



*BY-LAWS OF THE*

**BAYSHORE FIRE PROTECTION  
AND RESCUE SERVICE DISTRICT**

*As approved by the Board of Commissioners*

*09/13/2022*

*17350 Nalle Road, North Fort Myers, Florida 33917*

*Business: 239-543-3443 Fax: 239-543-7075*

***“Serving With Pride”***

## **PREAMBLE**

**These by-laws are designed and compiled to further define and prescribe the conduct, operation and administration of the business and affairs of the Bayshore Fire Protection And Rescue Service District (“the District”) consistent with the provisions of Chapter 76-414, Laws of Florida, 1976, as amended, 2003-367 (HB 1251) Laws of Florida, (“Charter”), and Chapters 189 and 191, F.S., and other applicable laws.**

## **ARTICLE I – THE BOARD OF COMMISSIONERS**

### **A. Board Action:**

**The Board of Commissioners (“the Board”), shall act as a body, and any action by an individual Commissioner, unless authorized by the Board, shall not be deemed an official action thereof.**

**A quorum for the transaction of business at any Board Meeting shall consist of three (3) members of the Board representing a majority of the Board. With less than a quorum present, no business will be transacted. A majority vote of the quorum present shall constitute approval of any Motion properly presented by any Board Member, unless Florida law or other adopted Board language requires a super majority. At every regular or special meeting each Board Member shall be entitled to cast one vote.**

**Voting Conflict. No Board member shall vote on a matter when the Board member has a voting conflict of interest as specified in Florida law, especially Section 112.3143, Florida Statutes, as amended. A Board member with a voting conflict shall satisfy the requirements of Florida law, including the legal requirement to declare the voting conflict and to abstain from voting. No board member shall personally benefit from any action or decision made by the Board of Commissioners. Any opportunity, benefit or advantage shall accrue only to the District and not to any individual Commissioner.**

**B. Meetings:**

**The Board shall hold its regular monthly meetings on the second Tuesday of each month, unless a majority of the Board Members at a regularly scheduled meeting agree to change a meeting and proper notice is provided.**

**The Board shall insure compliance with Section 286.0114, Florida Statutes, Public meetings; reasonable opportunity to be heard. Members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board or Commission. The opportunity to be heard need not occur at the same meeting at which the Board takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and within reasonable proximity in time before the meeting at which the Board takes the official action. This section does not prohibit a Board from maintaining orderly conduct or proper decorum in a public meeting.**

**As Per Florida Statute 191.005(5) the board shall remove any member who has three consecutive, unexcused absences from regularly scheduled meetings. The board shall adopt policies by resolution defining excused and unexcused absences.**

**The Chairman, when notified that it is desired by at least two other members of the Board, shall call a special meeting of the Board.**

**C. Vacancy:**

**If a vacancy occurs on the board due to the resignation, death, or removal of a board member or the failure of anyone to qualify for a board seat, the remaining members may appoint a qualified person to fill the seat until the next general election, at which time an election shall be held to fill the vacancy for the remaining term, if any.**

**D. Election of Officers:**

**The Board shall elect its officers at the regular meeting in November unless there are newly elected Commissioners, in which case the election of officers shall be held as promptly thereafter as possible, but in any case not more than 60 days after their taking office. Per §97-340 Commissioners take office 10 days following election.**

**Elected Officers shall serve for a term of one year or until their successors are elected, whichever is later. Officers may be re-elected to succeeding terms.**

**The duties of each officer shall be such as their respective titles would normally indicate and as otherwise required by law, these by-laws, or the Board.**

**E. Compensation:**

**Members of the board may each be paid a salary or honorarium to be determined by at least a majority plus one vote of the board, which salary or honorarium as outlined by Chapter 191.005, Florida Statute as may be amended. It is the Board's policy not to pay the monthly honorarium in any month the Commissioner did not attend the Board meeting, unless the absent member performed other functions for the District such as consultation with administration, check signing, or committee activity. Members may be reimbursed for travel and per diem expenses as provided in s. [112.061](#).**

**ARTICLE II – COMMITTEES**

**The Board may authorize the formation of committees and shall clearly define the number of members, purposes and duration thereof.**

### **ARTICLE III – DISBURSEMENTS**

**Disbursements of District funds shall be properly appropriated per Board adopted budget. Invoices must be approved by a member of the Board, and checks must be signed by any two members of the Board. The District recognizes the future possible necessity of electronic means to pay certain vendors and will evaluate and decide upon the proposed methods of action upon presentation of reasonable and acceptable methodology and internal controls to maintain the District's financial security.**

### **ARTICLE IV – OPERATION**

**Whereas the Board shall be responsible for District policy and fiscal affairs, the Fire Chief, as Executive Officer of the District, shall be responsible for, and direct the implementation thereof, and all day-to day operations of the District.**

**The Fire Chief shall be appointed by the Board, which shall establish appropriate compensation and other conditions of employment, as well as the guidelines for the modification thereof.**

**The Fire Chief shall meet the qualifications and have the authority and duties set forth in the job description for that position.**

**The Fire Chief shall be responsible for the hiring and termination of all other employees of the District whose compensation and other conditions of employment, as well as the guidelines for the modification thereof, shall be as set forth by the Board.**

**The Fire Chief shall be responsible for the discipline of all employees of the District. As such the Fire Chief is specifically authorized to suspend or terminate their employment (Subject to approval by the Board).**

## ARTICLE V – PROCEDURES

### A. Rules of Procedure:

Except where inconsistent with applicable law or these by-laws, Robert's Rules of Order (Latest revised edition) shall govern all proceedings of the Board.

### B. Order of Business:

Unless otherwise modified by the Board, the order of Business at meetings of the Board shall be as follows:

- Call to Order
- Pledge of Allegiance
- Invocation/Moment of Silence
- Roll Call
- Public Input (Agenda Items)
- Awards/Presentations/Guest Speaker (if appropriate)
- Approval of Minutes Prior
- Approval of Financials
- Fire Marshal Report
- Administration Report
- Union Petitions/Discussions
- Old Business
- New Business
- Chief's Items
- Commissioner's Items
- Public Input (General Discussion)
- Recess for Executive Session (if appropriate)
- Executive Session (if appropriate)
- Reconvene (if Executive Session)
- Adjournment

**C. Petitions to the Board:**

**A petition is a formal written request to the Board. It should be specific in content and request specific action by the Board.**

**Petitions to the Board shall be submitted in writing to the Fire Chief at least five days prior to the meeting at which they will be heard and, except with prior approval of the Board, the presentation thereof shall be limited to five minutes.**

**D. Public Input:**

**Public Input is informal comment(s) addressed to the Board by members of the public on matters relating to business and affairs of the District.**

**Except with prior approval of the Board, the presentation of Public Input shall be limited to three minutes per person.**

**(END)**