purpose of this rule. (Authority: SECTION 4 (10) of the Special Act)

## **SECTION VIII: PROPOSED APPORTIONMENT REVIEW**

The District shall provide an opportunity for review of proposed apportionments to any Captiva property owner prior to the preparation of the preliminary assessment roll required under Section X (10) and, Chapter 81-413, Laws of Florida. The purpose of District review shall be to hear concerns by property owners regarding factors particular to their property that may affect the preliminary assessment on that property, and which will avoid errors or omissions in the preparation of the preliminary assessment roll.

(a) The District shall cause to be prepared a proposed apportionment of the estimated total cost of any erosion project ordered by the District and to be financed by special assessments upon benefited property. The proposed apportionment shall be made in accordance with the tentative apportionment as provided in Section X (5), Chapter 81-413, Laws of Florida, but the proposed apportionment shall not be held to limit or restrict the duties of the engineer in the preparation of the preliminary assessment roll.

(b) The proposed apportionment shall be filed with the District board and notice of the proposed apportionment shall be mailed to any person, firm or corporation whose specially benefited lands shall be affected at such address as shown on the last available tax roll. Such notice shall include information regarding:

(i) The proposed apportionment on the property affected; and

(ii) The procedure by which the property owner may apply for a review of the proposed apportionment on the particular property, including the time and place for filing an application for review of the proposed apportionment, and the opportunity for an oral presentation to the Board regarding the proposed apportionment.

(c) Each property owner who applies for a review of his proposed apportionment shall be required to submit his objections to the proposed apportionment in writing, and shall be afforded the opportunity to provide evidence to support his objections.

(d) The Administrator shall coordinate the review by Board staff and consultants of all applications for review and evidence submitted in support of the application. The staff and consultants shall provide recommendations to the Board regarding applications which they have reviewed.

(e) The Board shall schedule a hearing to consider the application of any property owner who timely requests a hearing before the Board. At the hearing, the property owner may speak in regard to his written objections, the evidence submitted, and any additional evidence supporting his objection. The hearing shall be an informal hearing. The Board shall consider the recommendations of staff, and any evidence submitted, and may request additional evidence.

(f) The Board shall respond to each application subsequent to any hearing on the application and prior to the filing of the preliminary assessment roll with the District Board. Notice of the Board's decision shall be provided to the property owner in writing.

## **SECTION IX: AMENDMENTS**

### ***Rule 9.01 - Amendments, Manner, Time***

(a) The Secretary or Chairman shall review this code and recommend changes.

(b) This code shall be amended by a majority vote of the District. All proposed amendments shall be voted on at a regular meeting or a special meeting called for that purpose. Notice of the amendment will be placed on the agenda.

**SECTION X: EFFECTIVE DATE**

These Rules shall become effective immediately upon adoption.

DULY PASSED AND ADOPTED this 8th day of February, 1989. Board of  
Commissioners of the Captiva Erosion Prevention District

\_\_\_\_\_ Chairman

\_\_\_\_\_ Secretary