

## **POLICY FOR PROCESS TO FILL A COMMISSIONER VACANCY**

The Iona McGregor Fire Protection and Rescue Service District ("District") intends to use the following procedure to fill a vacancy on the Board of Commissioners of the District.

### **I. Scope of Commissioners' Responsibilities.**

A commissioner of the District acts as a final decision maker for the District. A commissioner of the District is an elected public official as defined by Florida law and is, therefore, subject to Florida law that governs actions of an elected public official, including the ethics laws (generally Part III of Chapter 112, of the Florida Statutes) and the Sunshine Law (generally § 286.011, Florida Statutes). A commissioner of the District is required to attend the regularly scheduled monthly meetings for the District, which are generally scheduled to be held once a month at Station #74, 6061 South Pointe Boulevard, Fort Myers, Florida 33919, and other meetings of the Board of Commissioners, as they are scheduled. Except for statutorily prescribed exceptions, all meetings of the Board of Commissioners are public meetings which are subject to the Florida "Sunshine" laws. Florida law provides that a commissioner shall be removed if a commissioner has three consecutive unexcused absences from regularly scheduled Board of Commissioners meetings. The District is generally governed by Chapter 191 of the Florida Statutes with regard to the specific authority of the District that is exercised primarily by the Board of Commissioners. The District is also governed by the District's enabling legislation. The Board of Commissioners establishes the annual budget and the annual tax millage rate to be charged by the District for the ad valorem tax revenue generated for the District.

### **II. Qualifications of Candidates for Commissioner.**

- a. Each candidate for commissioner must be a qualified elector (registered voter) residing in the boundaries of Iona McGregor Fire Protection and Rescue Service District.
- b. The selected candidate to fill a commissioner vacancy will be required to complete an Oath of Office that will be filed with the State of Florida. The selected candidate will also be required to complete an application for a Public Officer's Bond and be issued a Public Officer's Bond.

### **III. Initiation of Process to Fill Commissioner Vacancy**

In the event a vacancy occurs on the Board of Commissioners of the District, the Board of Commissioners will initiate the process to fill the commissioner vacancy described in this process at the next regularly scheduled District Board of Commissioners meeting after the effective date of the vacancy on the Board of Commissioners. The exception is that if a vacancy on the Board of Commissioners is created as the result of the death of a commissioner, the Board of Commissioners will not take any action on filling the vacancy on the Board of Commissioners for at least thirty (30) calendar days after the date of death of the commissioner whose vacant seat on the Board of Commissioners is being filled. At the time that the Board of Commissioners initiates the process to fill a vacancy

on the Board, the Board of Commissioners shall, at a Board of Commissioners meeting, review this process to fill a commissioner vacancy and make decisions on the process the Board of Commissioners is going to use to fill the commissioner vacancy, including the method of noticing the commissioner vacancy, the deadline for submittal of a Letter of Interest and Resume by qualified candidates interested in filling the commissioner vacancy, and the meeting date at which the Board of Commissioners will review and possibly make a decision on the selection of a candidate to fill a commissioner vacancy.

#### IV. Notice of Commissioner Vacancy

- a. In the event a vacancy occurs on the Board of Commissioners, the District shall place a notification of the vacancy on the District's website within seven (7) days of the District's receipt of the initial written notice of the vacancy. A form of the website notification of the vacancy to be placed on the District's website is attached as Attachment A.
- b. At the time that the Board of Commissioners initiates the process to fill a vacancy on the Board of Commissioners as described in Section III above, the Board of Commissioners shall, at a minimum, place a notice ("Notice of Commissioner Vacancy") on the District's website and in a local newspaper of general circulation in the District which describes the response requirements of qualified electors who are interested in filling the vacancy on the Board of Commissioners. The Notice of Vacancy shall give qualified electors a minimum of thirty (30) days to submit a written response to the District. The response deadline stated in the Notice of Commissioner Vacancy shall be at least five (5) calendar days before the District Board of Commissioner meeting where the filling of the vacancy is going to be placed on the Board of Commissioners meeting agenda as a decision making agenda item. A form Notice of Vacancy is attached as Attachment B.
- c. The Notice shall also state the date of the Board of Commissioners' meeting where the Board of Commissioners will take further action on the filling of the vacancy on the Board of Commissioners.
- d. This "Policy for Process to Fill a Commissioner Vacancy" document shall be placed on the District's website with the Notice of a Commissioner Vacancy.

#### V. Submittal of a Letter of Interest and Resume.

- a. Each qualified candidate must submit a Letter of Interest and a Resume to the Chief, or his designee, at the District Administrative Office located at 6061 South Pointe Boulevard, Fort Myers, Florida, 33919, on or before the submittal deadline stated by the Board of Commissioners. The Letter of Interest and Resume should describe the qualifications of the candidate to act as a commissioner of the District and the reasons why the candidate is interested in being appointed as a commissioner of the District. No particular format of the written submittals is required. It is anticipated that written submittals which are not received by the Chief, or his designee, on or before the submittal deadline stated by the Board of Commissioners will be rejected without further consideration. Each candidate must verify in their written submittal that they are a qualified elector who currently resides within the boundaries of the Iona McGregor Fire Protection and Rescue Service District.
- b. It is the responsibility of each candidate to insure that their Letter of Interest and Resume are received by the Chief, or his designee, on or before the submittal deadline stated by the Board of Commissioners.

VI. Selection Process.

- a. All information submitted by interested candidates will be reviewed by the District for purposes of verifying that each candidate is qualified to act as a commissioner of the District.
- b. Upon a determination of which candidates are qualified, the list of qualified candidates and their written submittals will be circulated to the Commissioners for their review prior to the meeting at which the Commissioners will possibly take action to fill the vacancy on the Board of Commissioners.
- c. The Board of Commissioners reserves the right to reject any and all candidates, in the Board of Commissioners' sole discretion, and the Board of Commissioners reserves the right to waive any deficiencies in a Letter of Interest or Resume submitted by a candidate who is qualified by law to act as a commissioner of the District.
- d. It is anticipated that the Board of Commissioners will consider filling the commissioner vacancy on the Board during the regular Board of Commissioners meeting that has been previously selected by the Board of Commissioners. In the Board of Commissioners' sole discretion, qualified candidates may be given a brief opportunity to make an oral presentation to the Board during the above referenced meeting in which the candidate can orally describe their qualifications and interest in seeking to fill the commissioner vacancy. In the Board of Commissioners' sole discretion, the Board of Commissioners members may ask questions of the individual candidates at the above referenced Board of Commissioners meeting.

VII. Term.

ANY QUALIFIED ELECTOR WHO IS SELECTED TO FILL A VACANCY ON THE BOARD OF COMMISSIONERS WILL BE REQUIRED TO RUN FOR ELECTION DURING THE NEXT GENERAL ELECTION.

VIII. Discretion of the Board of Commissioners.

Pursuant to Florida law, the Board of Commissioners is not required to fill a vacancy that occurs on the Board of Commissioners. Further, the Board is not required to use any particular process to fill a vacancy that occurs on the Board of Commissioners. The District, through the Board of Commissioners, reserves the right to take any legal action authorized concerning the selection, or refusal to select, a qualified elector to fill a vacancy on the Board of Commissioners, in the Board's sole discretion.

IX. Questions.

Any questions about the commissioner selection process should be directed, in writing, to the Chief, or his designee, at the District Administrative Office located at 6061 South Pointe Boulevard, Fort Myers, Florida 33919.

ATTACHMENT A  
WEBSITE NOTIFICATION OF VACANCY ON THE BOARD OF COMMISSIONERS

A vacancy has occurred on the Board of Commissioners due to the \_\_\_\_\_  
of Commissioner \_\_\_\_\_. The Board of Commissioners will discuss and  
take action on the initiation of the process to fill the vacancy on the Board of Commissioners at the  
next Board of Commissioners meeting that is scheduled for \_\_\_\_\_  
at \_\_\_\_\_. The Board of Commissioners meeting referenced above will be held at the  
District Administrative Office located at 6061 South Pointe Boulevard, Fort Myers, Florida 33919.

ATTACHMENT B  
NOTICE OF A COMMISSIONER VACANCY AT IONA MCGREGOR FIRE PROTECTION  
AND RESCUE SERVICE DISTRICT

Notice is hereby given that the Iona McGregor Fire Protection and Rescue Service District ("District") currently has a vacancy on the Board of Commissioners. The District is seeking written letters of interest and resumes from qualified electors who reside in the District to fill the vacancy on the Board of Commissioners. Individuals who are interested in submitting a letter of interest and resume to the District for the vacant commissioner position can acquire additional information concerning the process to select a commissioner from the District's website at [www.ionafire.com](http://www.ionafire.com), or from the District Administrative Office located at 6061 South Pointe Boulevard, Fort Myers, Florida 33919, or by contacting Chief Howard, or his designee at (239) 433-0660. The individual who is selected to fill the commissioner vacancy will be required to run for election during the next general election in \_\_\_\_\_ . The deadline for submitting letters of interest and resumes to the District administrative office is \_\_\_\_\_ p.m. on \_\_\_\_\_ . The decision on the selection of a qualified elector to fill the vacancy on the Board of Commissioners will be placed on the meeting agenda of the Board of Commissioners meeting scheduled for \_\_\_\_\_ at \_\_\_\_\_ which will be held at \_\_\_\_\_ . The Board of Commissioners reserves the right to take any and all legally authorized action concerning the selection, or refusal to select, a qualified elector to fill a vacancy on the Board of Commissioners, in the Board of Commissioners' sole discretion.