

PINELLAS SUNCOAST FIRE & RESCUE DISTRICT

BOARD OF COMMISSIONERS BY-LAWS

PREAMBLE

These By-Laws are created in accordance with all applicable law. These By-Laws shall be interpreted to be in accordance with all applicable law. In the event any part of these By-Laws is determined to be not in accordance with applicable Florida or Federal Law, the remaining parts of these By-Laws shall remain in full force and effect.

ARTICLE I - NAME

Consistent with applicable law, the name of this organization is and shall be: **Pinellas Suncoast Fire & Rescue District**. Throughout this document the organization shall be referred to by its full name or by use of the terms “the District”, the Fire Department”, or “PSFRD.”

ARTICLE II – ENABLING and CONSTITUTING AUTHORITY

Section 1. **Constituting Authority**: The Enabling and Constituting Authority for the District is Chapter 2000-436, House Bill 1603, Laws of the State of Florida, Chapters 189 and 191, Florida Statutes, as amended from time to time, and hereinafter referred to as “The Act.” In the event The Act or any other enabling authority is amended or changed, this document shall be considered amended as necessary to remain consistent with the new enabling authority.

Section 2. **Operating Authority**: The Board of Commissioners is the head of the Fire Department. Pursuant to, as is otherwise defined by, the Enabling and Constituting Authority and all other applicable law, The Board has the power to supervise, control, regulate and manage the Department and enforce all necessary and desirable rules and regulations. The Board is authorized to make contracts, borrow money, levy assessments and collect same, build necessary facilities, acquire firefighting equipment, hire a Fire Chief, Fire Marshal and such other personnel as are required to operate the firefighting equipment; to inspect property or provide administrative support. The Board shall adopt a fire code for the District and such rules and regulations as it deems necessary to transact its business and carry out the provisions of The Act and to operate within the scope of all other applicable law.

ARTICLE III - LOCATION

Section 1. **Headquarters**: Headquarters for the Commission shall be in the offices of the Pinellas Suncoast Fire & Rescue District, located at 304 First Street, in the city of Indian Rocks Beach, Florida. The Board shall have the authority to authorize relocation of the headquarters as The Board determines is necessary for the

operation of the affairs of the Pinellas Suncoast Fire & Rescue District.

Section 2. **Additional Locations:** The District shall be authorized to locate, operate and maintain stations, offices, or other physical plants in any location allowed by law and deemed necessary by The Board of Fire Commissioners.

ARTICLE IV – THE COMMISSIONERS

In accordance with all applicable law, the Board of Commissioners shall be comprised of five registered voters. The District shall be divided into sub-districts in manner set forth below. There shall be one Board member from each of the following locations:

<u>SEAT NUMBER</u>	<u>LOCATION OF SUB-DISTRICT</u>
Seat 1.	<i>Indian Shores</i>
Seat 2.	<i>Indian Rocks Beach</i>
Seat 3.	<i>Belleair Beach/Belleair Shore</i>
Seat 4.	<i>Mainland Area</i>
Seat 5.	<i>Mainland Area</i>

Note: The Seat Numbers have been assigned for ease of reference in these By-Laws and reference to same shall have no legal effect beyond simple nomenclature.

Section 1. **Elections:** All elections shall be held in accordance with The Act and all other applicable law. Each Commissioner shall be elected to serve for a term of four years by a majority vote of the electors voting to fill such office. Elections for Commissioner shall be held at the same time as regular county elections. Any Commissioner may succeed himself/herself. Terms shall commence in November following the election or as otherwise directed by The Act or other applicable law. One Commissioner, who must be a resident of a sub-district, shall be elected from that sub-district by the electors who reside in that sub-district. If a Commissioner ceases to reside in the sub-district from which elected, the office shall be declared vacant; the Commissioner shall be disqualified from further service; and the remaining Commissioners shall elect, to fill the unexpired term, a successor who resides in that sub-district until the next general election at which time an election shall be held to fill the vacancy for the remaining term, if any, provided, however, no current Commissioner's seat shall be declared vacant because of residency until the current term of office has expired.

Term: Each Commissioner shall hold office until his or her successor is elected and qualified, unless he or she ceases to be qualified, resigns, or is removed from office.

Compliance With Applicable Law: Each Commissioner shall comply with all applicable law regarding eligibility for office.

- Section 2. **Filling of Vacancies:** Vacancies on the Board shall be filled by appointment by the remaining members of said Board. Candidate(s) to fill the unexpired term(s) shall be selected from the same district represented by the vacating Commissioner. All such vacancies shall be filled as expeditiously as possible, preferably within sixty (60) days from the receipt of the vacating Commissioner's notice of resignation or other causes.
- Section 3. **Bonding:** All Commissioners shall be required to post a surety bond in accordance with the terms of Chapter 191, Florida Statutes, with all premiums to be paid for by the District.
- Section 4. **Oath of Office:** All Commissioners shall be required to take an Oath of Office prior to assuming their duties on the Board.
- Section 5. **References to The Board of Fire Commissioners:** As used herein, the terms "The Board," "the Board," "The Board of Commissioners," "Commissioner(s)" shall mean "The Board of Fire Commissioners."

ARTICLE V – PURPOSE OF THE FIRE DISTRICT

Consistent with all applicable law, the purpose of PSFRD is described in its Charter. In sum, without contradiction to the applicable law, the purpose of PSFRD is to provide residents of, and visitors to, the District with the best and most cost-effective emergency medical, public education, prevention, code enforcement and fire suppression services possible commensurate with all applicable law.

ARTICLE VI - DUTIES AND RESPONSIBILITIES

The Board: The Board of Commissioners shall have the overall responsibility and authority for overseeing the operation of the Fire Department and for insuring that its mission and purpose as set forth in The Act are properly carried out. The Board of Commissioners shall adopt rules for its own operation as well as record keeping, providing all required reports and sufficient staff to carry out its duties and responsibilities. To the extent determined by the Board to be necessary, the Board of Commissioners shall maintain a liaison with all municipal, county and state offices. The Board may do this through its own members or, at its discretion, may undertake this obligation by assigning or authorizing the Fire Chief or his assigns to the task.

The Fire Chief: The Fire Chief and his delegates shall endeavor to make The Board of Commissioners aware of any and all needs of the Pinellas Suncoast Fire & Rescue District and shall work closely with the Fire Chief in providing the support and resources to fulfill the needs as required.

ARTICLE VII – BOARD MEMBERS AND BOARD OFFICERS

Swearing-In. In order to promote effective operations of the business of the Board, in a manner consistent with applicable law, at the first regular convened meeting of The Board in

November of each calendar year, or as soon thereafter as possible, the then-sitting Chair of the Board, or the designee of the Chair, shall swear in each new member of The Board or, in the case of a member of The Board being re-elected to a successive term, each re-elected member of The Board.

Election of Officers. After searing in those members referenced above, the Chair should then call for open elections to the positions of Officers of the Board. Elections for these positions will be conducted in a manner consistent with all applicable law and as the Chair determines is reasonable. The electors for each Officer position shall be those Board members present and eligible to vote. The Board shall then, immediately following the swearing in ceremony, shall elect the following Officers:

1. Chair;
2. Vice-Chair;
3. Secretary/Treasurer.

Each Officer shall serve until the next election of Officers, or until replaced or resigned. The duties of said Officers shall be as follows:

Chair - Shall preside at all meetings of The Board of Commissioners and shall serve as coordinator of that body's general activities. The Chair shall maintain liaison with the Fire Department Administration, sign routine documents, and keep other members of the Board advised of items of general concern. The Chair shall oversee the creation of meeting agendas and shall oversee the notification and notice process to try to ensure that all meetings are properly noticed in accordance with all applicable law. The Chair shall have the authority to appoint committees and sub-committees (and to designate Chairs for each) as the Chair deems necessary and the Chair shall perform such other duties usually pertaining to, vested in, and incumbent upon like officers.

Vice-Chair - Shall preside at all meetings in place of the Chair and shall perform such other of his/her duties that may arise in the Chair's absence.

Secretary/Treasurer - Shall coordinate the Commission's correspondence and ascertain that it is processed to the proper party for action when required. The Secretary/Treasurer shall also be current on the District's financial status, work with the District Administration on the annual budget, assist in obtaining financing of capital expenditures, and work with the Commission's financial advisor when required. He/she shall make a report on revenues, expenses and the District's financial status at each regular monthly meeting.

ARTICLE VIII - COMPENSATION

The Board of Commissioners will be paid a monthly stipend each month for their services. The amount of the stipend shall be set forth by resolution. To the extent allowed by law, reasonable expenses incurred by members of The Board of Commissioners in execution of their official duties may be authorized for payment or reimbursement from funds of the Pinellas

Suncoast Fire & Rescue District.

ARTICLE IX - MEETINGS

Section 1. **Work Sessions and Regular Monthly Voting Meetings:**

Work Sessions: Work sessions for The Board of Commissioners will be held by The Board of Commissioners on the third Tuesday of each month at 7:00 p.m., except that said date, time and/or place may be changed by agreement of a majority of the commissioners, and duly noticed as required by applicable Florida or Federal law by publication in a newspaper of general paid circulation in Pinellas County seven (7) days prior to such meeting. These are informal meetings held for the purpose of discussion and investigation of issues only and no official action can be taken.

Regular Monthly Voting Meetings: Regular Monthly Voting Meetings will be held by The Board of Commissioners on the third Tuesday of each month beginning immediately after the Work Session scheduled for that month. In the event that no Work Session is scheduled, the Regular Monthly Voting Meeting will begin at 7:00 p.m. The District reserves the right to change the date of The Regular Monthly Voting Meeting by agreement of a majority of the commissioners, and the change shall be duly noticed as set forth in Section 189.417(1), *Florida Statutes* (and/or any then applicable Florida or Federal law) by publication in a newspaper of general paid circulation in Pinellas County at least seven (7) days prior to such meeting. All meetings of the Board shall be open to the public consistent with all applicable law.

Section 2. **Special Meetings:**

Special meetings may be held by the Board of Commissioners at any lawful time and place agreeable to the Board to resolve such issues as the Board determines should be resolved prior to the next regular meeting, provided that the District complies with all applicable law in giving notice of such special meetings. Unless other circumstances dictate otherwise, the Chair shall call for or approve the date, time and place of Special Meetings.

Section 3. **Emergency Meetings:**

Emergency meetings may be held by the Board of Commissioners to consider matters of such urgency that they must be resolved before a regular meeting, or before any applicable waiting period required for special meetings. The agenda for such meetings must be restricted solely to the item(s) considered to be of emergency nature. The District shall comply with all applicable law regarding notice for, and operation of, emergency meetings. Unless other circumstances dictate otherwise, the Chair shall call for or approve the date, time and place of Special Meetings.

Section 5. **Open Meeting Policy:**

All meetings of The Board of Commissioners shall be held in accordance with the provision of the Florida Open Government Laws (Section 283.011, Florida Statutes and Chapter 119, Florida Statutes and all other applicable law) and are open to the public. All reasonable efforts shall be made by the District to ensure that all meeting places are accessible to all members of the public that wish to attend and that all necessary notice requirements regarding change of location (when applicable) are met. To the extent agreeable to the Board and as determined by the Chair, or the acting Chair, it is the policy of PSFRD to invite reasonable public input on matters being discussed or addressed by the Board or such matters as the public determines are relevant. The Chair will determine the method and operation of providing for public input at each meeting of the Board.

Section 6. **Notification of Meetings:**

The District shall comply with all applicable law regarding giving notice of meetings to the general public. A schedule of the Board's scheduled regular monthly voting meetings and work sessions shall be filed annually with the Board of County Commissioners. The schedule shall include the date, time and location of each scheduled meeting. The special meetings will be advertised in a local publication as required by applicable law. Emergency meetings and work sessions must also be posted as required by Florida law. A schedule of the Board's workshop and regular meetings for the fiscal year will be advertised in a newspaper of general circulation seven (7) days prior to the first scheduled meeting in the new fiscal year. Any actions undertaken at any meeting shall not be considered invalid in the event notice of the meeting was provided in lawful manner under Florida law but the notice of the meeting failed to adhere to the notice procedure set out in these By-Laws.

Section 7. **Place of Meetings:**

All meetings of The Board of Commissioners shall be held in a place that is accessible to the public. Each meeting of the Board of Directors will normally be held in a space provided for meetings in the District's Administration building in the Commission Meeting Room, located at Station 27 (304 First Street, Indian Rocks Beach, Florida). However, at the discretion of the Board, any meeting of the Board of Directors may be held in any other suitable and lawful location provided that all members and the public are properly notified in accordance with all applicable law.

Section 8. **Quorum:**

A majority of the members of The Board of Commissioners shall constitute a quorum for the purpose of transacting business at any duly called meeting.

Section 9. **Procedures for Commission Meetings:**

Rules of Order: Except where otherwise provided for in the laws of the State of Florida, all commission meetings will be conducted in general and informal accordance with *Roberts Rules of Order* as amended from time-to-time. However, no action of the Board shall be invalid for failure to maintain strict adherence to *Roberts Rules of Order*. In the event of any question as to the application of said Rules of Order, the decision of the Chair shall be final.

Voting: All voting by the Commissioners shall be done by voice or ballot. The ballot shall be signed by each Commissioner voting and open to the public for inspection. All members of The Board of Commissioners that are present at a voting meeting must vote on each issue or agenda item that is put to a vote unless a conflict of interest exists under Florida state laws or unless a member of The Board of Commissioners is otherwise prohibited from or unable to vote on an issue due to a conflict of interest.

Public Input: Consistent with all applicable law, PSFRD should encourage and, as circumstances dictate, should provide for public input at commission meetings. The manner and procedure for taking public input shall be at the discretion of the Board, with the presiding Chair at each meeting having the final say as to the manner and procedure for taking public input. Consistent with applicable law, the failure of the Board to allow for public input on any matter shall not be a basis for invalidation of any action undertaken by PSFRD as a whole or the Board.

ARTICLE X - COMMITTEES

In any manner that is otherwise lawful under the laws of Florida, committees may be formed and appointed by the Chair, in the sole discretion of the Chair, from time to time to do research, analysis, and report on special projects or such issues as the Chair deems necessary. Each such committee shall have a member of the Board of Commissioners and any other members to be decided by the Chair or the acting Chair. Each committee shall determine, in its sole discretion, the operation of the committee. When standing committees are created, all members thereof shall be members of The Board of Commissioners.

ARTICLE XI – THE FIRE CHIEF

The Board of Commissioners shall hire a Fire Chief to serve as the administrative head of the District. As such, the Fire Chief shall be responsible for all personnel. The Chief shall conduct his/her administration in accordance with a specific set of RULES AND REGULATIONS approved by the Commission and within the policy framework established by the Board. The Chief shall keep the Board apprised of all non-routine matters that may arise and maintain a close liaison with its members. The Chief shall also prepare the preliminary annual budget for the approval of the Board, and provide such counsel and assistance as it may require from time to time.

ARTICLE XII - THE STAFF

The Board of Commissioners shall provide financial support for the administrative head to acquire and staff members to operate all facets of the District's business.

- A. **Administrative Personnel:** Will be hired to serve the administrative head of the Department and perform all necessary activities for the management and operations of the District's business.
- B. **Legal counsel:** One or more attorneys will be retained to insure the District's compliance with all applicable state laws, authenticate documents as required and attend regular commission meetings and such other meetings as deemed by the Board.
- C. **Accounting personnel:** Will be hired to serve the administrative head of the District and perform all necessary activities pertaining to monetary transactions affecting the management and operation of the District's business.
- D. **Tax Assessor:** Will be hired to serve the administrative head of the District in assessing all properties within the District's boundaries to assist the county in maintaining proper and accurate records for billing and collection purpose in accordance with current agency practices.
- E. **Financial advisor:** At its sole discretion, The Board of Commissioners may hire or retain a financial advisor at any time to assist in any accounting, investments, or expenditure procedures necessary to manage or operate the District's business. The Board of Commissioners is not required to hire or retain a financial advisor.

ARTICLE XIII – STATE and FEDERAL MANDATED REPORTS

The Board of Commissioners shall have the authority to hire or retain such professionals or other persons as are needed to assure that all lawfully required reports on the District's finances and activities are filed with the Pinellas County Board of Commissioners and such other governmental agencies and/or bodies as required by all applicable law.

ARTICLE XIV - FISCAL YEAR

The Pinellas Suncoast Fire & Rescue District's fiscal year shall run from October 1 through September 30.

ARTICLE XV - DURATION

The Pinellas Suncoast Fire & Rescue District and its Board of Commissioners shall remain in operation until replaced by legislative process or other lawful command.

ARTICLE XVI - AMENDMENTS

These By-Laws may be amended by a simple majority vote of the Board at any regular or special meeting thereof, provided that the statutory seven (7) day (or other applicable) notice period has been complied with and proper notice posted and the meeting is advertised as

provided for herein, and provided there is no conflict with existing pertinent law. In the event of such conflict, that portion of the amendment which does not conflict with existing law shall remain in full force and effect and the conflicting passages shall revert to the most recently adopted By Laws that are not in conflict.

Adopted by the Board of Commissioners December ____, 2017

DRAFT