

**SUMTER COUNTY ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE II BOARD OF COUNTY COMMISSIONERS, DIVISION 2 RULES OF ORDER AND PROCEDURE, SECTION 2-23 REGULAR MEETINGS, AND SECTION 2-24 SPECIAL MEETINGS; PROVIDING FOR CONFLICTS AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Sumter County (“Board”) has adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

**WHEREAS**, Section 2-26(a) of the Sumter County Code, provides for the election of a chairman, vice chairman, and second vice chairman from the Board of County Commissioners to preside over meetings as set forth in the Code; and,

**WHEREAS**, Section 2-23 Regular Meetings and Section 2-24 Special Meetings as currently contained in the Code do not provide for the role of the second vice chairman; and,

**WHEREAS**, Sumter County desires to amend its code to address the aforementioned omission; and,

**WHEREAS**, the Board, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY** the Board of County Commissioners of Sumter County, Florida, as follows:

**SECTION 1. PURPOSE.**

The purpose of this Ordinance is to amend Sections 2-23 Regular Meetings and 2-24 Special Meetings of Chapter 2 Administration, Article II Board of County Commissioners, Division 2 Rules of Order and Procedure for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

**SECTION 2. AUTHORITY.**

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county

services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

**SECTION 3. AMENDMENT OF CHAPTER 2 ADMINISTRATION, ARTICLE II BOARD OF COUNTY COMMISSIONERS, DIVISION 2 RULES OF ORDER AND PROCEDURE, SECTION 2-23 REGULAR MEETINGS AND SECTION 2-24 SPECIAL MEETINGS.** Section 2-23 and 2-24 shall be amended to read as follows:

Sec. 2-23. - Regular meetings.

- (a) The board of county commissioners shall normally hold its regular meeting on Tuesdays, either in the morning or in the evening or at such other time or such other day as may be determined from time to time and established by resolution adopted by the board.
- (b) Meetings may be cancelled by action of the board of county commissioners, by the chairman or in his absence, the vice chairman or in their absence, the second vice chairman or in their absence, by the county administrator. Meetings shall only be canceled by the chairman, the vice chairman, the second vice chairman or the county administrator for the following reasons:
  - (1) Unavailability of a quorum of the board.
  - (2) Natural disaster, emergency or unavailability of a meeting place which prevent the holding of a meeting.
  - (3) Such other reason as determined by the party canceling the meeting that is of such importance as to require the cancellation of the meeting.
- (c) In the event a meeting is cancelled by action of the chairman, the vice chairman, the second vice chairman or the county administrator, all board members shall be immediately notified by telephone or written notice. All press which normally covers the board meetings shall be notified and all doors of the building at which the meeting was to be held shall be posted with clearly visible notices of the cancellation.
- (d) Unless a special meeting is called, all business scheduled for the canceled meeting shall be held until the next regularly scheduled meeting of the board. If noticed hearings are scheduled for the canceled meeting, all parties to the noticed hearing shall be given written notice of the next meeting of the board at which the scheduled hearing will be held.
- (e) Meetings shall be open to the news media and the public. Meetings may be held in various locations within Sumter County.

Sec. 2-24. - Special meetings.

When the chairman, or vice-chairman in the absence of the chairman, or the second vice chairman in the absence of the chairman and vice chairman, or a majority of the board of county commissioners calls a special meeting the clerk shall be notified to inform the press of the place, date and hour of the meeting and the purpose for which the meeting is called.

#### **SECTION 4. CONFLICTS AND REPEALER.**

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

#### **SECTION 5. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION 6. CODIFICATION**

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be reflected and made a part of the Code of Ordinances of Sumter County, Florida, with the exception of Sections 1, 2, 4, 5, 6 and 7. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

#### **SECTION 7. EFFECTIVE DATE.**

Once adopted by the Sumter County Board of County Commissioners, this Ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** at a duly called session of the Sumter County Board of County Commissioners, this 23rd day of February 2021.

**GLORIA HAYWARD  
SUMTER COUNTY CLERK**

**BOARD OF COUNTY COMMISSIONERS,  
SUMTER COUNTY, FLORIDA**

**ATTEST:**

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DEPUTY CLERK

Approved as to form for the reliance  
of The Sumter County Board of  
County Commissioners, only:

\_\_\_\_\_  
Jennifer C. Rey, Esq.  
The Hogan Law Firm, County Attorney

BY: \_\_\_\_\_  
Garry Breeden  
Chairman