

**COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS**  
**POST OFFICE BOX 1529**  
**LAKE CITY, FLORIDA 32056-1529**

**COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX**  
**372 WEST DUVAL STREET**  
**LAKE CITY, FLORIDA 32055**

**SPECIAL MEETING**

**AGENDA**

**March 16, 2017**

**3:00 P.M.**

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**Invocation (Commissioner Everett Phillips)**

**Pledge to U.S. Flag**

**Public Comment**

**Discussion and Action Item:**

**Joel Foreman, County Attorney**

**(1) Board Meeting Rules and Ethics Policies**

**Adjournment**

MEMORANDUM

To: Hon. Ron Williams, Rusty DePratter, Tim Murphy, Bucky Nash, and Everett Phillips  
From: Joel F. Foreman, County Attorney  
CC: Ben Scott, County Manager  
Re: **Meeting Rules and Procedures Workshop – March 16, 2017**  
Date: March 9, 2017

I attach for your review in preparation for the workshop set for March 16, 2017 the following:

1. Tough Choices: Florida Counties Bridge the Ethics Policy Gap – This is a short article from the Leroy Collins Institute summarizing research into the question of local ethics policies. It includes brief case studies of seven Florida counties that have implemented ethics programs or policies. This article has not been updated since 2012, but provides a good summary of how local governments in Florida are situated with respect to ethics policies.
2. Columbia County, Florida Meeting Rules and Procedures – The County's current meeting rules and procedures, in force and effect as of the writing of this memo.
3. Rules and Policies of the St. Johns County Board of County Commissioners – A comprehensive set of rules that incorporates rules for the conduct of meetings, board interaction with county employees, and ethics guidelines.
4. Rules of Procedure, Palm Beach County, Florida
5. Rules of Procedure for Meetings of the Leon County Board of County Commissioners
6. Rules of Procedure Board of County Commissioners of Charlotte County
7. Pinellas County Commission Public Participation And Decorum Rules – A separate set of rules adopted by Pinellas County to govern conduct of the board and others appearing before the board.
8. Leon County Code of Ethics – An example of a stand-alone ethics policy
9. The City of Lake City's Council-Employee Relations Policy – An example of a stand-alone employee contact policy

To ensure that each of you have a meaningful opportunity to prepare for participation in the workshop and provide your input as legislators into the policy-making process, I encourage you to read and make notes for further discussion about each of these items. I will be seeking your comments on how the board might entertain an ethics policy, employee contact policy, rules of procedure for board and other meetings, and rules of decorum. These are somewhat complex subjects, so your attention is much appreciated.

# TOUGH CHOICES

## FACING FLORIDA'S GOVERNMENTS



# TOUGH CHOICES: FLORIDA COUNTIES BRIDGE THE ETHICS POLICY GAP

## EXECUTIVE SUMMARY

Florida has long been ethically challenged. Supporting data confirm that the state has had a large number of federal public corruption convictions and recently received a failing grade on a report card from the State Integrity Investigation for ethics enforcement of state-level laws — laws that have not been revisited since Reubin O'D. Askew was governor in the 1970s.

While the bad news is that Florida's state-level ethics laws and enforcement are essentially frozen in time, outdated and ineffective, the good news is that local governments in the state are not waiting for the legislature to address the state's public corruption problems. Counties across the state are acting as ethics reform laboratories, addressing their unique experience with public corruption through innovative ethics reform solutions.

This report from the LeRoy Collins Institute at Florida State University and Integrity Florida outlines what counties have done in areas dealing with ethics policy, ethics enforcement, lobbying, campaign financing and procurement. It also contains brief case studies of the exemplary policies in place in several Florida counties, including: Broward, Duval, Leon, Miami-Dade, Orange, Palm Beach and Sarasota. The data in this report are based on a survey of counties conducted in the fall of 2012; 45 of Florida's 67 counties are included in the analysis.



LEROY COLLINS  
INSTITUTE

November 2012

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In short, the results show that a majority of the counties surveyed provide ethics training for elected county officials, have adopted local ordinances regulating procurement practices, and have put in place restrictions on gifts from lobbyists to county officials. Further, close to half of the 45 counties have designated a point person for ethics issues.

Other areas of ethics are not as widely adopted. Only 12 counties have adopted an ethics code that is more stringent than the state code (Chapter 112, Florida Statutes) and only 10 require lobbyists and their principals to register. Only a handful of counties have adopted local ordinances regarding voting conflicts for elected officials, have their own ethics commission, have local ordinances regulating the financing of county campaigns, or require lobbyists to report their compensation.

As might be expected, some of the counties that are leaders in local-level ethics reforms are those that have already experienced their own ethical meltdowns. Palm Beach County, named the “Capital of Florida Corruption” by *Time* magazine in 2009, is a case in point. After three county commissioners resigned following felony convictions related to their time in office, business leaders and citizen activists led an effort to adopt major reforms that now serve as a model for other counties in Florida, and across the country.

As more counties consider working proactively to curb ethical issues by putting in place government ethics programs that promote integrity and address potential public corruption, this report can serve as a roadmap to local ethics reform success.

## BACKGROUND

Florida has a well-documented problem with public corruption at every level of government. In fact, according to U.S. Department of Justice data, the state led the country in federal public corruption convictions from 2000 to 2010. While there have been some convictions of state-level public officials, many of Florida’s convictions are of local-level officials, often public servants in county or city governments.

The State Integrity Investigation’s Corruption Risk Report Card gave Florida an overall C-minus grade for corruption risk. In the report, Florida received its only F grade for ethics enforcement agencies, primarily because of weaknesses in state ethics laws and the structure of the state ethics commission. A major contributor to the failing grade is the fact that the state ethics commission cannot initiate an investigation into a possible ethics violation until a complaint has been filed by a member of the public.

Even as recently as this year, Florida public corruption continues to make headlines. While ranking America’s most miserable cities, *Forbes* magazine placed three Florida cities in the top ten: No. 1 Miami, No. 4 West Palm Beach and No. 7 Fort Lauderdale. While the rankings were based on several factors, public corruption was a key component of the criteria.

The Florida Legislature has done very little to revisit and update the basic statewide ethics reforms that were adopted in the 1970s under former Governor Askew. Those initial reforms made Florida a national ethics leader and earned the reputation as the “Sunshine State” for open government. Since that time, an increase in exemptions to Florida’s open records laws, and the unwillingness of lawmakers to continue ethics reform, have caused the state to fall behind the nation in the areas of ethics enforcement and government transparency.

According to the Florida Commission on Ethics, the primary code of ethics for all state and local public officers and employees was adopted by the Legislature as [Part III of Chapter 112, Florida Statutes](#). It contains standards of ethics conduct and disclosures applicable to all public officers, employees, candidates, lobbyists, and others in Florida state and local government, with the exception of judges. (The ethical standards for members of Florida’s judicial branch are contained in the Code of Judicial Conduct, adopted by the [Florida Supreme Court](#).)



This report provides a snapshot of ethics laws in 45 of the state's 67 counties. The information is based on responses to a survey sent electronically to all county administrators and county attorneys in the fall of 2012. The 45 responses reflect both small and large counties, urban and rural counties and those from the various regions of the state. (See Methodology section for a map showing the location of the counties responding to the survey.)

The next section summarizes the results in three areas: ethics policy and enforcement; lobbying and campaign finance; and procurement. Case studies of seven counties that have adopted exemplary ethics provisions follow. An appendix, including links to the codes of responding counties, is available electronically on the [LeRoy Collins Institute](#) and [Integrity Florida](#) websites.

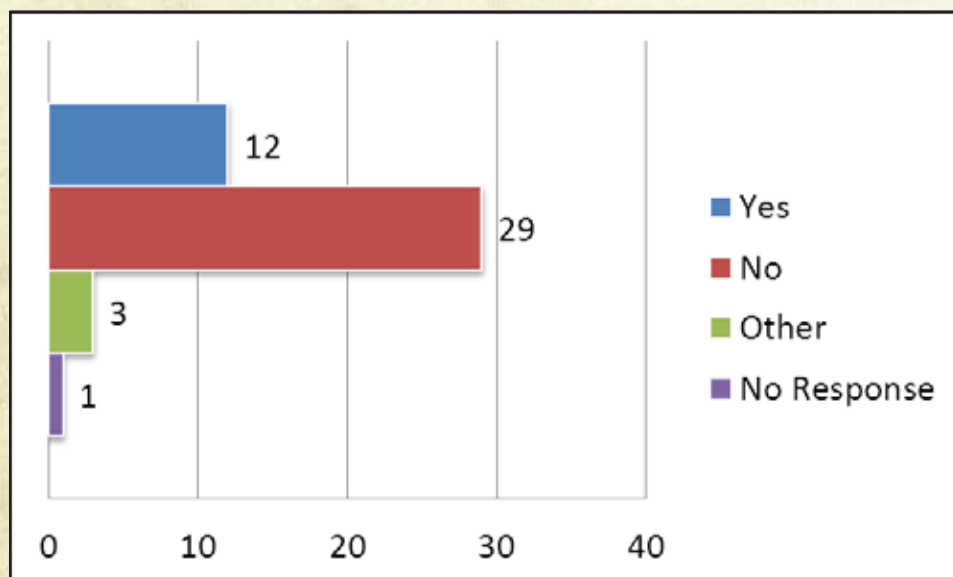
## ANALYSIS

### ■ Ethics Policy and Enforcement

Six elements make up the category of ethics policy and enforcement: having an ethics code, limiting voting conflicts, establishing an ethics commission, offering ethics training, and having an inspector general or other point person responsible for implementing ethics provisions.

According to Figure 1, 12 counties report having an ethics code that contains local regulations in addition to state requirements. Local governments are not allowed to utilize ethics policies that are weaker than [Part III of Chapter 112, Florida Statutes](#), but they can adopt provisions that are tougher than the state law. The additional requirements generally deal with more stringent practices for voting conflicts, gifts and financial disclosure.

**Figure 1: Has your county adopted an ethics code that is different from the state ethics code contained in Chapter 112 of state law?**



**Yes Counties:** Broward, Clay, Duval, Escambia, Indian River, Lake, Miami-Dade, Orange, Palm Beach, Sarasota, Seminole and St. Johns

Figure 1

While Chapter 112 contains state laws regarding voting conflicts for local and state officials, five counties have adopted even stronger local ordinances regarding voting conflicts (See Figure 2).



**Figure 2: Has your county adopted an ordinance regarding voting conflicts for elected officials?**

**Yes Counties:** Hillsborough, Liberty, Miami-Dade, Orange and Seminole

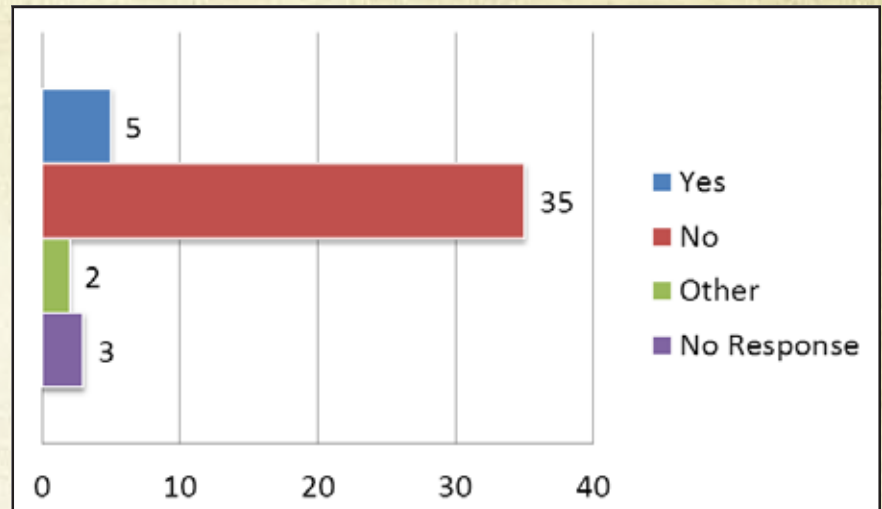
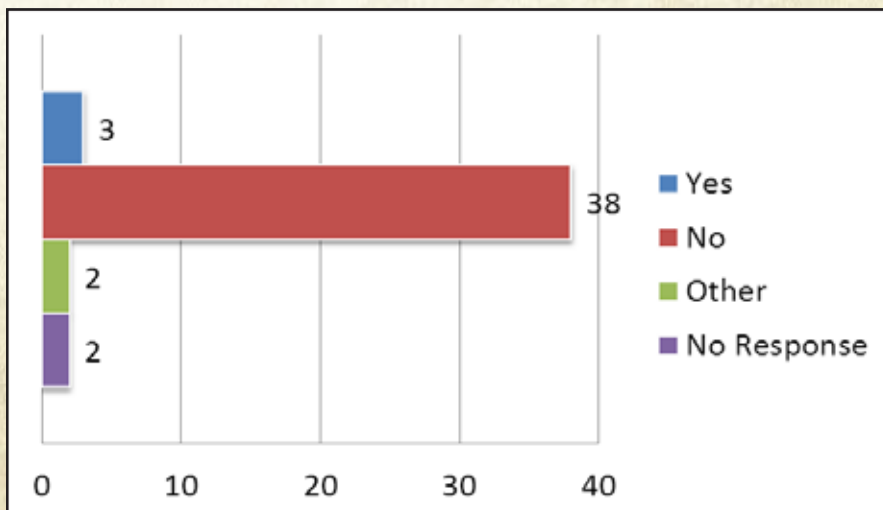


Figure 2

Miami-Dade and Orange Counties have the most comprehensive county-level voting conflicts policy. In Miami-Dade County, the “Miami-Dade County Conflict of Interest and Code of Ethics Ordinance” in Sec. 2-11.1 contains a prohibition on transacting business within the county that applies to "commissioners," "autonomous personnel," "quasi-judicial personnel," "advisory panel," "department personnel" and "employees." According to the Ordinance, individuals in these categories shall not enter into any contract or transact any business, with limited exceptions, in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County. The burden to seek a conflict of interest opinion from the Miami-Dade County Commission on Ethics and Public Trust is on the individual with the potential conflict and must be sought prior to submitting a bid, response or application of any type of contract with the county. (See Orange County case study for a detailed explanation of that county’s conflict of interest policy).

The counties of Miami-Dade, Palm Beach and Duval (consolidated government with City of Jacksonville) have established their own local ethics enforcement agencies (See Figure 3) with added responsibilities beyond the Florida Commission on Ethics.

**Figure 3: Does your county have its own Ethics Commission?**



**Yes Counties:** Duval, Miami-Dade and Palm Beach

Figure 3



Five counties have put in place independent inspector generals as internal government watchdogs to investigate wasteful spending and public corruption (See Figure 4).

**Figure 4: Does your county have its own independent inspector general?**

**Yes Counties:** Broward, Miami-Dade, Palm Beach, Pinellas and St. Johns

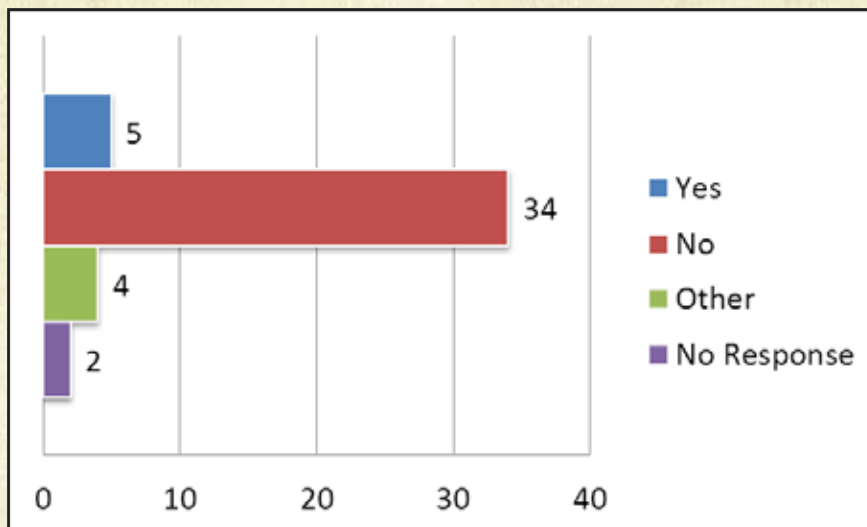
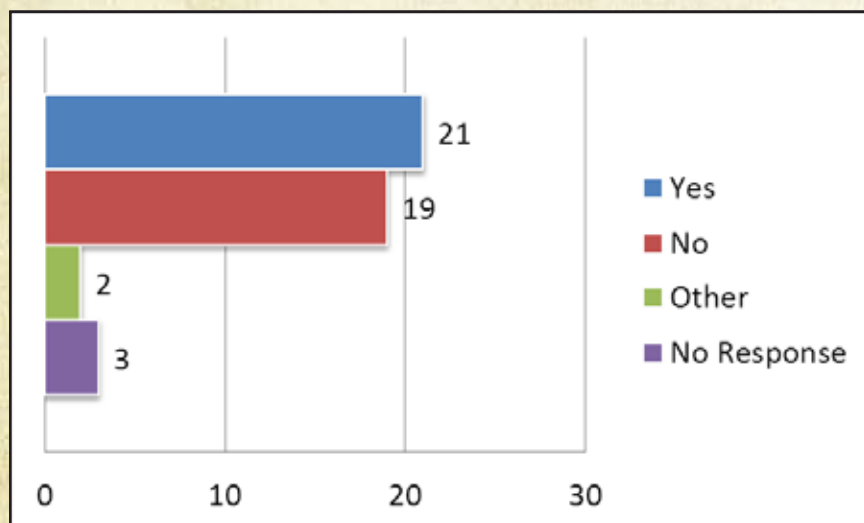


Figure 4

In Hillsborough County, the charter puts in place an internal performance auditor to serve in a similar capacity as an inspector general. Manatee County's Clerk of the Circuit Court's Internal Audit Department acts, in part, as an independent inspector general. The audit director regularly investigates, on an independent basis, allegations of corruption or other ethical or illegal conduct by county staff or officials. Sarasota County's ethics and compliance officer and Duval County's ethics officer both serve in dual roles with functions similar to an inspector general. In Sarasota, the Clerk of Court is responsible for internal audits. In addition, several counties have whistleblower ordinance or hotlines.

County attorneys are the most frequently utilized point person for ethical issues (See Figure 5). Full-time ethics officers are on staff in Duval, Sarasota and Miami-Dade Counties.

**Figure 5: Does your county have a designated point person for ethics issues?**



**Yes Counties:** Broward, Charlotte, DeSoto, Duval, Escambia, Hardee, Hendry, Hillsborough, Leon, Manatee, Marion, Miami-Dade, Okaloosa, Okeechobee, Orange, Pinellas, Sarasota, Seminole, St. Johns, St. Lucie and Sumter

Figure 5



Ethics training, a critical component of creating an ethical culture in government, was the most common county government ethics program component cited by survey takers, though no counties stated that it was mandatory. Sixty percent of the counties surveyed offered ethics training for elected county officials (See Figure 6).

**Figure 6: Does your county offer ethics training for elected county officials?**

**Yes Counties:** Bay, Bradford, Broward, Charlotte, Duval, Escambia, Hendry, Lake, Leon, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Okaloosa, Okeechobee, Orange, Palm Beach, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie and Sumter

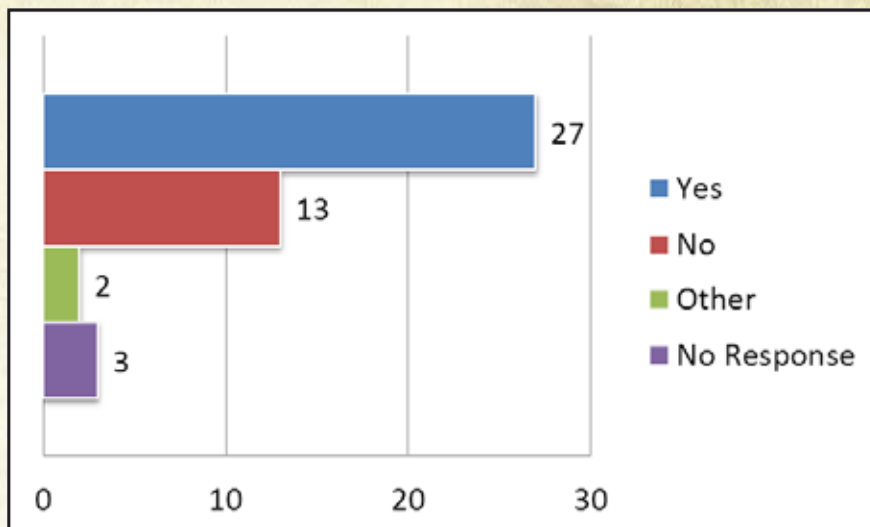


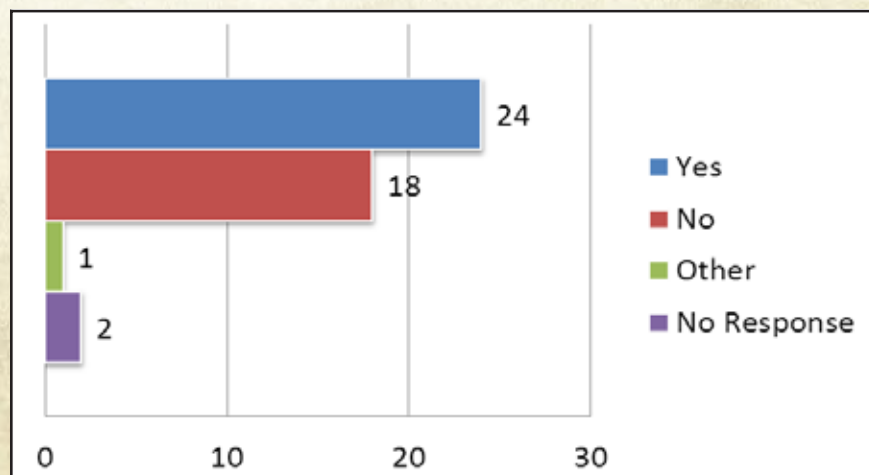
Figure 6

Ethics training programs, offered through the Florida Association of Counties and administered by county attorneys, were the most common types of ethics training cited. The focus of the training curriculum is primarily on Chapter 112, Florida Statutes, Code of Ethics provisions. Training on Florida's Sunshine Laws for public meetings and public records are often combined with ethics training at the county level. The Florida Commission on Ethics and the Florida Institute of Government at Florida State University also provide ethics programs for county governments.

## ■ Lobbying Disclosure and Campaign Finance

The third most cited local government policy topic in the survey responses was restrictions on lobbyist gifts to county officials. More than half of the responding counties (24) had such restrictions (See Figure 7).

**Figure 7: Has your county adopted restrictions on gifts from lobbyists to county commissioners and county employees?**



**Yes Counties:** Bradford, Brevard, Broward, Clay, Duval, Hardee, Hendry, Hernando, Hillsborough, Indian River, Lake, Manatee, Marion, Martin, Okaloosa, Orange, Palm Beach, Pinellas, Polk, Sarasota, Seminole, St. Johns, St. Lucie and Taylor

Figure 7



Some 10 counties out of the 45 surveyed require lobbyist registration (See Figure 8).

**Figure 8: Does your county require lobbyists and their principals to register?**

**Yes Counties:** Broward, Duval, Hillsborough, Lake, Leon, Miami-Dade, Orange, Palm Beach, Pinellas and St. Lucie

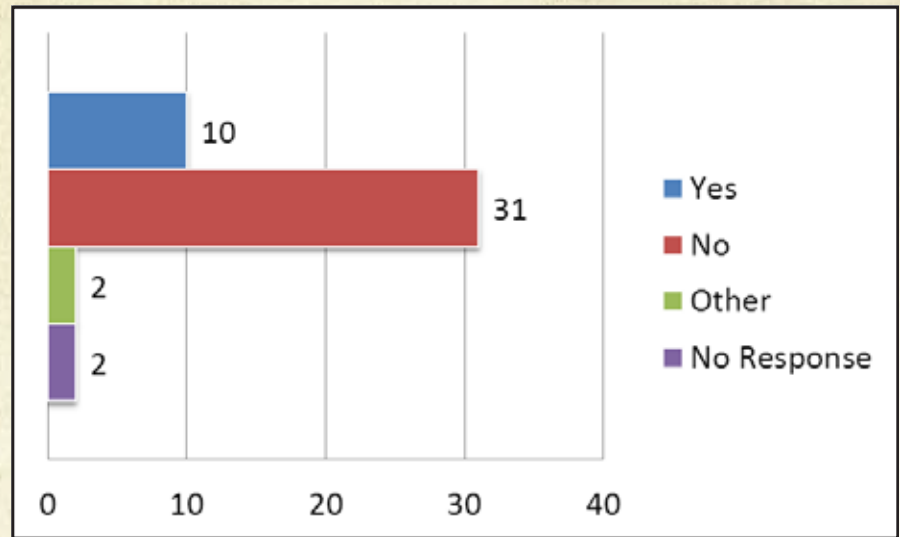
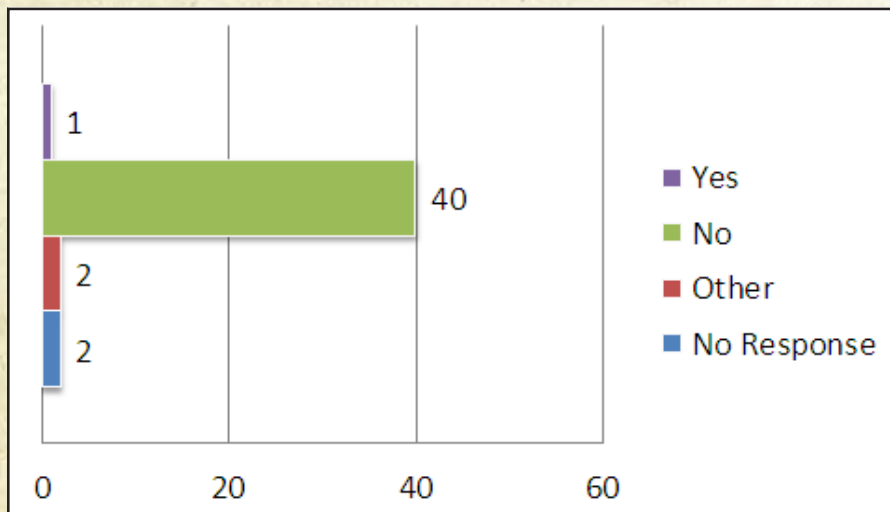


Figure 8

Only Leon County requires lobbyists to report compensation (See Figure 9).

**Figure 9: Does your county require lobbyists to report their compensation?**



**Yes Counties:** Leon

Figure 9

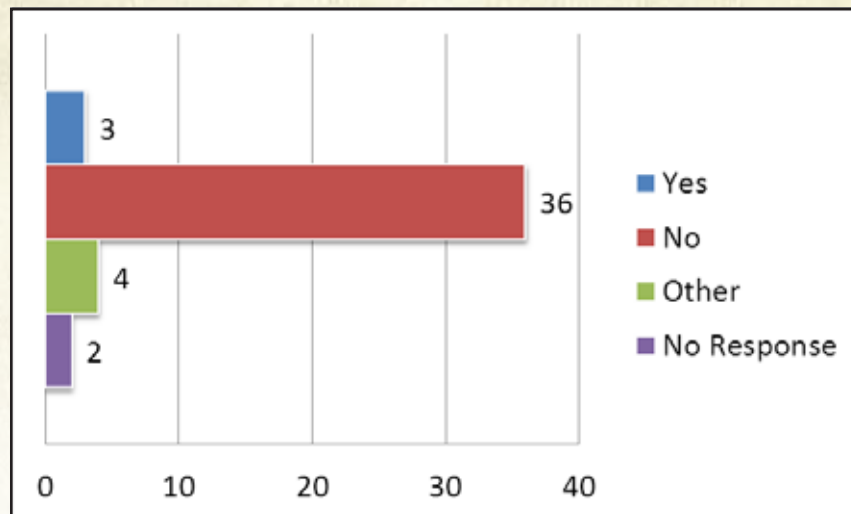
Local campaign finance regulations (See Figure 10) are in place in three counties: Broward, Miami-Dade and Sarasota. Leon County responded “other” to the survey question, but indicated that a charter amendment was adopted in 2010 reducing the amount that can be contributed to county commissioner campaigns per election to \$250.

Sarasota County has the most extensive county-level limits on campaign finance in the state. In 1990, Sarasota County voters approved a measure that prohibits county candidates from accepting more than \$200 from individual contributors and limits total campaign contributions to \$40,000.



Sarasota's contribution limitations for county campaigns are set in their charter. According to the charter, no candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of \$200 (Amended Nov. 7, 2000).

**Figure 10: Has your county adopted any ordinance regulating the financing of county campaigns?**



**Yes Counties:** Broward, Miami-Dade and Sarasota

Figure 10

## ■ Procurement

The final frequently cited policy component at the county government level, according to the survey, was local ordinances regulating procurement practices (See Figure 11).

**Figure 11: Has your county adopted any ordinance regulating procurement practices such as a "cone of silence" during bidding?**

**Yes Counties:** Bay, Bradford, Broward, Charlotte, Clay, DeSoto, Dixie, Escambia, Hillsborough, Indian River, Leon, Manatee, Marion, Martin, Miami-Dade, Okaloosa, Orange, Palm Beach, Pinellas, Polk, Sarasota, Seminole, St. Johns, Sumter and Walton

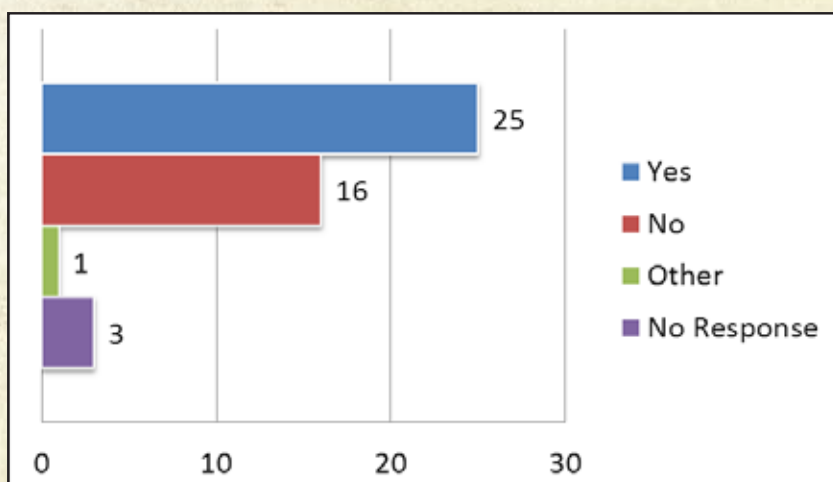


Figure 11

Fifty-six percent of county governments have adopted procurement practices that go beyond state law. "Cone of silence" policies that limit communications between prospective government contract bidders and local governments were mentioned regularly in the survey responses. Some counties practice a "cone of silence" or implement a "no contact" period for vendors and lobbyists during procurement processes, though some do not have these practices mandated in an ordinance or code. Indian River County requires



competitive bidding on all vendor contracts above \$25,000 and mandates disclosure of any vendor relationships with county commissioners or staff. Some counties added that they have local preference ordinances designed to support local vendors.

In 2009, at the state level, former Chief Financial Officer Alex Sink launched the Sunshine Spending website to allow citizens to track which companies were receiving state tax dollars. The website was designed to enable Floridians to hold officials accountable for spending. Florida's current Chief Financial Officer, Jeff Atwater, has expanded online procurement tracking initiatives with [Transparency Florida](#) and the [Florida Accountability Contract Tracking System](#). While not specifically covered in this study, some local governments in Florida are also beginning to deploy similar websites for procurement tracking.

## CASE STUDIES

While tabulations of county actions are an important part of understanding the local ethics law landscape, it is also helpful to look deeper into the instances of exemplary county efforts. This section examines the ethics reform efforts of Broward, Duval/Jacksonville, Leon, Miami-Dade, Orange, Palm Beach and Sarasota Counties. In each of these counties, the reform efforts were initiated by ethical charges or violations, but in each case the counties stepped up to deal with the problems. The public's role in these reforms is also key. The case studies cover a 15-year time frame, ranging from Miami-Dade's efforts in 1996 through Leon County's 2010 reforms.

Figure 12 provides a summary of the breadth of the actions the seven counties have undertaken. None of the counties enacted all 11 of the ethics provisions we identified, although each of the provisions was in place in at least one of the counties in the study. The case studies follow in alphabetical order as shown in Figure 12.

**Figure 12: Summary of survey responses from case study counties**

County	1. Ethics Code	2. Voting Conflicts Policy	3. Ethics Commission	4. Inspector General	5. Ethics Point Person	6. Training	7. Gifts	8. Lobbyist Registry	9. Lobbyist Comp. Report	10. Campaign Finance	11. Procurement
Broward	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Duval	Yes	No	Yes	Other	Yes	Yes	Yes	Yes	No	No	Other
Leon	No	No	No	No	Yes	Yes	No	Yes	Yes	Other	Yes
Miami-Dade	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes
Orange	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Other	Other	Yes
Palm Beach	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No	Yes
Sarasota	Yes	No	Other	Other	Yes	Yes	Yes	No	No	Yes	Yes

Figure 12

### ■ Broward County

Broward County, perhaps most notably in its [Sheriff's Department](#), has had its share of public corruption, but it also has a history of taking action to remedy it. In 1996, the Office of Professional Standards was created to investigate complaints filed under the County's Whistleblower Program and to assist in ethics and conflict of interest training of county employees.

In 2009 and 2010, Broward County citizens saw a parade of government officials indicted for corruption, including their sheriff, Ken Jenne, who was sentenced to a year and a day in federal prison for tax evasion and mail fraud conspiracy. Of the 14 criminal cases filed against former Broward public officials and their spouses, there have been six [convictions](#). Six other cases have yet to be resolved.



After this wave of scandal and public corruption, county officials and Broward County voters demanded new ethics reforms. Broward County created its own Ethics Commission, that has since been disbanded, with a charge to write a new ethics code. Voters approved the new [ethics code](#) in 2010, and it became effective in January 2012. The ethics code contains a strict ban on gifts to board members from lobbyists, vendors and contractors. It also prohibits county commissioners and their family members from lobbying municipal governments within the county. The ethics code requires registered lobbyists in Broward County to complete a contact log listing each elected official the lobbyist or their principle meets with or intends to meet or communicate with. The disclosure must be made prior to any vote being taken on any matter that was the subject of the lobbying activity. The code also places strict disclosure requirements on campaign contribution fundraising, as well as charitable contribution fundraising by elected officials.

The code also goes further than the state in the area of financial disclosure. The Broward County ethics code mandates that officials post financial disclosure forms – which are required by state law – to an online, searchable database for the public to see. This online component is an extra step that is not required by the state ethics commission.

And finally, the ethics code specifies that all elected officials will undergo ethics training and education when they are first elected to office and then continuing on an annual basis. The training is focused on the topics of the Sunshine Law, public records and public service ethics. Elected officials are required to have eight hours of training and education each year and must acknowledge that they have completed the training by filing a form. After accomplishing its purpose, the Broward County Ethics Commission is now listed as “inactive.”

Of the urban counties in Florida that have recognized a need to go beyond the enforcement of ethics laws provided by the state ethics commission, Broward County has taken a unique approach. Broward County voters chose to create the [Office of Inspector General](#) with the authority to “investigate allegations of misconduct, gross mismanagement and violations of local, state and federal law.”

After a public [hiring process](#), John Scott was selected in 2011 as the first inspector general of Broward County. [The Office of Inspector General](#) has subpoena and investigative powers over all county commissioners, every city official in Broward, all government employees and all vendors who do business with Broward's city and county governments. The county charter requires the Office to function as an independent agency and the Broward County Commission is required to provide sufficient funds for the office to carry out its duties.

The Office of Inspector General issues frequent [reports](#) on its investigations into misconduct and efforts to enforce ethics laws. Most recently, the Office released its first [annual report](#) which describes the establishment of the office as Broward's independent government watchdog and its efforts to investigate fraud, corruption and mismanagement. In the report, it states the Office found 121 elected officials in Broward County failed to comply with the requirement that their financial disclosure statements be posted online. It was [reported](#) that Office staff worked with county and municipal officials to address the lack of compliance and, as of Sept. 28, 2012, 100 percent of the elected officials were in compliance with the posting requirement.

## ■ Duval County/City of Jacksonville

The evolution of ethics reform in the consolidated government of the City of Jacksonville and Duval County is primarily due to the efforts of [Carla Miller](#), the head of the City's [Office of Ethics, Compliance and Oversight](#). Miller is a former federal prosecutor who began prosecuting “white collar” crime when she was fresh out of law school at the University of Florida. Miller helped draft the City's ethics code that was adopted in 1999 and served as the City's volunteer ethics officer for eight years. After a wave of public corruption in 2006, then Mayor John Payton hired her as the City's ethics officer in 2007.



Like its east coast neighbors, Duval County has a long history of public corruption. In fact, it was corruption in the 1930s, and the resulting 75 indictments, that prompted the Florida Legislature to amend the constitution to give Jacksonville and Duval County the ability to consolidate their governments.

Even though it had the ability to consolidate, it wasn't until 1968 that consolidation actually took place - after yet another wave of public corruption. Four City Council members were indicted, along with other public officials, for a total of 142 counts of bribery and larceny. On Aug. 8, 1967, Duval County voters approved the consolidation referendum by an overwhelming margin creating a "strong mayor" who is elected at-large but is term-limited to two four-year terms. The new government also included a 19-member City Council with five at-large seats and the rest from districts.

While Jacksonville had an ethics code in its charter when the consolidated government was created, it was removed in the 1970s to avoid potential conflicts with state ethics provisions that were being enacted at the time. Jacksonville adopted another [code of ethics](#) in ordinance that went beyond Chapter 112, Florida Statutes in 1999.

In 2006 and 2007, there were new allegations of public corruption in Jacksonville. A grand jury was investigating violations of state open meetings laws and the F.B.I. was looking into allegations of cronyism and influence-peddling at the Jacksonville Port Authority. Then Mayor John Peyton was also caught up in scandal after it was revealed that two close friends had received lucrative city contracts without going through proper bidding procedures.

The mayor publicly apologized for the ethical lapses and proposed several reforms designed to restore the public's trust. The reforms included the hiring of a paid ethics officer and establishing a hotline for the reporting of ethics violations. Mayor Peyton hired Miller as the City's ethics officer and gave her a number of new responsibilities. In addition to providing ethics training to government officials and employees, monitoring the ethics hotline, ensuring compliance with gift reporting and lobby registration, Peyton also asked Miller to watchdog the City's procurement and bidding process.

While these reforms were a step forward, problems remained. Miller was a part-time employee with no full-time support staff and many responsibilities. Her position also lacked the independence that is critical to be an effective watchdog as she was required to report to the mayor and city council president.

Miller and others continued to push for new reforms that would create a strong culture of ethics in city government. Miller also continued her work as the president of [City Ethics](#), an organization she founded in 2001, that is devoted to the establishment of government ethics programs across the U.S., Europe and Australia.

In 2010, the Jacksonville Charter Revision Commission made a number of [recommendations](#) for ethics reform including reinserting language into the charter providing for an ethics code and an independent ethics commission. In June 2011, Miller, the Jacksonville Ethics Commission and community groups, including the League of Women Voters and the tea party, were successful in their efforts to convince the City Council to give the commission and the ethics officer the independence they need to do their job effectively.

The City Council followed the Charter Commission's recommendation and inserted language in the charter that included a revised [ethics code](#). It also included a more independent ethics commission and provided that the ethics officer be appointed by the ethics commission subject to approval by the City Council. The ethics code also has stronger provisions than state law relating to gifts, as well as a requirement that lobbyists and their principals register with the city.

Miller deserves much of the credit for creating a culture of ethics in Jacksonville government. It should be noted, however, that with the exception of the passage of the original consolidation referendum,



Jacksonville's ethics reforms were not driven by ballot referendum. To its credit, the City Council has shown a willingness to proactively address its public corruption problems by passing meaningful ethics reform.

## ■ Leon County

Most notable among Leon County's ethics provisions are those relating to lobbyists and elections. The county requires registration of lobbyists and reporting of compensation they receive on a quarterly basis. A 2010 vote amended the county charter to limit campaign contributions to county commissioners to \$250 per election. The spending limit was overwhelmingly approved by 65.5 percent of the voters.

In 2004, the County Commission adopted a policy requiring lobbyists to register and pay an annual fee of \$25. In 2007, with encouragement from the League of Women Voters of Tallahassee and Common Cause, the county revisited the ethics policy. The policy was enhanced and began requiring lobbyists to pay \$25 for each principal annually, and to file compensation reports each quarter giving the name of each principal and the compensation provided that quarter. In that year, the board decided against a policy that would have required every commissioner to keep a written log documenting each oral lobbying communication or meeting with lobbyists.

There are more than 125 registered lobbyists listed on the Clerk of Court website, but this includes many who paid in previous years but are not current. Only 12 lobbyists were considered "active," meaning they have paid through Sep. 30, 2012 (site checked Oct. 17, 2012).

The 2007 provision was promoted by the County Commission Chair, Ed DePuy, who had been criticized for his own lobbying activities. DePuy cast the deciding vote to approve a comprehensive plan amendment that allowed a controversial development to be built near Lake Jackson. DePuy started working for a lobbying firm, SCG Governmental Affairs, representing the developer of that project on Mar. 1. The county commission vote was on May 8. DePuy claimed that the firm had stopped lobbying on the county level on Feb. 28 and that he did not have to disclose the information, nor recuse himself. Opponents of the plan disagreed and a complaint was filed against DePuy before the Florida Commission on Ethics concerning his vote. While the Commission dismissed the complaint with a finding of no probable cause, the Commission did find that DePuy violated requirements of the Florida Constitution by failing to disclose certain income on his disclosure forms for 2007, and he was fined \$1,000 in 2011. Commissioner DePuy was defeated in his reelection bid in Nov. 2008.

The 2010 provision reducing the amount county commissioners can receive in contributions was one of six amendments to the home rule charter proposed by a 2009-2010 Citizens Charter Revision Committee. County Commissioner Cliff Thaell strongly urged the charter committee to adopt this provision arguing that it would force candidates out into the community to meet more people and hear more diverse concerns. Unfortunately, Commissioner Thaell had ethics problems of his own. In Dec. 2010 he agreed to pay a \$2,500 fine after settling with the Florida Commission on Ethics for failing to report income and votes on a development in the county. Thaell lost his bid for reelection in 2010.

## ■ Miami-Dade County

Miami-Dade is another southeast Florida county with a decades-long history of public corruption. From its early reputation as a haven for gangsters like Al Capone, to the public corruption that resulted in a 1965 [grand jury report](#), to the cocaine-fueled crime epidemic that swept Miami in the 1970s and the 1980s, to "[Operation Greenpalm](#)" that ensnared a number of public officials in the 1990s, Miami has seen plenty of high profile corruption cases.

The county also has a long history of addressing its public corruption problem, starting with a conflict of interest law that was adopted in 1972 and subsequently revised in 1986. In 1996, after a wave of



public corruption, the citizens of Miami-Dade voted to create the [Commission on Ethics and Public Trust](#), and became the first county in Florida to create its own ethics commission. The structure, charge and jurisdiction of the Commission are established by an [ordinance](#).

In 1996, as a result of a citizen vote to amend the home rule charter, the Miami-Dade County's Commission on Ethics and Public Trust was created. It is the oldest local ethics commission in the state and is empowered to subpoena and investigate the facts and persons related to any complaint it chooses to investigate. A complaint must be filed before the Commission can begin to investigate, although the commission's advocate can file a complaint based on an anonymous tip. Miami-Dade also has an independent inspector general charged with rooting out fraud, waste and abuse of power in government programs and contracts.

The Commission is an independent agency with advisory and quasi-judicial powers. It is composed of five volunteer members who serve staggered, four-year terms. Its current executive director, [Joseph M. Centorino](#), took over for the original executive director, Robert Meyers, in 2011. The Commission's jurisdiction extends to the municipalities of Miami-Dade County as long as the subject involves one of the four ordinances under its authority. Those ordinances include the [conflict of interest and code of ethics ordinance](#), the [citizen's bill of rights](#), the [ethical campaign practices ordinance](#) and the [election campaign financing trust fund ordinance](#).

The process to initiate an investigation into a possible ethics violation is complaint-driven. Complaints can be filed by members of the public with "personal knowledge" of a violation and must be signed under oath or affirmation by the complainant. Complaints can also be filed by the county inspector general, the state attorney or the commission's advocate. The Commission also offers ethics training to elected officials and the Executive Director of the Commission is the designated ethics point-person for Miami-Dade County.

After the creation of the Commission on Ethics and Public Trust, the County Commissioners continued to address the county's public corruption problems when they established the [Office of the Inspector General](#) (OIG) in 1998. The OIG is authorized to detect, investigate and prevent fraud, waste mismanagement and abuse of power. The [ordinance](#) creating the OIG provides it will be "sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General." The Office operates a fraud reporting hotline that accepts anonymous complaints and is one of a few OIG's in the country that has jurisdiction to investigate officials at any level, including elected officials.

In its most recent [2011 report](#), the current inspector general, Christopher Mazella, notes that since 1998 "the OIG has identified over \$143.6 million in questionable costs, losses, damages, and lost revenues and achieved over \$44 million in future savings, prevented losses, and restitution." It also notes that its investigations have resulted in the arrests of 212 individuals and the indictment of 12 companies.

In Miami-Dade, these two county-level ethics enforcement agencies receive help in criminal corruption cases from other law enforcement. The Miami-Dade Police Department has a Public Corruption Investigations Bureau and Miami-Dade State Attorney Katherine Rundle maintains a public corruption unit in her office.

Miami-Dade has also made other unique attempts through the years to address corruption. The county has adopted a [Conflict of Interest and Code of Ethics Ordinance](#) that goes beyond what is provided in [Chapter 112](#), Florida Statutes. Within that ordinance is a requirement that lobbyists register with the county within five days of being retained, and complete an ethics training course provided by the Commission on Ethics and Public Trust within 60 days of registering. Miami-Dade does not require lobbyists to report their compensation, as some other counties do, instead lobbyists are required to report any lobby expenditure over \$25.



The Conflict of Interest and Code of Ethics Ordinance also addresses bidding and procurement practices. Most notably, the ordinance provides for a “cone of silence” that begins at the time a proposed bid is advertised. The “cone of silence” prohibits oral communication in all directions, between and among bidders, lobbyists, elected officials and county staff. The “cone of silence” remains in place until the city or county manager makes a recommendation to the County Commissioners or City Council. The purpose of the “cone of silence” is to insulate county officials and employees from pressure that bidders and their lobbyists try to exert on decision-makers to win county and city contracts.

In the area of campaign financing reform, Miami-Dade has also gone further than any other Florida county. In 2000, Miami-Dade voters approved a ballot initiative that created the [Election Campaign Finance Trust Fund](#). In 2001, the Fund was established along with a system of public campaign financing. The ordinance requires candidates who hope to receive public funding to raise a specific number of \$100 to \$500 contributions. They also must agree to limit their campaign spending. The public campaign financing option was popular among candidates initially, but because of instances where fraudulent candidates received public funding, a number of amendments have been adopted in recent years. Now, it is rare that candidates choose the option of public campaign financing.

The abundance of reforms that Miami-Dade County adopted has not completely eliminated its public corruption problem or the desire of its citizens for an ethical government. In January 2012, [Forbes magazine](#) named Miami one of America’s most “miserable cities,” based in part on the number of public officials who are convicted of crimes. In April 2012, it was [reported](#) that Miami Beach residents protested public corruption in front of the city hall following the arrest of seven city employees for taking bribes and kickbacks from local businesses.

## ■ Orange County

On June 14, 2012, Orange County Mayor Teresa Jacobs sent a letter to Robert J. Sniffen, Chair of the Florida Commission on Ethics, outlining “significant loopholes in the State Code of Ethics for Officers and Employees.” According to Mayor Jacobs’ letter, in 2008 the Board of County Commissioners addressed some of them by passing an ordinance that resulted in additional transparency and local disclosure requirements at the county level.

The County's Charter Review Commission also put a measure on the 2008 ballot that solidified local disclosure and reporting requirements in the county charter. Voters passed the measure by 87 percent. In June 2011, the Board of County Commissioners unanimously passed tighter disclosure rules and whistleblower protections.

According to Mayor Jacobs, state law prohibits local elected officials from voting on matters benefitting themselves or their business associates. Jacobs states that this language is ineffective because state law does not clearly define when a business relationship begins or ends, thus creating an easy loophole for elected officials who wish to circumvent the intent of the law. For example, a local elected official can vote on an issue and shortly thereafter enter into a business relationship with the benefactor of that vote without violating the state's voting conflict law. Likewise, a local elected official can enter into a business relationship, make a sizable profit, but then sever the relationship prior to a vote in order to avoid a voting conflict. According to Jacobs, such actions deceive the public and should not be legal.

In Orange County, the Board of County Commissioners closed voting conflict loopholes by requiring board members to declare previous business relationships prior to casting a vote that will benefit a recent business partner. In the county's code, an elected official must disclose, prior to a vote, any business relationship that existed within the previous two-year period. Furthermore, any member of the board who enters into a business relationship with anyone for whom they have cast a beneficial vote within the previous 12-month period must publically disclose that relationship.



According to Jacobs, no such timeframes or disclosure requirements exist in state law. For this reason, Jacobs recommends that Chapter 112, Florida Statutes be amended to eliminate the perception, and sometimes the reality, that an elected official may be offered a future stake in a business or real estate venture contingent on the outcome of his or her vote.

Orange County addressed some shortfalls in the state law through enhanced quarterly financial disclosure. This disclosure must be filed within 30 days of the close of each calendar quarter and requires the following to be disclosed by elected officials:

- Disclosure of all business associates;
- Disclosure of all business entities in which the disclosing party has a significant interest, including any LLC and all subsidiary entities of such business entity;
- Disclosure of all assets and liabilities held anytime during the quarter, not merely a snapshot of the assets and liabilities on a particular date chosen by the filing party;
- Disclosure of all sources of income.

Supplemental disclosures of subsequent business associates, which occur during any quarterly period, are required to be disclosed within seven days of the association.

### ■ Palm Beach County

With the infamous 2009 branding by *Time* magazine as the “Capital of Florida Corruption,” Palm Beach County has continuously tried to improve its tarnished image. The county’s reputation tumbled in 2007 when a domino effect propelled the resignation of several county officials and their subsequent prison stints:

- County Commissioner Tony Masilotti was charged with profiting off land deals. Masilotti plead guilty and was sentenced in 2007.
- Palm Beach County City Commissioner Jim Exline was sentenced in June 2007 for failing to report a \$50,000 land deal in which he hid the earnings from the IRS.
- Warren Newell, who served as a county commissioner from 1992-2007, profited by nearly \$500,000 from schemes in which his business partners profited from his votes. Newell pled guilty and was sentenced in 2007, but received a reduced sentence when he helped prosecutors convict yet another county commissioner.
- County Commissioner Mary McCarty was charged with receiving kick-backs, such as free resort stays from a company she helped win a county construction contract. She pled guilty in 2009 and was later sentenced to three and a half years in federal prison.

Understandably, the string of corruption cases enraged the public. In 2009, a grand jury recommended reforms to the county and called for an independent watchdog agency to supervise activities of county and city commissioners. The jury examined the series of convictions and accordingly recommended the creation of an inspector general’s office. That summer, with three former County Commissioners in federal prison, the county commission accepted the recommendations and created an ethics commission, adopted a new code of ethics and established a new Office of the Inspector General.

The county’s Commission on Ethics was established in May 2010. The ethics commission receives and investigates complaints and is charged with enforcement of the Palm Beach County Code of Ethics, lobbyist registration and post-employment ordinance. The post-employment ordinance states: no former county commissioner shall knowingly represent anyone other than the county or another public entity in connection with any matter for a period of two years after ending his or her term of office. The commission is composed of five volunteer members who were appointed by various non-political civil, educational and professional organizations representing police, the Hispanic Bar, CPAs, the Palm Beach League of Cities and Florida Atlantic University. The members serve terms of four years each.



In June 2011, Palm Beach County adopted a more detailed Code of Ethics. The code reads in part:

“Officials and employees in the public service shall be conscious that public service is a public trust, shall be impartial and devoted to the best interests of the people of Palm Beach County, and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.” The purpose of the code of ethics is to provide further and more rigid ethics standards as authorized by 112.326, Florida Statute.

The Code of Ethics requires ethics training for county officials and employees. In 2011, the Commission on Ethics conducted 92 in-person trainings and provided more than 150 training DVDs to county municipalities. Also part of the Code of Ethics, the county adopted a lobbyist registration ordinance that requires all lobbyists to register and report their expenditures annually.

Finally, the Code of Ethics established an independent inspector general to promote efficiency and prevent and detect fraud and abuse in the county. In June 2010, the doors of the Palm Beach County Inspector General's Office opened. The office consists of three services: investigations, audits, and contract oversight. The inspector general has the authority to make investigations of county or municipal matters and publish the results.

The inspector general may also obtain sworn statements of all individuals who may be under investigation as well as witnesses. He or she is also allowed to prepare reports and recommendations to the Commission on Ethics. Sheryl Steckler, Palm Beach County's current inspector general, was previously the inspector general for the State of Florida, Department of Children and Families.

In 2011, in recognition of its extensive ethics reform measures, Palm Beach County received an Achievement Award from the National Association of Counties. This annual, prestigious award program was launched in 1970 to honor innovative county government programs. Palm Beach County has transformed its role in the monitoring of county officials, and since its notable transformation no charges have been filed against an elected official.

## ■ Sarasota County

Sarasota County does not have an ethics commission but does employ a full-time ethics officer who reviews and monitors ethical practices for Sarasota County, provides staff training in ethical standards and operations, and investigates allegations of ethical violations for the county. All Sarasota County employees, including the Board of County Commissioners, receive ethics training from the ethics and compliance officer with a focus in situational awareness and fraud detection. The training outlines employees' duties to report suspected violations and instructs them on how to anonymously report if necessary.

Sarasota County has a hotline, managed by an independent reporting company, set up for citizens to anonymously report fraud, waste, and abuse such as the following:

- Deliberate misrepresentation of financial matters
- Embezzlement
- Falsification of contracts, reports or records
- Misuse of assets or services
- Theft
- Corruption: conflict of interest, bribery

Information provided regarding an allegation may be considered a public record unless confidential pursuant to Section 112.3188, Florida Statutes, or other applicable law. Calls do not constitute a disclosure pursuant to the Florida Whistleblower's Act. Those who prefer not to use the hotline may also report suspected fraud, waste, and abuse directly to the Sarasota County Clerk of the Circuit Court and County Comptroller.

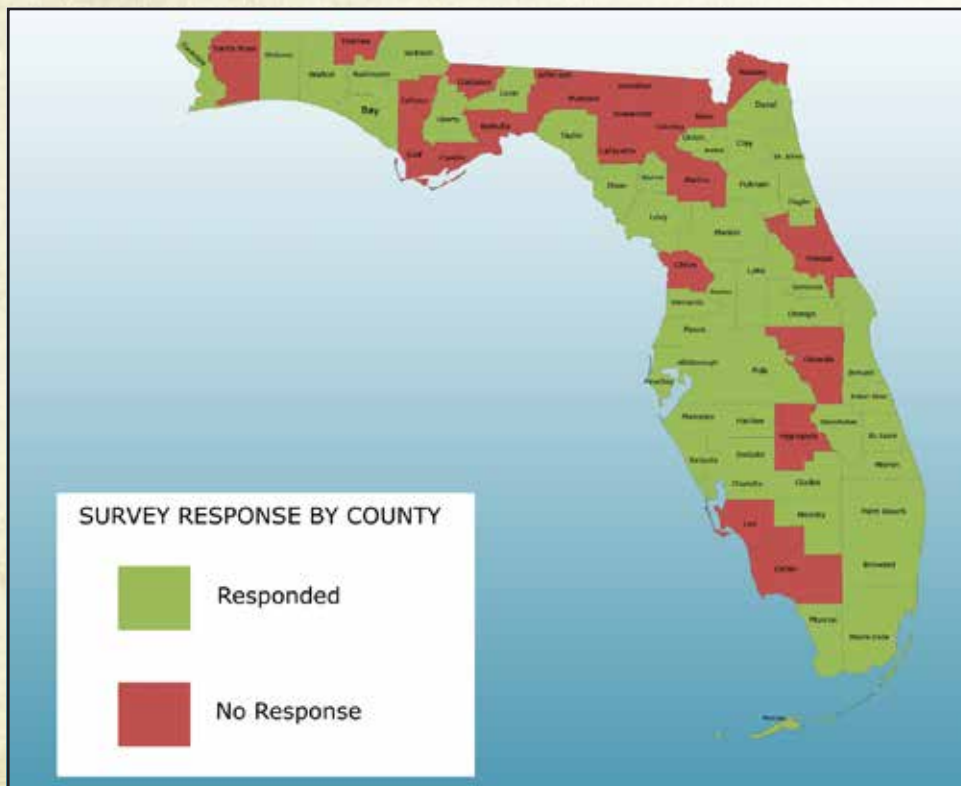


## CONCLUSION

A window of opportunity may be opening for ethics reform in the 2013 Florida Legislature as new leaders place it high on their priority list for action. This study finds that, in addition to legislative interest in revisiting the state's 1970s-era law, localities are also recognizing the importance of ethics—and not simply in response to embarrassing scandals. A few of the jurisdictions beginning to discuss ethics reform at the time of publication of this report include Charlotte, Okaloosa and Pinellas Counties. This report will help those localities and others that wish to enhance and strengthen their ethics laws. It highlights both the scope of counties' ethics laws and the breadth of these programs in a few counties with exemplary programs. It serves as recognition of ethics activity and a challenge of the possibilities for other counties and the state. Florida need not be ethically challenged in the future, but rather has the opportunity to serve as an example for the rest of the nation.

## METHODOLOGY

The LeRoy Collins Institute, in partnership with Integrity Florida, emailed the 11-question survey at least twice to county administrators and county attorneys in all of Florida's 67 counties in the fall of 2012. Follow up phone calls were made to the county administrator offices of the counties that did not respond via email. An online appendix is available containing the complete set of survey questions, responses and comments that often include website links to specific ordinances and codes on the LeRoy Collins Institute website, [collinsinstitute.fsu.edu](http://collinsinstitute.fsu.edu), and the Integrity Florida website, [integrityflorida.org](http://integrityflorida.org).



*Tough Choices: A research series focused on state and local government relationships from the LeRoy Collins Institute.*



Established in 1988, the LeRoy Collins Institute is an independent, nonpartisan, non-profit organization which studies and promotes creative solutions to key private and public issues facing the people of Florida and the nation. The Institute, located in Tallahassee at Florida State University, is affiliated and works in collaboration with the State University System of Florida.

Named in honor of Florida Governor LeRoy Collins, the Institute is governed by a distinguished board of directors, chaired by Allison DeFoor, D.Min. Other board members include executives, local elected officials, and senior professionals from throughout the state.

Beginning in 2005, the Institute produced several reports in a series called *Tough Choices: Shaping Florida's Future*. These publications provided an in-depth analysis of Florida tax and spending policy and concluded that Florida's pattern of low spending and low taxes conflicted with the growing demands of the state's residents, predicting trouble might be ahead.

Recent work in this series has examined local retirement benefits, including both pensions and other post-employment benefits, including health benefits. The most recent report, *Years in the Making: Florida's Underfunded Municipal Pension Plans*, traced trends in Florida's municipal pensions, finding that the problems were long-standing and not likely to be quickly resolved.

This report, *Tough Choices: Florida Counties Bridge the Ethics Policy Gap*, is the latest effort to gauge state-local relationships in the state. It relies on a survey of Florida counties, supplemented with seven case studies, and points out that a number of Florida counties have taken the lead in ethics policy in the absence of state law. The report was a collaboration of the LeRoy Collins Institute and Integrity Florida. Contributors include Dan Krassner, Ben Wilcox and Carol Weissert. Stephanie Carlton, an FSU student, provided assistance in gathering data and writing the Palm Beach case study. Lindsay Potvin and Stacie Linley contributed to the editing, proofing and production of the report.

The *Tough Choices* research series is funded by the Jessie Ball duPont Fund. Future reports in the series will examine local health benefits, state intergovernmental aid, and best practices in local pension administration.

All publications from the Institute can be found on the Institute's website: <http://CollinsInstitute.fsu.edu>.

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## **COLUMBIA COUNTY, FLORIDA MEETING RULES AND PROCEDURES**

### **POLICY**

#### **1. PURPOSE**

The purpose of this policy is to comply with Section 2.8 (4) of the Columbia County Charter pertaining to rules and procedures necessary for the orderly transaction of the business of the Columbia County Board of County Commissioners (the "Board"). This policy applies to meetings of the Columbia County Board of County Commissioners and meetings of its subcommittees.

#### **2. AGENDAS**

- (a) All Agendas shall be prepared by the County Staff subject to the review and edification of the Chairperson of the Board.
- (b) Citizens desiring to bring matters before the Board shall submit to County Administration, in writing, their request for placement on an agenda. Written requests should plainly state the name of the speaker, the issue about which he or she wishes to speak, and whether the speaker is acting on behalf of an entity or group of citizens. Requests shall be made no later than seven (7) days prior to the meeting agenda on which the requesting citizen desires to be placed. The Chairperson, in his or her sole discretion, may waive the seven- (7) day requirement set forth in this part. Where it appears to the Chairperson that administrative remedies may exist for a particular issue, the Chairperson may require the requesting citizen to exhaust all administrative remedies prior to addressing the Board.
- (c) Issues pending before a county-appointed board shall not be scheduled on Agendas for discussion by the Board until final action by the appointed board on that issue.
- (d) Except as specifically approved by the Chairperson, or by motion approved by the vote of three (3) or more County Commissioners, agenda items shall not be scheduled before the Board when the issue to be discussed by the speaker concerns or is substantially related to pending or threatened litigation or a legal claim in which Columbia County, including, but not limited to, its Board members, staff or employees, may be parties or have a substantial interest.
- (e) Agendas for each meeting shall adhere to the following format unless deviation from the format is made necessary by emergent or unusual circumstances:
  - 1. Invocation
  - 2. Pledge
  - 3. Approval of Consent Agenda
  - 4. Adoption of Consent Agenda
  - 5. Staff or Commissioner Additions or Deletions to Agenda
  - 6. Approval of Agenda
  - 7. Presentation of Ministerial Matters Not Requiring Public Comment
  - 8. Presentations to the Board Not Requiring Board Vote or Action
  - 9. Public Hearings



10. Public Comment on Agenda Discussion and Action Items
11. Discussion and Action Items
12. Open Public Comments to the Board
13. Staff Comments
14. Commissioner Comments
15. Adjournment

### **3. MEETINGS**

- (a) The Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside over all meetings of the Board.
- (b) The County's business should be conducted in an orderly and civil manner. The Chairperson, or Vice-Chairperson as applicable, shall therefore have the power necessary to ensure that meetings are conducted in an orderly and civil manner. Where necessary to maintain order and civility, the Chairperson has the authority to recess a meeting, adjourn a meeting, or have a person or persons removed from the podium or the building in which any meeting is being conducted.
  - i. Prior to removing an individual from any meeting, the Chairperson shall give a verbal warning in which the Chairperson shall describe to the individual the conduct which the Chairperson believes to be disorderly or uncivil. If, after having received such a warning, the same individual engages in the same or substantially the same disorderly or uncivil behavior during the same meeting, the Chairperson may, in his or her discretion, have that individual removed from that meeting.
  - ii. In cases of extreme misconduct, including but not limited to initiation of unwanted physical contact with any person in attendance at any meeting and acts or threats of violence directed to any person in attendance at any meeting, the Chairperson may, in his or her discretion, order the immediate removal of any individual engaging in such conduct.
- (c) All official actions of the Board of County Commissioners shall be by motion and second. Unless specifically provided for otherwise, a simple majority vote of Commissioners in attendance shall carry a motion. Should an even number of Commissioners be present and reach a tie vote on any proposition, that vote shall result in failure of the proposition.
- (d) Each Commissioner in attendance shall vote on each issue for which a vote is called unless abstaining or disqualified from voting in accordance with Florida Law. The Chairperson shall vote last. If any Commissioner fails to vote audibly or refuses to vote audibly either for or against any proposition, then the Commissioner's silence shall be counted as a vote in support of the proposition then before the Board.
- (e) Regular meetings of the Board shall be held on the first and third Thursdays of each calendar month at 5:30 p.m. at the Columbia County School Board Administrative Complex, 372 West Duval Street, Lake City, Florida. Meetings of the Board are subject to change.



#### **4. PUBLIC COMMENT**

- (a) The public shall have the opportunity to be heard on any agenda action item for which a vote will be called. Comment shall not be required for ministerial votes which may include among other things the approval of minutes, the adoption of the approved Consent Agenda, or votes to make proclamations. Comment shall be limited to five (5) minutes per speaker unless extended by the Chairperson. Where three or more individuals wish to speak on a single subject and appear to the Chairperson to share the same position on that subject, the Chairperson may request that a single individual from that group of three or more individuals speak for the group. If a single individual speaks for three or more individuals after being requested to do so by the Chairperson, that individual may, in the discretion of the Chairperson, be afforded additional time to speak.
- (b) Public comment on non-agenda items shall be permitted prior to adjournment of each meeting but after all Board business on action items is concluded. Comments shall be limited to two (2) minutes per individual unless extended by the Chairperson.
- (c) Public discussion on agenda items required for Public Hearings shall be limited to five (5) minutes per person unless extended by the Chairperson. The Chairperson shall have the right to set reasonable time limits within which to conduct Public Hearings.
- (d) Each person who addresses the Commission shall complete a citizen's input sheet and submit the sheet to Board staff for review by the Chairperson. The completed citizen's input sheet shall be submitted not later than five (5) minutes after approval of the Agenda. If the citizen's input sheet is not received within the allotted time period the Chairperson shall have the discretion to allow comment. Comments shall be limited to the subject(s) noted on the citizen input sheet.
- (e) Board meetings are not a proper forum for debate. As such, debates between citizens addressing the Board and Commissioners are to be avoided. Commissioners may respond to citizen inquiries as a matter of their own discretion.
- (f) Those addressing the Board shall speak from the podium and shall audibly provide the following information to be recorded for the minutes:
  - (i) Full Name;
  - (ii) County district or City of residence;
  - (iii) Whether the speaker is appearing on behalf of an organization, group of persons, or other third party. If the speaker represents another, the speaker should state whether the views expressed represent the established policy or position approved or authorized by the other;
  - (iv) Whether the speaker is being compensated for his or her appearance before the Board; and
  - (v) The issue the speaker will be commenting on.



## **5. EFFECT OF INFORMALITIES**

The Board shall have the right to waive any informalities as they relate to these rules and procedures. An informality shall not operate to set aside any action taken by the Board that otherwise complies with the laws of the State of Florida.

Adopted by the Board of County Commissioners  
on the 5th day of March, 2015.

  
\_\_\_\_\_  
Rusty DePratter, Chair

Approved as to form and legality

  
\_\_\_\_\_  
Joel Foreman, County Attorney



# **RULES AND POLICIES**

of the

## **ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**



Suggestions should be sent in writing to the County Administrator for consideration.

### **ADOPTED MAY 12, 1998**

Readopted by Resolution 98-176 (September 22, 1998)  
Revised March 23, 1999 (Resolution 99-48)  
Revised September 21, 1999 (Consent Agenda Item)  
Revised May 2, 2000 (Resolution 2000-59)  
Revised July 11, 2000 (Agenda Item # 6)  
Revised August 8, 2000 (Agenda Item #10)  
Amended March 5, 2002 (Agenda Item #12A)  
Revised February 17, 2009 (Consent Agenda Item #20)  
Revised March 1, 2011 (Agenda Item #7 and Resolution 2011-53)  
Revised April 17, 2012 (Agenda Item #9 and Resolution 2012-128)  
Revised September 3, 2013 (Agenda Item #3 and Resolution 2013-201)  
Revised April 15, 2014 (Agenda Item #10 and Resolution 2014-111)



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# **CHAPTER 1**

## **ORGANIZATION OF THE BOARD**

### **PART 1      STANDING RULES AND POLICIES**

#### **RULE 1.101   STANDING RULES**

After adoption, the Standing Rules and Policies shall be used at each Board of County Commission meeting.

#### **RULE 1.102   AMENDMENTS TO STANDING RULES**

Any Commissioner may propose amendments to the Standing Rules and Policies. A proposed change to the Standing Rules and Policies shall be submitted in writing to the Chair and County Administrator. Amendments to the Standing Rules and Policies can only be made by a majority plus one of the full Board.

#### **RULE 1.103   SUSPENSION OF STANDING RULES**

A motion to suspend the Standing Rules and Policies may be made by any Commissioner. A suspension is a non-debatable motion. The Standing Rules and Policies may be suspended by a majority plus one of the Commissioners present. Once suspended, the rules remain suspended only for the time indicated in the motion.

#### **RULE 1.104   PURPOSE OF STANDING RULES**

These Rules and Policies are for the efficient operation of the Board. Non-compliance of any particular Rule shall not independently be grounds for the invalidation of any Board action.

### **PART 2      REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS**

#### **RULE 1.201   REORGANIZATION MEETING**

A special meeting will be called on the third Tuesday of November each year to reorganize the Board of County Commissioners. The meeting will be held in the Auditorium, and the time for such meeting will be 9:00 am. The reorganization meeting shall take place prior to a regular meeting scheduled for the same day.

During an election year, the newly elected Commissioners will be sworn in before the reorganization of the Board.



## **RULE 1.202 PURPOSE OF REORGANIZATION MEETING**

- A. Honor outgoing Board members.
- B. Oath of office administered to newly elected Commissioners.
- C. Election of Chair and Vice-Chair.
- D. Orientation for new Board members.

## **RULE 1.203 RECOGNITION OF OUTGOING BOARD MEMBERS**

The previous Board members will be presented with a token of appreciation from the Board.

## **RULE 1.204 OATH OF OFFICE FOR NEWLY ELECTED COMMISSIONERS**

The newly elected Commissioners will receive the oath of office by the judge or official who has been selected to perform this duty. They shall take an oath to support the Constitution of the United States and of the State of Florida, and to truly and faithfully discharge the duties of their office to the best of their knowledge and ability.

## **RULE 1.205 OFFICERS**

The elected officers of the Board of County Commissioners shall be a Chair and a Vice-Chair and shall assume office immediately upon election, and shall serve for a period of one (1) year unless otherwise designated by vote of the Board. During an election year, these officers shall be elected after the new Board has been seated.

## **RULE 1.206 METHOD OF ELECTION OF OFFICERS**

The Chair and Vice-Chair shall be elected one at a time beginning with the Chair. The vote will be viva voce for each office and the nomination serves as a motion. The nomination must be seconded. The different names shall be repeated by the outgoing or acting Chair as they are moved and seconded. The vote shall be taken after the Chair declares that nominations are closed and shall be taken on each nominee in the order in which they were nominated until one is elected by a majority of the votes.

## **RULE 1.207 VICE-CHAIR**

The Vice-Chair shall assist the Chair in the expeditious conduct of the Board's business during meetings. The Vice-Chair shall act as parliamentarian for the Board. Parliamentary training to be provided at the request of the Vice-Chair.

## **RULE 1.208 COMMISSION COMMITTEE APPOINTMENTS .**

After the election of the Vice-Chair, each Commissioner shall submit to the Chair their requests for committee appointments. The Chair shall appoint members of the committees.

## **RULE 1.209 COMMISSIONER LIAISONS TO BOARDS, AUTHORITIES, COMMITTEES, AND COUNCILS**

- A. Commissioners may be appointed and removed from time to time as Commissioner Liaison to various boards, authorities, committees and councils by the Chair. In the event that a majority of the Board membership should desire that a different Commissioner serve as Commissioner Liaison to a particular board, authority, committee or council, the Board of County Commissioners may, upon the affirmative vote of three or more Board members, remove the current Commissioner Liaison and appoint a different Commissioner Liaison in his/her stead.
- B. Duties of each Commissioner Liaison include, but are not limited to:
  - 1. Reasonably attempt to attend each meeting of the board, authority, committee or council to which assigned as Liaison.
  - 2. Become knowledgeable with the procedures, authority and functions for the board, authority, committee or council to which assigned.
  - 3. Enhance and implement communication between the assigned board, authority, committee or council and the Board of County Commissioners.
- C. A Commissioner Liaison is not delegated to act on behalf of or in the place of the Board of County Commissioners in relation to an assigned board, authority, committee or council without specific and particular instructions by the Board. Therefore, a Commissioner Liaison shall not act as a member of, or give direction to, the assigned board, authority, committee or council without specific instructions from the Board of County Commissioners. This rule shall not be interpreted to restrict the right of any Commissioner Liaison to exercise his/her right of free speech by informing any board, authority, committee or council of the personal opinions or views of that Commissioner. In communicating with a board, authority, committee or council, each Commissioner shall clearly state whether he/she is acting pursuant to a specific instruction from the Board of County Commissioners or is speaking in his/her individual capacity with no authorization from the Board of County Commissioners to influence, bind or direct such board, authority, committee or council.



## **RULE 1.210**

Where a Commissioner is assigned to a board, authority, committee, or council, as a member, as required by statute, ordinance, or resolution (e.g., TDC, PSCC, etc.), the Commissioner shall participate on that body as required by law, ordinance, or resolution. As an appointed member to a board, authority, committee, or council, a Commissioner will, as a representative of the Board of County Commissioners, in good faith support the position the Board of County Commissioners has taken, if any, on a particular matter. Where the Board has not taken a specific position on a particular matter, the appointed Commissioner will consider the Board's adopted Goals and Objectives as a guideline for decisions. If appointed to a board, authority, committee, or council that is an advisory body to the Board of County Commissioners, a Commissioner while sitting as a member of the Board of County Commissioners is not restricted to voting the same way as the Commissioner had voted on the advisory board.

## **RULE 1.211 REPLACEMENT OF CHAIR AND VICE-CHAIR**

The Chair and Vice-Chair serve at the pleasure of the majority of the Board of County Commissioners and may be removed and replaced at the pleasure of a majority of the full membership of the Board.

## **PART 3 CHAIR OF THE BOARD OF COUNTY COMMISSIONERS**

### **RULE 1.301 DUTIES OF THE CHAIR**

As the presiding officer of the Board, the Chair shall:

- A. Take the Chair at every meeting precisely at the time for the meeting to begin, immediately call the Board to order, call the roll on the appearance of a quorum, and proceed to the business of the Board.
- B. Sign all ordinances enacted and resolutions adopted by the Board.
- C. Appoint all committees of the Board, and designate the Chair and Vice-Chair thereof, unless otherwise ordered by the Board.
- D. Authorize the placing of items on the Regular Agenda, and order the removal of items from the Consent Agenda.
- E. Exercise the powers granted by these Rules and Policies to the Chair or to the presiding officer.
- F. Present or designate another Commissioner to present all awards, resolutions and honors presented on behalf of the Board.

- G. Approve travel expenditures for all Commissioners, except the Chair. The Vice-Chair or County Administrator shall approve the travel expenses of the Chair.
- H. Perform such other duties as the Board may direct.

#### **RULE 1.302 GENERAL AUTHORITY OF CHAIR**

In addition to his/her duties and powers as the presiding officer of the Board, the Chair shall be responsible for the proper execution of these Rules and Policies, the orders of the Board and the ordinances of the County pertaining to the Board.

The Chair, through the County Administrator, shall have general control of the Board chamber and committee rooms assigned to the use of the Board.

#### **RULE 1.303 DUTIES OF VICE-CHAIR**

The Vice-Chair shall, in the temporary absence, disability or conflict of the Chair, preside at all meetings of the Board and exercise such administrative powers vested in the Chair. He/she shall exercise such administrative powers vested in the Chair as the Chair may delegate. At all times the Vice-Chair shall advise and assist the Chair in the business of the Board and shall perform such other Board duties as he/she may be assigned by the Chair. Should the Vice-Chair be absent or have a conflict, the Chair will appoint a temporary Vice-Chair.

#### **RULE 1.304 VACANCIES**

- A. **Chair:** Whenever the Chair is unable to perform the duties of that office (i.e. death, resignation, removal from office, permanently disabled) the Vice-Chair shall become the Chair until a successor is elected by the Board.
- B. **Vice-Chair:** Whenever the Vice-Chair is unable to perform the duties of that office (i.e. death, resignation, removal from office, permanently disabled) the Chair shall appoint a temporary Vice-Chair to serve until the entire Board can elect a replacement. When the Board elects a new Vice-Chair of the Board, he/she shall serve for the remainder of the unexpired Vice-Chair term and until a successor is elected.
- C. **Terms of Appointments:** For the purpose of allowing the Chair elected or elevated permanently to that office during a regular term to carry out his/her duties and responsibilities under these Rules and Policies, the term of all previous appointments to the standing committees of the Board shall be deemed to have ended upon the election or elevation of the new Chair.



## **PART 4 COMMISSION MEMBERS OF BOARD**

### **RULE 1.401 COMMISSIONER TO VOTE**

Florida Statutes, Sections 112.311 through 112.326 sets forth a code of ethics for public officers and employees. Florida Statutes, Section 112.3143(3) (a) addresses voting conflicts pertaining to County Commissioners. Florida Statute 286.012 provides that a County Commissioner may not abstain from voting unless there is, or appears to be, a possible conflict of interest under Florida Statutes Chapter 112.311, 112.313 or 112.3143 and then, in such instances, the Commissioner must comply with the disclosure requirements of Chapter 112.3143 which requires that prior to the vote being taken the Commissioner shall publicly state to the assembly the nature of his/her interest in the matter from which he/she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his/her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

### **RULE 1.402 COMMISSIONER SUBJECT TO STANDARDS OF CONDUCT**

Each Commissioner is subject to the standards of conduct set out in Part III, Chapter 112, Florida Statutes. By personal example and by admonition to colleagues whose behavior may threaten the honor of the Board, each Commissioner shall watchfully guard the responsibility of office. Commissioners should comply with Federal and State standards of conduct and with the National Association of Counties' Code of Ethics for County Officials (Exhibit A). Each Commissioner will attend and receive annual ethics training as required by Section 112.3142, Florida Statutes.

### **RULE 1.403 OFFICES**

Each Commissioner shall be provided with an official office and a box for incoming correspondence. The County Administrator is responsible for staffing and establishing procedures for the management of the Commission Office.

No visitor, guest, or other invitee shall be left unsupervised in the Commission Office or any other secure area of any County building.

### **RULE 1.404 CORRESPONDENCE AND OTHER COMMUNICATION**

All formal correspondence by a Commissioner in an official capacity shall be prepared on official Board letterhead. Official correspondence will not be prepared on unofficial letterhead or on plain paper, and official Commission letterhead shall not be used for the personal correspondence of any Commissioner. All authorized communications by a Commissioner in an official capacity shall be paid for by the Board as funds allow. Nothing in this rule prevents the use of email for informal correspondence. All correspondence shall be in compliance with public records laws.

With Board approval a Commissioner may use the official County seal on individual letterhead for official business. Such letterhead shall be at the expense of the individual Commissioner.

Individual members of the Board of County Commissioners may request assistance from the Communications Division to disseminate information relating to the Board's Goals and Objectives, the operation of County business, or the implementation of County policies. Distributed information must be informational in nature, factual, and not contrary or detrimental to the Board's official position on a matter. Information distributed by the Communications Division must also be non-political, refrain from incivil references to the personalities or opinions of any individual, and must represent the best interests of the County as a whole. All information disseminated by the Communications Division on behalf of the Board of County Commissioners, or an individual Commissioner, will be distributed subsequent to review and approval of the County Administrator or his designee.

#### **RULE 1.405 TRAVEL EXPENSES**

- A. Board members shall be allowed reimbursement for travel expenses related to official County Commission business only and shall be subject to the same travel policies and regulations that are utilized by all County employees (Administrative Code) except as denoted herein.
- B. All members of the Board of County Commissioners shall be allotted an equal amount annually for travel expenditures that are incurred in their official capacity. The amount allotted to each Board member will be determined during the budget process and placed in individual accounts. Service on Boards/Committees will be considered when setting the travel amount.
- C. Money shall not be transferred from one Board member to another.
- D. Additional funds may be budgeted annually to be placed in a General Board Travel account for use in situations where the need arises for Board member travel that was not anticipated during the budget process.
- F. Commissioners serving their last ninety (90) days in office shall not be reimbursed for travel outside the County or for educational or conference expenses.
- G. Any travel expenses by Board members over the allocation established in their individual accounts requires approval by a majority of the Board prior to incurring the expense.
- H. Use of County vehicles by Board members is not authorized. Nothing in this rule prevents a Commissioner from travelling as a passenger in a County vehicle on official business, as reasonably determined by the County Administrator.



- I. In-county travel expenses incurred by Board members will not be reimbursed by the County
- J. Members of the Board of County Commissioners are authorized to use a rental car for out-of-county travel in accordance with the County's travel policies.
- K. No payments will be made by the County for rental vehicles for trips of less than one hundred shortest distance travel (100) miles (one way) from point of departure to point of destination.
- L. Unless otherwise indicated in the Rules and Policies, the County's Travel Procedures will be followed.
- M. Travel expenses pertaining to the County Administrator and County Attorney shall be submitted to the Chair for approval.

## **PART 5 COUNTY ADMINISTRATOR<sup>1</sup>**

### **RULE 1.501 COUNTY ADMINISTRATOR**

- A. The County Administrator is the Administrative Head of the Board of County Commissioners and is responsible for the administration of all departments of County Government (with the exception of the Office of the County Attorney) which the Board has authority to control pursuant to County ordinance, the General Laws of Florida and other applicable legislation.
- B. The County Administrator shall perform such other duties as may be required by the Board.
- C. The County Administrator shall be appointed by a majority of the membership of the Board of County Commissioners. The County Administrator may be terminated in the manner set forth by Section 125.73, Florida Statutes, County Ordinance and County Administrator contract provisions.

### **RULE 1.502 DIRECTIVES AND POLICIES OF THE BOARD**

The County Administrator is to administer and carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances and regulations of the Board to assure that they are faithfully executed.

### **RULE 1.503 REPORTING TO THE BOARD**

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<sup>1</sup> See Ordinance No. 2010-47.

The County Administrator is to report to the Board on action taken pursuant to any Board directive or policy within the time set by the Board and provide an annual report to the Board on the state of the County, the work of the previous year and any recommendations as to action or programs the County Administrator deems necessary for the improvement of the County and the welfare of its residents.

#### **RULE 1.504 INFORMATION TO BOARD OR COMMISSIONERS**

The County Administrator is to provide the Board, upon request, with data or information concerning County government and provide advice and recommendations on County government operations to the Board.

#### **RULE 1.505 BOARD MEETINGS**

The County Administrator is to attend all meetings of the Board with authority to participate in the discussion of any matter and to make recommendations to the Board.

#### **RULE 1.506 AGENDA**

The County Administrator is to prepare an agenda for all Board meetings and workshops in accordance with Board instructions.

#### **RULE 1.507 COUNTY OFFICERS**

The County Administrator is to cooperate with other County Officers in the performance of their duties.

#### **RULE 1.508 CITIZENS COMPLAINT SYSTEM**

The County Administrator is to maintain a citizen complaint system to prevent possible deficiencies within Board departments, offices and activities.

#### **RULE 1.509 BUDGETARY RESPONSIBILITIES TO BOARD**

The County Administrator has the following budgetary responsibilities:

- A. Prepare and submit to the Board for its consideration and adoption an annual operating budget, a capital budget and a capital program.
- B. Establish the schedules and procedures to be followed by all County departments, offices and agencies in connection with the Board budget and supervise and administer all phases of the Board budgetary process.



- C. Prepare and submit to the Board after the end of each fiscal year a complete report on the finances and administrative activities of the County for the preceding year and submit recommendations.

#### **RULE 1.510 BOARD OWNED PROPERTY**

The County Administrator is to supervise the care and custody of all property that is under the control or ownership of the Board.

#### **RULE 1.511 NEGOTIATE FOR BOARD**

The County Administrator is to negotiate leases, contracts and other agreements, including consultant services, for the Board, subject to approval of the Board, and make recommendations concerning the nature and location of Board funded improvements.

The County Administrator is to see that all terms and conditions in all Board leases, contracts and agreements are performed and notify the Board of any noted violation thereof.

#### **RULE 1.512 BOARD PROJECTS**

The County Administrator is to propose a project priority list, revised semi-annually, for confirmation or revision by the Board, and prepare and submit quarterly status reports on each project.

#### **RULE 1.513 BOARD PERSONNEL**

The County Administrator has the following responsibilities regarding Board personnel:

- A. Recommend to the Board a current position classification and pay plan for all positions under the Board.
- B. Select, employ and supervise all non-legal personnel and fill all non-legal vacancies and positions of employment under the jurisdiction of the Board. The employment of all department directors shall require confirmation by the Board. As used in this Ordinance, the term "non-legal" shall refer to County personnel or functions that are not part of the Office of the County Attorney.
- C. Suspend, discharge or remove any non-legal employee under the jurisdiction of the Board pursuant to procedures adopted by the Board.

- D. Order, and promptly advise the Board thereof, any department or agency under the County Administrator's jurisdiction to undertake any task for any other department or agency on a temporary basis when the County Administrator deems it necessary for the proper and efficient administration of the County government to do so.

#### **RULE 1.514 ADMINISTRATIVE POLICY**

The County Administrator is to organize the work of the departments and offices (other than the legal department) that are under the jurisdiction of the Board, subject to an administrative policy developed by the County Administrator and adopted by the Board, and review the departments, administration and operation thereof and make recommendations pertaining thereto for reorganization by the Board.

#### **RULE 1.515 CENTRALIZATION**

The County Administrator is to develop, install and maintain centralized budgeting, personnel and purchasing procedures at the direction of the Board and in accordance with Florida Statutes.

### **PART 6 COMMISSIONERS' RELATIONSHIP TO EMPLOYEES**

#### **RULE 1.601 THROUGH COUNTY ADMINISTRATOR**

Board instruction or directives to non-legal employees of County government under the jurisdiction and control of the Board of County Commissioners shall be issued only through the County Administrator. A County Commissioner shall not give orders or instructions, publicly or privately, to any County official or employee who is subject to the direction and supervision of the County Administrator. However, interaction, communication and observance will be permitted so long as no direction is given. If a majority of the Board of County Commissioners finds that a County Commissioner has violated this section, the Board may declare the violation an act of misfeasance.

#### **RULE 1.602 NO PERSONAL ERRANDS**

No Commissioner shall ask staff to conduct any personal or business errands for them.

#### **RULE 1.603 POLITICAL ACTIVITY**

The County Administrator and County staff assigned to the County Commission office shall not engage in political activity involving candidates for St. Johns County elective office other than casting his or her ballot at the polls.



## **CHAPTER 2 COMMITTEES**

### **PART 1 SPECIAL COMMITTEES OF THE BOARD**

#### **RULE 2.101 SPECIAL COMMITTEES DEFINED**

A Special Committee is an ad hoc committee appointed or created by the Board of County Commissioners to give particular and exclusive attention to a single subject matter because of its technical nature or importance to the County requires concentrated study. Unless otherwise directed by the Chair or the Board, a Special Committee shall have a specified period of time within which to study the matter and make its recommendations to the Board. Board of County Commissioners' members may be appointed to a Special Committee, but participation by more than one member may not constitute a majority of the Board.

#### **RULE 2.102 MEETINGS**

Special Committees shall meet at such times and places as may be necessary to conduct their business. If the business of any Special Committee is such that regular meetings are required or become necessary, the Chair of the committee shall set a schedule of meetings, with the approval of the Chair of the Board, and shall provide the same to the Clerk of Court, who shall publish and post the same and approved changes therein. Otherwise, notice of meetings of Special Committees shall be provided and will always include language regarding one or more Commissioners in attendance. Notice of the date, time, place and matters to be considered at any special meeting of a committee or any non-regular meetings shall be given to all Commissioners, which notice shall be written, signed by the committee Chair and served not less than seventy-two (72) hours before the time of such committee meeting. The Clerk of Court shall post a copy of such notice on the County website and other appropriate locations and may publish notice in a newspaper of general circulation as a legal advertisement at least two (2) days prior to the date of the meeting. If feasible, additional publications or means may also be utilized for advertising.

#### **RULE 2.103 ATTENDANCE AND VOTING**

- A. **Attendance.** It shall be the responsibility of each Commissioner to attend the regular or special meetings of each Special Committee to which he/she is appointed. Commissioners may attend meetings of any committee of which he/she is not a member and offer comments and observations, but he/she may not participate in the committee debate on the matter nor vote on any question and must observe Sunshine Laws at all times.

- B. **Voting or Consensus.** No member of a Special Committee shall be allowed under any circumstances to vote by proxy. Each present member of a committee shall vote as provided in Rule 1.401. The Chair may ask for consensus on any issue. Hearing no opposition from the Vice-Chair, it shall be reported to the Board as a consensus of the committee.

#### **RULE 2.104 CONSIDERATION OF REFERRED MATTERS**

All Special Committees shall report on every subject referred to them, and shall dispatch as expeditiously as reasonably possible and proper the public business assigned to them. It shall be the duty of the committee Chair to insure that the committee's business is promptly and properly considered.

#### **RULE 2.105 POWERS OF SPECIAL COMMITTEES**

A Special Committee shall have and may exercise the following powers in carrying out the duties assigned to it by these Board Rules and Policies or by the Board or by the Chair of the Board:

- A. By its Chair or Vice-Chair in his/her absence, to request attendance from staff or the County Attorney through the Board of County Commissioners, when needed at meetings.
- B. A Special Committee, by unanimous consent, may request through the Board of County Commissioners that the County Attorney draft a resolution. The resolution must relate to items which are under the purview of that Committee. Resolutions will stay in committee until the committee approves the final committee draft. Upon approval of final committee draft it shall be sent to the Board Chair to be placed on the agenda.

The resolution shall be called a "Draft Resolution of \_\_\_\_\_ Committee" until adopted by the Board of County Commissioners.

- C. A committee may not direct the County Attorney to draft ordinances. The committee Chair may request the Board of County Commissioners to support a committee request for the County Attorney's office to prepare or review an ordinance. The County Attorney will prepare or review an ordinance as approved by a majority vote of the Board of County Commissioners (refer to Rules 3.102 and 3.103).

#### **RULE 2.106 RULES IN SPECIAL COMMITTEES**

Unless otherwise provided for, all Special Committees shall follow the following procedural rules:

- A. A quorum of a committee shall be a majority of its regular members.



- B. After the committee has fully considered an issue, it may be referred to the full Board with one of the following:
  - 1. Recommendation for approval (must come from the full committee membership).
  - 2. Recommendation for denial (must come from the full committee membership).
  - 3. A split decision.
  - 4. No recommendation (not considered).
- C. Voting or consensus in all committees shall be by voice vote, but upon the request of any member of the committee, the vote shall be taken by roll call.
- D. Any committee intending to conduct a public hearing at a special meeting, as defined in Rule 3.206, shall give each member of the committee not less than three (3) days written notice of such hearing, which notice shall include a statement of the subject matter of the public hearing, and it may include the phrase "and all other matters that may come before the committee."
- E. The rules of the Board shall govern proceedings in committee, except as otherwise provided by Rule.

## **RULE 2.107 SPECIAL COMMITTEE MINUTES**

- A. The proceedings of every Special Committee shall be electronically recorded, and unless excused by the committee Chair, the Clerk of Court's designee shall be in attendance to take notes, care for the committee and legislative files being used by the committee, assist in the preparation of committee reports and perform other duties as instructed by the Chair. Written minutes of the proceedings are required and shall be prepared in the standard format used by the Clerk for the Board. Memorandum minutes only will be prepared by the Clerk's designee. The recordings of the proceedings shall be kept as a permanent record of the Board.
- B. Copies of committee minutes may be obtained through the Clerk of Court's Office.

## **PART 2 BOARD-APPOINTED BOARDS, COMMITTEES, COMMISSIONS AND AUTHORITIES**

### **RULE 2.201 MEMBERSHIP**

- A. **Appointment.** Members of boards, committees, commissions and authorities ("Boards/Committees") shall be appointed by the Board of County Commissioners except where otherwise expressly provided for with respect to a particular Board/Committee. A member will be considered to have full voting rights and

privileges when all required paperwork including, where applicable, Financial Disclosure, is completed and filed with the appropriate office.

- B. **District Representation.** Every reasonable attempt will be made to have all County Commission districts equally represented on each Board/Committee. For some Board/Committees this is a requirement of its creating legislation.
- C. **Qualifications.** Applicants must be residents of St. Johns County, unless otherwise approved by the Board of County Commissioners, and meet any other requirements set forth by the applicable Board/Committee.
- D. **Compensation.** No member of any Board/Committee shall receive compensation for his/her services as such, except as otherwise provided herein, or be entitled to pension or other retirement benefits on account of such service. Members of any Board/Committee shall not utilize their position to solicit or conduct private business at any time during the meeting or recess, while on County property or while conducting County business.

However, certain boards may find it necessary to travel. If so, they may receive their actual or necessary expenses incurred in the performance of their duties of office, including travel reimbursement or stipend in accordance with Section 125.9404, Florida Statutes, as approved by the Board of County Commissioners and as budgeted each fiscal year.

- E. **Term Expiration.** Letters notifying members of impending term expiration will be at a minimum mailed two times a year - in January and July - for expiration dates occurring in the first and last six months of the year, respectively.
- F. **Correspondence.** All official correspondence to County Commission-appointed Board/Committee members shall be signed by the initiating County Commissioner or staff, and all Commission members shall be copied on the same.

## **RULE 2.202 ATTENDANCE, ALTERNATES AND VACANCIES**

### **A. Attendance.**

1. If any appointed member of a Board/Committee fails to attend three (3) consecutive regularly scheduled meetings or five (5) of twelve (12) regular or special meetings or workshops of the Board/Committee, the Board/Committee shall declare the member's office vacant and the vacancy shall be filled as provided herein, unless otherwise provided by law. Staff shall maintain a record of absences and enforce the attendance policy.

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## **BOARD RULES AND POLICIES**

### **Chapter 2: Committees**

2. For those Board/Committees that meet twice a month on a regular basis, the attendance threshold shall be six (6) consecutive regularly scheduled meetings or ten (10) of twenty-four (24) regular or special meetings or workshops of the Board/Committee. Staff shall maintain a record of absences and enforce the attendance policy.
3. The above attendance requirement notwithstanding, the Board of County Commissioners may take action to allow an appointed member of a Board/Committee to continue to serve in office upon a showing of good cause and exceptional circumstances. If a member is interested in invoking this policy, the member should address a letter to the County Commission Chair, copied to the Board's County Commission Liaison (if applicable) and staff support, stating such intentions. The matter will then be brought to the full County Commission for action. The Board may appoint an interim member as circumstances dictate.
4. It is the responsibility of the Board/Committee member to notify appropriate staff support no later than seven (7) days in advance of a planned absence, or as soon as possible in the event of an unexpected absence.

**B. Alternates.**

1. Alternates are appointed to assist a Board/Committee with meeting quorum requirements to conduct business. It is essential that Alternates make every effort to attend all workshops, regular and special meetings of the Board/Committee as an Alternate may be called upon at any time to serve as a regular, voting member. Therefore, it is also important that Alternates have the most current knowledge of any ongoing discussion of matters that carry forward from previous meetings in the event such vote must occur.
2. Alternates must meet the same attendance requirements as regular Board/Committee members. Failure to do so will result in the same consequences, with the Board/Committee declaring the Alternate's seat vacant.
3. Alternates with appropriate qualifications may be recommended to move into vacancies created among the regular membership of the same Board/Committee. The Alternate is then eligible to serve two (2) full terms as a regular member of the Board/Committee, unless appointed to complete a term greater than two (2) years in length, in which case the member would be eligible for only one (1) full, additional term.



- C. **Vacancies.** Any vacancy on any Board/Committee shall be filled for the unexpired term in the same manner as provided for in the initial appointment to the Board/Committee.

Regarding unanticipated vacancies, a minimum of four (4) weeks time will occur from the County receiving notification of the vacancy to placement of the appointment on a County Commission agenda, to allow adequate time for advertisement and solicitation of applications.

Each Board/Committee shall make recommendations to fill any given vacancy. Such recommendations shall be provided in writing to the County Commission Chair and made a part of the agenda packet created for Commission appointment consideration. All applicants/applications received by the submission deadline will be equally considered with respect to any and all requirements of the particular Board/Committee.

- D. **Members Seeking Public Office (Resolution 92-119).** The County Commission policy requires that anyone serving on a County-appointed Board/Committee who desires to seek public office resign from the respective Board/Committee upon naming a campaign treasurer. A letter from the County Commission Chair, with a copy of the Resolution, will be sent to pertinent Board members should the situation arise.

## **RULE 2.203 LIMITATIONS OF TERMS OF SERVICE**

- A. Unless otherwise provided for in the creating legislation of a particular Board/Committee or otherwise specified by law, regular appointments will be made for two (2) year terms.
- B. A member seeking reappointment to a Board/Committee must submit a letter of interest and be considered as any other applicant. A record of attendance will be considered as part of the applicant process for reappointment.
- C. Any member appointed to a Board/Committee for two (2) consecutive terms shall not be eligible for the next succeeding term, unless otherwise stated in legislation regarding a particular Board/Committee.
- D. In the event that a member is appointed to complete an unexpired term two (2) years or less in length, that member is eligible to serve an additional two (2) full terms.
- E. All members serve at the pleasure of the Board of County Commissioners and may be removed at any time without cause, or as provided by law.

- F. The State's prohibition on dual office holding is expressly recognized. Additionally, no one may serve on more than one Board/Committee at the same time, unless at the specific direction of the Board of County Commissioners. Upon appointment of a current member to a second committee for dual service, the County Commission shall have a specific, stated reason for this action clearly stated in all pertinent motions. An applicant seeking dual status must be in good standing, as attested to by the County Commission liaison of the affected Board/Committee.
- G. Any member of a Board/Committee may apply for service on another Board/Committee if he/she first resigns from the current Board/Committee on which he/she serves, unless applying for dual status. If a member is granted dual status and appointed to a second Board/Committee, then resigns the position on the original Board/Committee, it will count as an automatic removal from both Board/Committees.
- H. Periodically, situations require that membership on Board/Committees be staggered to maintain a continuous presence of a majority of experienced members at any one time. Term limits, with regard to staggering, shall be addressed in the following manner:
  - 1. A member appointed to an initial, staggered term less than two (2) years in length will be eligible for an additional two (2) full two (2) year consecutive terms at the conclusion of the initial, staggered term.
  - 2. A member appointed to an initial, staggered term two (2) years or more in length is eligible for only one (1) additional two (2) year term after the initial staggered term is complete.

#### **RULE 2.204 APPLICATION TO SERVE**

- A. **Application.** Anyone wishing to serve on a Board/Committee must submit a completed application, which may be obtained from County Administration. No one will be considered for appointment without a completed application on file.

Presently there are three (3) applications for County Board/Committees: the standard application, the application for Board/Committees addressing land use, and the application for TDC Arts/Cultural/Heritage Funding Panel. Which application is completed depends on which Board/Committee a County resident seeks appointment.

1. The standard application is for all advisory committees regarding issues other than land use.
  2. The application for Board/Committees addressing land use requests additional information of the applicant regarding current investments or holdings in St. Johns County. This application is to be completed by all Board/Committees with final decision-making authority and those required to file financial disclosure.
  3. The application for TDC Arts/Cultural/Heritage Funding Panel requires additional information of the applicant regarding experience, knowledge or skill set in tourism, visual arts, and/or special event organization and promotions. This application is to be completed by those interested in applying to the TDC Arts/Cultural/Heritage Funding Panel.
- B. **Vacancy Notification.** Vacancies will be posted and advertised as necessary.
- C. **Disclosure.** Certain appointees may be required to complete disclosure forms as required by State law. County Administration will maintain a list of those Board/Committees to which this requirement pertains.
- D. **Inactive Applications.** Applications on file for six (6) months without activity will be deemed inactive. Prior to being purged, applicants will be notified to determine whether the application will remain active for a second six (6) months. At no time will an application remain active longer than one (1) year.
- E. **Reappointment.** See Rule 2.203 (B).

## **RULE 2.205 PROCEDURES, OFFICERS, RULES**

- A. **Meeting Schedule.** Unless otherwise provided for, with respect to a particular Board/Committee, each Board/Committee shall hold regular meetings, and may meet more frequently if needed as provided in its rules. Certain Boards/Committees will meet as needed, but at least annually.
- B. **Quorum.** A majority of the membership of a Board/Committee shall constitute a quorum for the purpose of meetings and transacting business.
- C. **Officers.** Each Board/Committee shall elect a Chair and a Vice-Chair, each of whom shall serve for one (1) year and until a successor is chosen, unless otherwise provided for, with respect to a particular Board/Committee. Staff support will notify County Administration annually of the names of members who serve as officers.



- D. **Minutes.** Written minutes will be taken and maintained by a County staff member, be it the Staff Support person or staff designated as recording secretary for the purpose of the meeting. Copies of minutes will be made available as requested.
- E. **Rules.** Each Board/Committee may adopt, amend and repeal rules for its further organization, not inconsistent with the Board of County Commissioners' Rules and Policies. Rule changes shall be approved by the Board of County Commissioners on the Consent Agenda. Each Board/Committee shall allow public comment consistent with Rule 4.704.
- F. **New Committees.** All new Board/Committees, ad hoc or regular, will, as a group, receive training regarding the Sunshine Law, public record laws, ethics laws, and County Commission policy. Training will be provided by the County Attorney's Office at the new Board/Committee's organizational meeting and anytime thereafter as necessary.
- G. **Mission Statement.** No Board/Committee shall assume any power or authority not specifically granted to it, but each Board/Committee shall strive to give the citizens and the Board of County Commissioners of St. Johns County their best efforts in developing recommendations regarding their assigned subject matter and providing other authorized services.
1. Each individual Board/Committee appointed by the Board of County Commissioners shall develop its own individual mission statement and submit such to the Board of County Commissioners for review and approval within six (6) months of said appointment. Said mission statement shall be reasonably limited to the subject area and purpose for which the Board/Committee was created.
  2. The following shall be a mission statement applicable to all Board/Committees appointed by the Board of County Commissioners unless the Board of County Commissioners establishes a particular alternative mission statement for a designated Committee or specifically rules that no general mission statement shall be applicable to a designated committee:

*Each Board/Committee shall carry out its particular mandate made by the Board of County Commissioners while operating in compliance with all applicable Federal and State laws, and County ordinances, including, but not limited to, the Florida Sunshine Law, the Florida Public Records Law, Code of Ethics, applicable quasi-judicial hearing rules, and the civil rights laws of the United States .*

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**BOARD RULES AND POLICIES**  
Chapter 2: Committees

- H. **Staff and Administrative Support.** A County employee shall be appointed by the County Administrator to serve as Staff Support for each Board/Committee appointed by the Board of County Commissioners. The Staff Support will be assigned to monitor activities, serve as liaison and promote communication. Each such Board/Committee and Staff Support shall be assigned to a County Department for administrative support and oversight. Each such Board/Committee which requires staff support of the County shall address such request to the Board/Committee Staff Support appointed for that particular Board/Committee. If such Support is not available to timely address a particular need of a Board/Committee, the request may be addressed to the appropriate Department Director or to the Office of the County Administrator. This provision shall not be interpreted as restricting any Board/Committee member from making an individual public records request to any County agency, although such individual shall have individual responsibility for the cost of such request.

Board/Committee use of County equipment and services (i.e., postage, copies, research, minutes, business cards) is allowed as needed and approved by County Administration.

- I. **Legal Assistance.** Legal advice will be provided by the County Attorney's Office as reasonably requested, and approved by the Board of County Commissioners.
- J. **Expenditures and Liabilities.** Each Board/Committee with an approved budget must obtain written authorization from the Staff Support before making any expenditure. Any disagreement regarding expenditures between the Staff Support and the Board/Committee shall be referred to the County Administrator for resolution. The assigned Staff Support shall be responsible for ensuring that County supply, purchasing and expenditure policy and procedures are complied with by their assigned Board/Committee. No Board/Committee may obligate or incur liability on behalf of the County without the express written authorization of the County Administrator or the Board of County Commissioners.
- K. **Issues on Individual Boards, Committees, Commissions, Authorities.**

In the event a concern arises within a Board/Committee regarding membership, effectiveness or validity of that particular Board/Committee or any other matter that cannot be resolved by the particular Board/Committee with a vote of its membership, the following steps will be taken for resolution:

1. If the Board/Committee has a County Commission liaison, the liaison will determine whether it is a matter that should be addressed by the Board of County Commissioners for resolution.

2. If a County Commission Liaison is not assigned, the Staff Support will proceed as follows:
  - i. Meet with the Chair of the respective Board/Committee to discuss the situation and possible alternatives for resolution.
  - ii. Meet with the County Administrator to discuss the situation and determine the most appropriate plan of action.
  - iii. The agreed upon matter for proceeding will be committed in writing and implemented, and a follow-up report will be conveyed to all pertinent parties as necessary.
- L. **Specific Findings.** All orders/recommendations shall give specific findings and reasoning for the decision/recommendation.
- M. **Presence During an Appeal.** If a decision is appealed before the Board of County Commissioners, a member of the Board/Committee will be present at such hearing.

## **RULE 2.206 REQUIREMENTS OF BOARD/COMMITTEES**

- A. **Budgets.** Each Board/Committee shall submit, within the time and in the manner provided, an annual budget for the public funds which it deems necessary for the performance of its functions. If a budget is appropriated by the Board of County Commissioners, it shall be administered as a part of the appropriations to the County Administrator. Should funds be needed during the year, the request shall be made to the Board/Committee's County Commission Liaison, who will bring the matter to the County Administrator to be placed as a scheduled agenda item on the Board of County Commissioners Regular Agenda.
- B. **Annual Reports.** Each Board/Committee must submit an Annual Report to the Board of County Commissioners by April 1<sup>st</sup> indicating its activities and accomplishments for the previous calendar year. The report should include the mission statement of the Board/Committee, projections for the current calendar year and any other relevant information, such as the proposed budget.
- C. **Boards Subject to Certain Laws.** Each Board/Committee is subject to applicable Florida law, including but not limited to the provisions of Chapters 112, 119 and 286, Florida Statutes (regarding Public Officers & Employees, Public Records and Government in the Sunshine, respectively). Each prospective member of a Board/Committee shall be provided with a copy or summary of Chapters 112, 119 and 286, Florida Statutes. The rules of each Board/Committee shall have County staff



as custodian of the records of the Board/Committee, who shall be responsible for the records' safekeeping on County property and administration, according to Chapter 119, Florida Statutes.

County employees may not serve as voting members on any County Board/Committee. For the purpose of this paragraph, County Commissioners shall not be considered County employees.

- D. **Employee Harassment Policy.** St. Johns County expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, Veteran status or status in any group protected by state or local law. Improper interference with the ability of St. Johns County employees to perform their expected job duties is not tolerated. Board/Committee members shall comply with this policy in their interactions with County employees. See section 406 of the Administrative Code to reference the complete policy.
- E. **Rules of Decorum and Civility.** Each Board/Committee and members thereof shall reasonably comply with Part 4 Rules of Decorum and Civility. Board/Committee members are encouraged to make constructive comments and policy recommendations to the Board of County Commissioners but shall avoid disrespectful commentary.

## **RULE 2.207 PRECEDENCE**

Where Florida law, or County ordinance or regulation sets forth criteria (e.g. terms of office) for any particular Board/Committee, that regulation shall prevail when in conflict with these Rules and Policies.

## **CHAPTER 3 LEGISLATION**

### **PART 1      GENERAL RULES**

#### **RULE 3.101   MANNER OF LEGISLATION**

The Board shall take official action only by means of ordinances, resolutions, or motions. For the purposes of these Rules:

- A. "Ordinance" means an official legislative action of the Board, which action is a regulation of a general and permanent nature and enforceable as a local law.
- B. "Resolution" means an expression of the Board concerning matters of County business, an expression of temporary, advisory or exhortative character or a provision for the disposition of a particular item of the business of the Board.
- C. "Motion" means a proposal that certain action shall be taken or shall not be taken or a certain view be expressed.

Agenda items related to policy changes should not be introduced prior to staff review or Commission workshop.

#### **RULE 3.102   PREPARATION OF LEGISLATION**

Legislation consisting of ordinances will usually be prepared by the County Attorney's Office upon an affirmative consensus by a majority of the Board. Any ordinance not prepared by the County Attorney's Office shall be reviewed by the County Attorney's Office before scheduled for public hearing. All ordinances prepared by or submitted to the County Attorney's Office shall be approved by his/her office as to form.

#### **RULE 3.103   INTRODUCTION OF LEGISLATION**

There shall be a reasonable limitation on subject and matter embraced in ordinances, amendments and enacting clause. Every ordinance shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended section, subsection or paragraph of a subsection. Ordinances shall be presented for review by the Board twice prior to enactment unless otherwise directed by the Board.

## **RULE 3.104 WITHDRAWAL OF LEGISLATION**

Any legislation may be withdrawn by the introducer at any time before amendment or putting to a vote, with the consent of a majority of the Board present.

## **PART 2 PUBLICATION, PUBLIC HEARING**

### **RULE 3.201 MATTERS TO BE PUBLISHED**

- A. **Matters required to be Published.** The following matters shall be published in the manner provided in this part:
1. The titles of all proposed ordinances other than emergency ordinances.
  2. The titles of all resolutions considering applications for developments of regional impact.
  3. The statutory notices required by Sections 125.66, 200.065(2) and 380.06(11), Florida Statutes.
- B. **Matters which may be published.** Any other matter may be published at the direction of the Chair, the Board or any committee with respect to its business.

### **RULE 3.202 TIMES FOR PUBLICATION**

The titles required to be published under Rule 3.201(a)(1) and (2) shall be published as soon as possible after the hearing date is established. The notices required to be published under Rule 3.201(a)(3) shall be published within the statutory periods prescribed for their publication. All other matters shall be published as directed.

### **RULE 3.203 MANNER OF PUBLICATION**

Official advertisements and notices shall be submitted to the Clerk of Court's Office to be published for the prescribed period of time in a newspaper which meets the requirements of Sections 50.011 and 50.031, F.S., for publication of legal and official advertisements. Unless otherwise prescribed by law or directed by the Chair, Board or committee, official advertisement or notice shall be published once only and, wherever possible, matters to be published concerning the same ordinance or resolution shall be published in a single advertisement or notice. Publication shall be posted as required by Rule 3.201 or unless specifically ordered by the Board/Committee in addition to publication in a newspaper.



### **RULE 3.204 PROOF OF PUBLICATION**

Proof of publication shall be obtained by the Clerk of Court's Office as provided by Section 50.041, F.S. The original proof of publication shall be filed in the Clerk of Court's files.

### **RULE 3.205 PUBLIC HEARINGS: BOARD OF COUNTY COMMISSIONERS**

- A. **Public Hearing Defined.** A public hearing is a specified portion of a meeting of the Board in which the privilege of the floor is granted to the general public and members thereof may address the Board on the subject for which the public hearing is called. A public hearing is designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the full Board.
- B. **When Held.** Although the Board has need of the comments and observations of the members of the general public, the business of the Board requires that public hearings by the full Board be held to the minimum number. Consequently, except for public hearings required by law, a public hearing by the full Board will be scheduled only by order of the Chair, with a majority of the Commissioners present at any meeting.
- C. **Conduct of Public Hearings.** When the St. Johns County Board of County Commissioners holds a public hearing on proposed legislation, the Chair shall announce that the time for the public hearing has arrived and declare the same open to the general public. Rules for each speaker will follow rules for public comment as specified in Rule 4.704. At any time during the public hearing, the Commissioners may question any speaker concerning the speaker's remarks, and they may recall any speaker for clarification of his/her previous remarks or for additional remarks. When all members of the general public who have been scheduled to speak have done so and the Board has finished their questions of the speakers, the Chair shall declare the public hearing to be closed; and no further remarks shall be heard from the general public. Once the public hearing is closed, a motion may be made and voted upon in accordance with all procedures contained herein

The Commissioners may question a speaker only to elicit information, comments or opinions and may not debate the merits of the legislation, either with a speaker or among themselves, during the part of the hearing open for public input.

- D. **Public Hearings without Legislation.** The Board may schedule a public hearing on a matter when there is no legislation concerning such matter pending before the Board, in order to determine the need for possible legislation and to gather information to be used in drafting such legislation.
- E. **Recess.** Public hearings may be recessed by order of the Chair or by a majority of the Commissioners present to a time certain.
- F. **Continuances to Agenda Items.** The Board shall consider requested continuances be set for a time certain at subsequent Regular, Workshop or Special Meetings of the Board; however, the Board reserves the right to set such agenda items on a staggered meeting schedule. At the close of the business day, or as close to 5:00 p.m. as practical, the Board, upon the request of the Chair or any Commissioner, with a vote of the majority, may defer or continue any or all of the remaining agenda items or public hearings to the following morning at 9:00 a.m., or otherwise to a date and time certain, either at a Regular, Workshop, or Special Meeting which shall be properly noticed.
- G. **Conduct of hearings or appeals to the Board of County Commissioners.** Appellate hearings before the Board of County Commissioners shall be announced by the Chair. The appropriate County staff member will introduce the matter to the Board, explaining all prior proceedings related to the matter on appeal and name the appellant. The appellant shall then explain the basis for the appeal and the relief he/she is requesting. Next, all those supporting the appellant's position may speak. Then, the staff person for the agency whose decision is being appealed shall explain the decision, apprising the Board of relevant findings of fact and reasoning underlying the decision. Then, all those supporting the decision being appealed may speak. The appellant shall then be given an opportunity to reply to the statements and arguments of those supporting the decision. The above procedure notwithstanding, the Board may utilize a more detailed hearing format as may be determined by the Board or recommended by the County Attorney.

The Vice-Chair may impose reasonable limits on the number of people allowed to speak and on the length of time each person may speak, and may require each speaker from the general public to complete a written request to speak. At any time during the hearing, the Commissioners may question any speaker concerning the speaker's remarks, and they may recall any speaker for clarification of his/her previous remarks or for additional remarks. When all members of the general public who have been scheduled to speak have done so and the Commissioners have finished their questions of the speakers, the Chair shall declare the public hearing to be closed; and no further remarks shall be heard from the general public. Once the public hearing is closed, a motion may be made and voted upon in accordance with all procedures

contained herein.

The Commissioners may question a speaker only to elicit information, comments or opinions and may not debate the merits of the appeal, either with a speaker or among themselves, during the portion of the appellate hearing open for public input.

## **RULE 3.206 PUBLIC HEARINGS: COMMITTEES**

- A. **Public Hearing Defined.** A public hearing is a meeting of a committee during which the privilege of the floor is granted to the general public and members thereof may address the committee on the subject for which the public hearing is called. A public hearing is specifically designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the committee concerning a particular matter of great public interest or importance. All meetings of a committee are public meetings, at which the public may, at the pleasure of the committee, address the committee; but a public hearing is an extraordinary procedure used only to gain information not otherwise obtained or to hear both sides of a controversy or to argue the merits of a matter.
- B. **When Held.** A committee shall hold a public hearing when ordered by the Chair, the Board or a majority of the committee members. A committee shall hold a public hearing only on a matter referred to it. Public committee hearings may be held in any public building within the County.
- C. **Recess.** Public hearings may be recessed by order of the committee Chair to a time certain.

## **PART 3 MISCELLANEOUS COMMUNICATIONS**

### **RULE 3.301 DISPOSITION OF MISCELLANEOUS COMMUNICATIONS**

Miscellaneous communications may, at the discretion of the Chair, be referred to the appropriate committee or staff for appropriate action.

### **RULE 3.302 READING OF MISCELLANEOUS COMMUNICATIONS**

Miscellaneous communications shall not be read to the Board, unless a majority of the Board requires such reading.

### **RULE 3.303 MESSAGES DURING MEETINGS**

During public meetings, Commissioners shall not send, or receive and review written or electronic messages pertaining to the meeting unless presented as part of the meeting for public review.



## **CHAPTER 4 PROCEDURES**

### **PART 1 MEETINGS**

#### **RULE 4.101 MEETINGS: GENERALLY**

All regularly scheduled Board meetings shall be held in the County Auditorium located at 500 San Sebastian View and shall be open to the public. In case of special meetings, emergency meetings or workshops, the Board may determine another meeting location within the County.

#### **RULE 4.102 REGULAR MEETINGS**

The Board shall hold regular meetings the first and third Tuesdays of each month commencing at 9:00 am. In accordance with Rule 3.205 (F), the following Wednesday will also be a meeting date but shall be reserved for matters continued from the previous day's Board Agenda that could not be reasonably completed on that day. When a regular meeting day shall fall on a legal holiday observed by the County, the regular meeting of the Board shall be held on the following day at the same time and place or on such date, time and place approved by the Board and advertised accordingly.

#### **RULE 4.103 WORKSHOP MEETINGS**

The Board may designate workshop meetings at any time during the month, including regular meetings days. However, when so designated, that meeting date, or portion thereof, shall be publicly noticed as a Workshop Meeting.

- A. From time to time, in order to build consensus among its members, it may be advantageous for the Board to discuss in detail an issue or issues under its consideration without taking action. In such situations, the Board may hold a Workshop Meeting.
- B. In that the purpose of such a meeting is open discussion, fact finding and consensus building, no formal action may be taken by the Board at Workshop Meetings. All other rules of the Board relating to the procedures to be followed during Workshop Meetings shall be in accordance with Chapter 4 of these Board Rules and Policies.
- C. With the purpose of a Workshop Meeting of the Board described above, the Board may wish to hear reports by staff and the comments and observation of the general public. The conduct of public comment at a Workshop Meeting shall follow that prescribed by Rules 3.206 and 4.704 (C) of the Rules of the Board, unless modified by the Chair.

- D. The Chair or the Board by majority vote may call a Workshop Meeting of the Board. Advance notice of a Workshop Meeting shall not be less than those required for a Special Meeting of the Board, as described in Rule 4.104.

#### **RULE 4.104 SPECIAL MEETINGS**

The Chair or a majority of the Commissioners may call a special meeting of the Board upon not less than seventy-two (72) hours notice to each Commissioner. Notice of the call of such special meeting shall be in writing. The notice shall state the business to be transacted at such meeting, including "all other business that may come before the Board." The Clerk of the Board shall publish the notice as a legal advertisement at least two days prior to the day of the meeting. The Chair may, upon not less than twenty-four (24) hours notice to every Commissioner, cancel any special meetings of the Board which he/she had previously called pursuant to this Rule.

#### **RULE 4.105 EMERGENCY MEETINGS**

The Chair, Vice-Chair or County Administrator may call an emergency meeting of the Board at any time to consider and take action upon a public emergency. No action shall be taken by the Board unless the Board first declares by motion or resolution that an emergency exists and the action taken directly pertains to the emergency. Prior notice of the emergency meeting shall be given by the most appropriate and effective method(s) available under the circumstances. Continuity of government issues shall prevail. If the Board is not able to meet within a reasonable time to address the emergency, the provisions of Ordinance 94-25 (as may be amended from time to time) shall govern.

#### **RULE 4.106 RECESSED OR ADJOURNED MEETINGS**

The Board, at any meeting, may recess or adjourn to a time certain on the same or another day, or fix the date and time of a meeting, for transacting any business or specified business only, as may be determined by the Board in taking such action.

#### **RULE 4.107 QUORUM**

A quorum of the Board for the transaction of business shall consist of a majority of the Commissioners, but a lesser number may adjourn from time to time until a quorum is present. It shall always be in order to suggest the lack of a quorum, whereupon the proceedings shall cease, the determination of a quorum may be made and the proceedings continue, if a quorum is present, or be suspended or adjourned, if a quorum is lacking.

## **PART 2      PRESIDING OFFICER**

The Chair shall serve as the Presiding Officer unless unable to serve.

### **RULE 4.201   DUTIES OF PRESIDING OFFICER**

The duties of the presiding officer shall include the following:

- A.     State every question before the Board.
- B.     Record the vote on all matters concerning which the recording of the ayes and nays is required or requested.
- C.     Announce the results of every vote.
- D.     Announce the order of business and insure the orderly disposition of the items on the agenda.
- E.     Maintain order and enforce the rules of decorum and discipline.
- F.     Sign each written measure passed by the Board during the meeting at which he/she is presiding officer.
- G.     Execute the orders of the Board made during the time he/she is presiding officer.

### **RULE 4.202   RULINGS BY THE CHAIR, APPEALS**

The Vice-Chair shall serve as the County Official who shall advise the Chair on parliamentary issues and shall rule on all questions of order and priority of debate, although he/she may ask the advice of the County Attorney. Any Commissioner may appeal the decision of the Chair in which event a majority vote of the Board present shall conclusively determine the ruling appealed. No other business, except a motion to adjourn or to lay on the table, shall be in order until the question on appeal has been decided.

## **PART 3      AGENDAS**

### **RULE 4.301   SETTING AGENDA**

The County Administrator shall provide a tentative agenda to the Chair of the Board of Commissioners, who shall then set the agenda for the Board. Any Commissioner or Department Director desiring placement of an item on the agenda will make such request of the County Administrator. All requests for agenda items will be turned in by 9:00 am Wednesday thirteen (13) days prior to the Tuesday Board Meeting/Workshop, complete with all appropriate back-up material



sufficient to warrant discussion. Should sufficient back-up material not be provided by this date, then the item will be removed from the agenda. At this time the agenda shall be considered closed, except for emergency items as may be called by the Chair in the manner provided herein. Prior to the Board meeting, the Chair will review the agenda, make any additions or deletions deemed appropriate, and with the assistance of the County Administrator, shall prioritize the agenda (excepting for advertised public hearings which shall be set in the order advertised and received by the Clerk of Courts' Office). There shall be included on the agenda, all items to be considered by the Board, and the public hearings to be held by the Board. When the agenda has been set, the Clerk of the Board shall cause the same to be printed and distributed.

#### **RULE 4.302 CONSENT AGENDA**

- A. **Contents, Approval, Changes.** There shall be included on the Consent Agenda, all legislation which has received a favorable report at a previous workshop or Commission meeting from each agency of the County which is required to comment on the same, and as to which no substitutes or amendments are pending and routine business items, not limited to, but including purchases, subdivision plats and final development plans. The Chair shall approve inclusion of the Consent Agenda as a part of the Regular Agenda for each Board meeting, and may order that legislation or business items be removed therefrom, placed on the Regular Agenda, referred to a committee or delayed to another Board meeting. After the Consent Agenda is published, no items may be added to it.
- B. **Consideration.** At the appropriate time, the Chair shall announce the taking up of the Consent Agenda. Any item on the Consent Agenda may be removed therefrom for the purpose of further debate at the request of any Commissioner, in which case the item so removed shall be debated and considered as part of the Regular Agenda or delayed to a future meeting. After any item has been removed for further debate, the Chair shall call for one vote on the entire Consent Agenda, which vote shall be applicable to each item on the Consent Agenda (except removed items).

#### **RULE 4.303 ADOPTION OF REGULAR AGENDA**

After the addition of any item removed from the Consent Agenda, the Chair will ask for other changes to the agenda. Changes to the Regular Agenda may be proposed by any Commissioner, the County Administrator or the County Attorney. Changes to the Regular Agenda must be approved by majority vote. After all approved changes on the agenda a motion shall be made and seconded to adopt the agenda. Once adopted the agenda shall control the meeting unless changed by a majority consensus.

## **PART 4        RULES OF DECORUM AND CIVILITY**

### **RULE 4.401   BOARD TO PROMOTE AND PRESERVE DECORUM AND CIVILITY**

The Board expressly recognizes that promoting and preserving decorum and civility best enables the Board to fairly and expeditiously conduct the business of the County.

While the Board is in session, the Chair shall preserve order and decorum. A Commissioner shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Board, nor disturb any Commissioner while speaking or refuse to obey the orders of the Board or its Chair.

### **RULE 4.402   MANNER OF SPEAKING**

No Commissioner shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first being recognized by the Chair. When two or more Commissioners seek recognition by the Chair, the Chair shall name the Commissioner who is to speak first. No Commissioner shall be interrupted by another without the consent of the Commissioner who has the floor, except by rising to a question of order. A Commissioner, in speaking on any matter, shall confine him/herself to the question, or matter before the Board, shall not use unbecoming abusive or unparliamentary language and shall avoid commenting on personalities or character of other Board members, former Board members, other officials, staff, or the public.

### **RULE 4.403   POSITIVE EXPECTATIONS OF BOARD DISCOURSE**

- A.     Always focus on what's best for the County, and represent the entire County as well as your individual district.
- B.     Maintain respect for the Board and its members. Visibly demonstrate respect for, and fairly represent, each other.
- C.     Demonstrate that it is fine to disagree but not to be disagreeable.
- D.     If reasonably possible, avoid surprising your fellow commissioners or staff; except positive surprises.

### **RULE 4.404   DISRUPTION OF MEETING**

Any person disrupting a Board meeting by making personal, impertinent or slanderous remarks or by boisterous behavior while the Board is in session, may be removed from the meeting by the Sheriff's office. Such removal may be requested by the Chair in his/her discretion, or by consensus of the Board, or by the Sheriff's office if there is perceived to be an immediate threat to any person. No demonstrations of approval or disapproval from the audience shall be permitted; and if, after warning by the Chair, such demonstrations are made and result in a disruption of the meeting, the person(s)

creating such disruption may be removed from the meeting; or the Chair may recess the meeting until order is restored. The Chair shall call upon the Sheriff's officers or other security officer who may be present during the meeting to enforce directions given by the Chair for any violation of this Rule.

#### **RULE 4.405 PROMPTNESS OF ATTENDANCE; ABSENCE FROM MEETINGS**

Board members are expected to observe timely appearance at Board of County Commission regular, workshop, special meeting, or other official Board function. Any member who is unable to timely attend any such meeting or function will notify either the Board Chair or the County Administrator, prior to the meeting, if possible so that notice may be conveyed to all Board members. Any member present at any meeting of the Board will give notice to the Chair if leaving the meeting for an extended period of time.

#### **RULE 4.406 AUDITORIUM OFFICIAL USE ONLY AREA**

To ensure the timely business of the Board proceeds with limited distractions and to respect public speakers, a certain portion of the County Auditorium is designated as "Official Use Only" as shown in Exhibit B. This Official Use Only area encompasses the dais area, including the sections designated for staff and the public speaker podiums. During public meetings, those permitted in the Official Use Only area shall be limited to the Board of County Commissioners, County staff, and members of the public expressly recognized by the Chair, such as public speakers and proclamation recipients. Unless expressly recognized by the Chair, members of the public and media shall remain in the non-designated area of the Auditorium during public meetings.

### **PART 5 VOTING**

#### **RULE 4.501 MAJORITY ACTION**

Unless otherwise required by State Statute, ordinance, or indicated by these Rules, all action by the Board shall be by majority vote of those Commissioners present.

Failure to receive a majority vote of the Commissioners present shall act as a denial of the proposed question that is before the Commission.

#### **RULE 4.502 VOTING REQUIRED UNLESS EXCUSED**

Every Commissioner who is present when a question is called, unless he/she is excused as provided in Rule 1.401, shall give his/her vote in the affirmative or negative.

### **RULE 4.503 MANNER OF VOTING**

Votes shall normally be conducted electronically if the electronic voting system is available; otherwise, voice votes shall be used. The vote on the motion to declare a measure to be an emergency shall be a roll call. In the case of any vote, if the Chair is in doubt as to the outcome, or upon the request of a Commissioner for any reason, the Chair shall call for a roll-call vote. The roll-call vote shall be called by the Clerk in a rotating sequence.

### **RULE 4.504 CHANGE OF VOTE**

After announcement of the results of a vote, no vote may be changed or taken on the question, unless a motion for reconsideration is approved. The provisions of Rule 1.401 shall not be construed to be affected by this Rule.

### **RULE 4.505 PROXY VOTING PROHIBITED**

A Commissioner shall not vote for another Commissioner, nor shall any person not a Commissioner cast a vote for a Commissioner. Commissioners must be present and cast their own vote.

## **PART 6 MOTIONS**

### **RULE 4.601 MOTIONS: HOW MADE, WITHDRAWAL**

- A. Every motion shall be made orally, unless the Chair requests that it be reduced to writing. No motion shall be debated or put to a vote without a second, except for those motions stated in Rule 4.602. When a motion is made and, when required, seconded, it shall be stated by the presiding officer or, his/her designee, and the mover shall have the floor. After a motion has been stated or read, it shall be deemed to be in the possession of the Board and shall be disposed of by vote of the Board. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended or before a vote hereon shall have commenced, if a majority of the Board present consent.
- B. A motion may be made to suspend the Rules as provided in Rule 1.103.

### **RULE 4.602 MOTIONS REQUIRING NO SECOND**

The following motions shall be decided or acted upon without requiring a second:

- A. Call for the division of a question.
- B. Motion to receive committee and agency recommendations.



- C. Fill a blank.
- D. Inquires of any kind.
- E. Leave to withdraw a motion.
- F. Object to the consideration of a question.
- G. Parliamentary inquiry.
- H. Point of information.
- I. Point of order.
- J. Question of privilege.

#### **RULE 4.603 PRECEDENCE**

When a question is under debate, the following motions shall be entertained and shall take precedence over each other in the following order:

- A. Adjourn to a date certain.
- B. Adjourn.
- C. Take a recess.
- D. Lay on the table.
- E. Previous question.
- F. Close debate at a specified time.
- G. Postpone to a day certain.
- H. Refer to a committee.
- I. Amend.
- J. Postpone to a certain time.
- K. Postpone indefinitely.

#### **RULE 4.604 PROPOSING QUESTIONS**

The Chair shall propose all questions in the order in which they are moved unless the subsequent motion be previous in nature, except that in naming sums and fixing times the largest sums and the longest times shall be put first.

#### **RULE 4.605 RECONSIDERATION**

- A. **Generally.** After the decision of any question, it shall be in order only for a Commissioner voting on the prevailing side to move a reconsideration, but such motion may be seconded by any Commissioner. When a majority of the Commissioners present vote in the affirmative but the question is lost because the concurrence of a greater number is necessary for adoption or passage, any Commissioner may move for a re-consideration. If a motion to reconsider is lost, it shall not be renewed again. A motion to be considered may be laid on the table or postponed indefinitely, the effect of such action in either case shall be to defeat the motion to reconsider and to prevent further consideration thereof.
- B. **Disposition.** If a motion to reconsider the vote on a main question is made immediately after such vote is taken, it may, at the option of the mover, be decided immediately or left pending. If it is made other than immediately after such vote is taken, it shall be left pending for consideration by the Board. All motions for reconsideration not immediately disposed of shall be considered and disposed of at the same hearing or meeting.
- C. **Collateral Matters.** The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the Board. A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related and such motion shall be out of order after the Board has passed to other business.

#### **RULE 4.606 POSTPONE INDEFINITELY**

Motions to postpone indefinitely shall be applicable only to main motions. The adoption of a motion to postpone indefinitely shall dispose of such measure for the duration of the Board meeting at which it is made.

#### **RULE 4.607 LAY ON TABLE**

If an amendment is laid on the table, such action shall not carry the main question or any other amendment with it. The motion to lay on the table may not be made by the introducer or mover of the legislation or proposal.

## **PART 7        RULES OF DEBATE**

### **RULE 4.701   CHAIR MAY PARTICIPATE IN PROCEEDINGS**

The Chair may make motions, second motions and debate, subject only to such limitations of debate as are enforced by these rules on all Commissioners, and shall not be deprived of any of the rights and privileges as Commissioner by reason of being Chair.

### **RULE 4.702   OBTAINING FLOOR OR RECOGNIZED BY CHAIR**

In order to obtain the floor, any Commissioner desiring to speak in debate on a subject open to debate must address the Chair, and, when recognized by the Chair, may speak only on matters germane to the business or question under debate.

### **RULE 4.703   INTERRUPTION OF SPEAKERS**

A Commissioner or official, once recognized, shall not be interrupted while speaking unless calling the Commissioner or speaker to order for transgressing any rule of the Board or failing to maintain proper decorum. Any Commissioner called to order while speaking shall cease speaking until the question of order is determined by the Chair without debate, and if in order, may proceed.

### **RULE 4.704 PRIVILEGE OF FLOOR AND PUBLIC COMMENT**

- A. **Recognition by the Chair.** Except for Commissioners and County officials/employees, no person shall approach or address the Board until the Chair permits the person to approach or address the Board.
- B. **Entitlement to Public Comment on propositions before the Board:**
  - 1. Members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board. 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 is within reasonable proximity in time before the meeting at which the Board takes the official action; however, unless otherwise provided by law, members of the public are not entitled to a reasonable opportunity to be heard in public meetings of the Board in the following circumstances:
    - (a) The Board is making an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause unreasonable delay in the ability of the Board to act.

- (b) The Board is making an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations.
  - (c) The meeting is exempt from Florida Statute § 286.011.
  - (d) The meeting is one in which the Board is acting in a quasi-judicial capacity. (In hearings in which the Board is acting in a quasi-judicial capacity, each person addressing the Board shall limit comments to three (3) minutes, unless extended by the Chair for good cause. For parties to the matter, participation is as provided by LDC Article IX and Florida law. The Board may utilize more specific hearing criteria as may be recommended by the County Attorney).
2. **Designation of Representative.** Groups of members of the public who wish to communicate the same message (e.g., support or opposition to a proposition) to the Board may designate a representative to speak for the group at a public meeting of the Board by filling out a form and submitting it to the designated Staff member present at the meeting, which form indicates the general message of the group and the name and address of each person in the group and which may include a signature from each person in the group in support of the group's message.
3. **Time Limit for Comments and Extension of Time for Comment.** Each person addressing the Board shall limit comments to three (3) minutes. Members of the public and designated representatives of groups of twenty (20) or fewer persons present shall limit their comments to the Board to five (5) minutes. Designated representatives of groups of more than twenty (20) persons present shall limit their comments to the Board to ten (10) minutes. The Chair may elect to extend the time available to individual members of the public or designated representatives for comment for an additional time for good cause. A member of the public or designated representative may not assign his or her time or any part of his or her time to another speaker.
- C. For public comment on items that are not a proposition being considered by the Board, a general public comment period shall be provided for persons to address the Board on matters which reasonably may need attention of the Board. Each person addressing the Board shall limit comments to three (3) minutes, unless extended by the Chair for good cause.

## **RULE 4.705 DECORUM**

A. **Manner of Addressing the Board.** Members of the public and designated representatives shall address their comments to the Board as a whole and not to any Commissioner individually or any group of Commissioners. Imposing a demand for an immediate response from the Board



or any member thereof during public comment shall be considered out of order. Persons shall not address the Board with personal, impertinent or slanderous remarks, or become boisterous. A Commissioner shall not engage in dialogue with persons making public comment unless the question or comment is directed through the Chair or made with the permission of the Chair.

## **EXHIBIT A**

### **The National Association of Counties' Code of Ethics for County Officials**

#### **The ethical county official should:**

- Properly administer the affairs of the county.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in county government.
- Keep safe all funds and other properties of the county.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

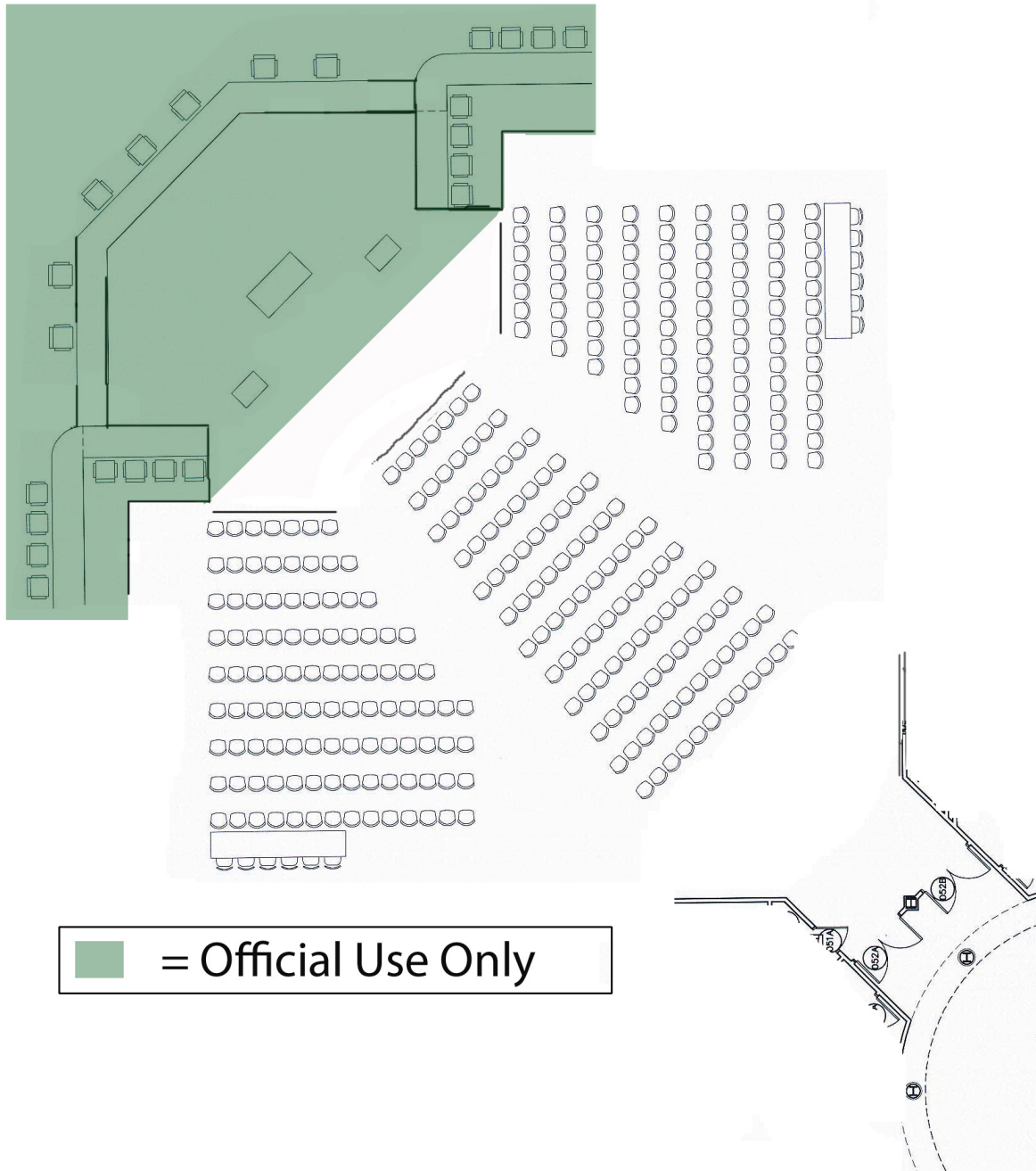
#### **The ethical county official should not:**

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county official accepts the responsibility that his or her mission is that of servant and steward to the public.

**EXHIBIT B – AUDITORIUM OFFICIAL USE ONLY AREA**

**Exhibit A - St. Johns County Auditorium**



## **RULES OF PROCEDURE**





## Rules of Procedure

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**Palm Beach County  
Board of County Commissioners**

**Rules of Procedure**

**I. Governing Rules.**

It is the policy of the Board of County Commissioners of Palm Beach County, Florida (hereinafter “the Board”) that these Rules of Procedure shall govern all official meetings of the Board. The purpose of these rules is to provide for the efficient and orderly functioning of the business of the Board; to protect the rights of each individual; to protect the right of the majority to decide; to protect the right of the minority to be heard; and to preserve the spirit of harmony within the Board and those appearing before the Board. No other rules shall apply. The ultimate determination of procedural matters shall rest with the Chair, subject to appeal as set forth in Section IV.C. below.

**II. Meetings.**

- A. Meetings Open to the Public.** All meetings of the Board shall be open to the public in accordance with Florida’s Government-in-the-Sunshine Law, Section 286.011, Florida Statutes, with the exception of those meetings statutorily exempt such as collective bargaining and litigation sessions.
- B. Schedule.** A meeting schedule will be distributed prior to each calendar year listing the dates of all anticipated meetings of the Board. Meetings set to be conducted the day after a legal holiday may be rescheduled. Meetings may be postponed or canceled by a motion approved at any Board meeting by a majority of the members present. The Board will not meet the first and second Tuesday in August.
- C. Accessibility/Seating Capacity.** All meetings will be conducted in a building that is open and accessible to the public. Due to the need to comply with the fire code, there may be occasions when entrance by the public to the Commission Chambers or other meeting room is limited. To the extent possible, alternative seating arrangements may be made.
- D. Regular Meetings.** Unless otherwise advertised, regular meetings of the Board typically will commence at 9:30 A.M. on the first and third Tuesdays of each month, with the exception of August. In April, June, September, and November, one of the two regular meetings will be held in the evening at 5:00 P.M. The June and September evening meetings may be scheduled on the date and at the time set for budget workshop/public hearings. The meeting on the first Tuesday usually includes Special Presentations and Matters by the Public, with Public Hearings typically held on the third Tuesday. Matters by the Public will be held as set forth in Section III. J. Generally, all meetings will take place in the Governmental Center, 301 North Olive Avenue, West Palm Beach, Florida. Meeting date, time, and location may be changed by the Board.

- E. Workshops.** Workshops are held to discuss items of special importance or complexity that require longer than usual staff presentation and Board questions. These meetings are typically held on the fourth Tuesday of each month, and may include Regular and/or Consent Agenda items, Public Hearings in the case of a timing issue, and other matters presented for formal action in addition to Workshop presentations.
- F. Zoning/Other Meetings.** The Board shall hold meetings monthly for the purpose of considering and determining zoning matters. In addition, as necessary, the Board shall hold meetings sitting as the Environmental Control Board, the Child Care Facilities Board, and in other capacities where the Board is vested jurisdiction to transact business pertaining to the respective body's function. Conduct of business at such meetings shall be governed by these rules, as applicable, except where preempted by statute, ordinance, or other law, including those specifically pertaining to quasi-judicial proceedings.
- G. Special Meetings.** A special meeting of the Board may be called by a majority of the members. Written notice signed by the members calling such meeting shall be given to the Clerk. The Clerk shall notify each member of the Board in writing or verbally of the date, time, and place of the meeting and the purpose for which it is called, and no other business shall be transacted. At least 24 hours shall elapse between the time the Clerk receives notice of the meeting and the time the meeting is to be held. If after reasonable diligence it was not possible to give notice to each Commissioner or to allow 24 hours to elapse between the time the Clerk receives notice of the meeting and the time the meeting is held, such failure shall not affect the legality of the meeting if a quorum is in attendance. Reasonable public notice of the special meeting sufficient to comply with Section 286.011, Florida Statutes, shall be given. If a determination to hold a special meeting is reflected in the record of any Board meeting, no additional notice is required.
- H. Emergency Meetings.** An emergency meeting of the Board may be called by the Chair whenever in his/her opinion an emergency exists which requires immediate action by the Board. Whenever an emergency meeting is called, the Chair shall notify the Clerk, who shall notify each member of the Board in writing or verbally of the date, time and place of the meeting and the purpose for which it is called, and no other business shall be transacted. At least 24 hours shall elapse between the time the Clerk receives notice of the meeting and the time the meeting is to be held. If because of the nature of the emergency it is not possible to give notice to each Commissioner or it is impossible to allow 24 hours to elapse between the time the Clerk receives notice of the meeting and the time the meeting is held, such failure shall not affect the legality of the meeting if a quorum is in attendance. Reasonable public notice of any emergency meeting sufficient to comply with Section 286.011, Florida Statutes, shall be given.
- I. Public Hearings.** Public hearings shall be held as prescribed by law and may be held to receive public comments on matters of great public importance. Generally, public hearings will be held at 9:30 A.M. on the third Tuesday of each month. Public hearings will commence at or as soon as possible after the advertised time. In no event will public hearings commence prior to the advertised time. Public hearings may be continued from a prior meeting, or scheduled at times and on days or evenings in lieu of or in addition to



the third Tuesday of the month. Proof of Publication of the notices for public hearings shall be on file with the Clerk for inspection. The Board does not have to take formal action to receive and file same.

**J. Presentation Format.** As a general rule, the order of item presentation during most meetings of the Board shall be as follows, subject to change depending on the item under consideration:

1. Chair announces item
2. Staff presentation, if any
3. Board asks only questions of staff (no debate)
4. Public comment, if any
5. Public comment is closed
6. Motion made
7. Board discussion and amendments, if any
8. Vote taken (no discussion/debate during vote)

**K. Minutes.** The Clerk to the Board shall take accurate minutes of the proceedings of every meeting of the Board, with the exception of statutorily closed sessions where no minutes are to be taken. Unless a reading of the minutes of a meeting is requested by a majority of the Board, such minutes, when approved by the Board and signed by the Chair and the Clerk, shall be considered approved without reading; provided that the Clerk delivered a copy thereof to each member of the Board at least two full business days preceding the meeting. The minutes of prior meetings may be approved by a majority of the members present, and upon such approval, shall become the official minutes.

### **III. Order of Business.**

**A. Official Agenda.** There shall be an official agenda for every meeting of the Board, which shall set forth the order of business to be conducted at the meeting. The agenda format for a typical Regular\* Board meeting shall be substantially as follows:

1. CALL TO ORDER
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
2. AGENDA APPROVAL/SPECIAL PRESENTATIONS
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  - C. Special Presentations—9:30A.M (if applicable)
3. CONSENT AGENDA
4. PUBLIC HEARINGS—9:30 A.M. (if applicable)
5. MATTERS BY THE PUBLIC—2:00 P.M./6:00 P.M. (as applicable)
6. REGULAR AGENDA
7. BOARD/DISTRICT APPOINTMENTS
8. STAFF COMMENTS

9. COMMISSIONER COMMENTS
10. ADJOURNMENT

\*Workshop and other meeting agendas shall be prepared by Administration in an appropriate format.

- B. Preparation/Delivery of Agenda.** The County Administrator shall prepare the agenda and make every effort to deliver a complete agenda kit to the Commissioners no later than 1:00 P.M. on the Friday prior to the regular meeting. Agenda kits for special and emergency meetings will be distributed in as timely a manner as possible. The agenda, as well as lengthy reports and standard contracts that are part of the agenda's back-up documentation, shall be available for review in County Administration.
- C. Quorum.** A majority of the Board shall constitute a quorum. If no quorum exists within thirty (30) minutes after the time designated for the meeting of the Board to commence or if a quorum is lost, the Chair or the Vice Chair or, in their absence, the Commissioner with the most seniority, shall adjourn the meeting. The names of the members present and the time of adjournment shall be recorded in the minutes by the Clerk. The members present may, during the 30-minute period, open the floor for "Matters by the Public" or any similar presentation so long as no official action is taken or direction to staff is given.
- D. Call to Order.** If a quorum exists, the Chair shall call the meeting to order. In the absence of the Chair, the Vice Chair shall call the meeting to order. If both are absent, the Clerk shall call for the election of a temporary chair. Upon arrival of the Chair or the Vice Chair, the temporary Chair shall relinquish the gavel upon conclusion of the business immediately before the Board at that time. Before proceeding with the business of the Board, the Clerk or his/her designee shall call the roll of the members in alphabetical order, and the names of those members present and absent shall be entered into the minutes.
- E. Agenda Approval.** Only items listed on the official agenda will be acted upon unless additional items are authorized by a majority of the Board.
- F. Special Presentations.** This is the segment of the meeting where positive recognition is expressed. Proclamations are typically presented at the first meeting of the month at the beginning of the meeting. Should a Commissioner desire a proclamation that will be delivered elsewhere, it should be brought up under their comments for Board authorization. A proclamation should always "proclaim" a day, week, or month as something specific. Certificates of Appreciation and Commendation should be done when honoring an individual or accomplishment. Whenever practical, the use of certificates is encouraged. These certificates are submitted through and prepared by the Department of Public Affairs. No more than two proclamations per Commission District shall be presented at the meeting. There is no limit to off-site proclamation requests.
- G. Consent Agenda.** Consent Agenda items are typically routine in nature, non-controversial, and do not deviate from past Board direction or policy. They usually do

not require Board comment and are voted on as a group. Any item may be pulled by a Commissioner for discussion. Members of the public may speak to any consent item in accordance with Section VI.I. below.

- H. Regular Agenda.** Items appearing on the Regular Agenda require Board direction, a policy decision, or are otherwise of great significance necessitating separate attention and action. “Add-on” items, described in the following paragraph I, also appear on this agenda. Items will be addressed individually in the order presented on the Agenda, unless reordered upon approval by a majority of the Board. Items of great public interest that are assigned a time certain should not be considered until the designated time.
- I. “Add-on” Agenda Items.** In the event of an unforeseen or emergency situation (defined as significantly relevant to the health, safety or general welfare of the residents of Palm Beach County), an item may be added to the Regular Agenda upon approval of the County Administrator, bypassing the normal submittal and review process. The Board should be given notice of any “add-on” as soon as possible prior to the scheduled Board meeting.
- J. Matters by the Public.** Members of the public may address the Board under “Matters by the Public,” which is typically scheduled for the first Tuesday of the month at 2:00 P.M. during daytime regular meetings and at 6:00 P.M. during evening regular meetings. Procedures for addressing the Board are set forth in Section VI. below. Time and date for “Matters by the Public” may be changed by the Board.
- K. Commissioner Comments.** The purpose of Commissioner Comments is to promote the public discussion of matters relating to County business and to encourage the dissemination of information. Any Commissioner may submit reports and information on items relating to County business. When possible, the other Commissioners, the County Administrator, and the County Attorney should receive such materials in advance. Commissioners may also request the preparation of proclamations, resolutions, ordinances, reports, and other actions of the Board during this portion of the agenda, subject to majority consensus. All such requests shall be referred to the Administrator or the Attorney, as appropriate. Official actions may be taken under comments in the case of an emergency or for other situations necessitating immediate action as may be determined by a majority of the Board.
- L. Case Settlements.** Any member of the public may comment on any proposed litigation settlement, whether appearing on the Regular or Consent Agenda, prior to the Board’s consideration of same.
- M. Appointments.**
  - 1. **District Appointments.** If a Commissioner is making appointments to more than one board, committee, commission, or the like during the same meeting, the Commissioner may move all in a single motion.

2. **Board Appointments.** If there is only one nominee per seat for appointment to any board, committee, commission, and the like, the appointment agenda item shall be placed on the Consent Agenda. If there is more than one nominee for a seat, Board approval shall be made as follows:
  - a. The Chair calls for nominations from any of the names identified in the appointment agenda item.
  - b. Nominations are made and received. No second is required.
  - c. The Chair calls for a vote.
  - d. The nominee who receives a majority of the votes is appointed.
  - e. If no nominee receives a majority vote, the Chair shall call the roll for a vote on the two nominees who received the most votes during the initial round.

#### IV. Rules of Debate.

This section sets forth the rules of debate to maintain decorum, the various motions available for use by the Board, and related matters.

- A. **Decorum.** A motion must be accepted by the Chair before it is officially on the floor. A motion must be made, seconded, and stated by the Chair before the merits can be debated. Every member of the Board has a right to speak in the debate and shall always be recognized by the Chair. Non-member recognition shall be at the Chair's discretion. The member who made the motion shall be entitled to speak first. A member shall be deemed to have yielded the floor when she/he has finished speaking. The discussion is to be related to the motion on the floor. All questions are to be directed through the Chair.
- B. **As to the Chair.** Upon passing the gavel, the Chair or other presiding member of the Board may move or second a motion.
- C. **Point of Order.** Any member who believes that a breach of the rules has occurred has a right to call immediate attention to the matter by raising a "point of order." A point of order (1) may interrupt a speaker who has the floor; (2) does not need to be seconded; (3) is not debatable; and (4) is decided by the Chair. By motion and second, a decision of the Chair on a point of order may be appealed to the Board and, without debate, the Chair shall submit to the Board the question, "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.
- D. **Motion to Reconsider.** An action of the Board may be reconsidered at the same meeting or the very next regular Board or Workshop meeting (not a Comp Plan or Zoning meeting). A motion to reconsider can only be made by a member who voted on the prevailing side of the question, and is debatable. Such motion shall not be entertained: (1) if the approved action has been partially or fully carried out; (2) if a contract, when the party to the contract has been notified of the outcome; (3) if an ordinance or other action taken after a required public hearing; or (4) if the vote has caused something to be done that is impossible to undo. Adoption of a motion to reconsider shall rescind the original action; therefore a new motion, second, and vote is required to take formal action



on the item, if desired, and may take place at a future meeting. If a motion to reconsider is not brought forward in a timely manner, yet a Commissioner would like to revisit the issue, the item may be placed on a future agenda provided that (1) new information has been discovered that if known at the time of the original vote, the outcome may have been different; (2) a majority of the Board approves; and (3) none of the instances set forth above that would prohibit a motion to reconsider exist.

- E. Substitute Motion.** A member may make a substitute motion if he/she is not in agreement with the motion on the floor. This motion is debatable. No more than three motions shall be on the floor at any given time.
- F. Motion to Postpone.** If a member would like to defer consideration of a matter, a motion to postpone is in order, which may include a time and date to continue the discussion. When postponing an advertised public hearing, a time and date certain must be included in the motion. This motion is debatable.
- G. Motion to Close Debate/Call the Question.** Any Commissioner may move to close debate/call the question on the motion being considered. This motion is not debatable and requires a two-thirds vote of the members. If the motion passes, all discussion ends and a vote is taken on the motion on the floor.
- H. Adjournment.** No motion is required to end the meeting. The Chair declares the meeting adjourned without objection.

## **V. Voting.**

- A. Motions.** Motions require a majority vote of those members present for passage. If a supermajority vote is required, the motion must receive an affirmative vote of a majority of those present and voting, plus one, unless otherwise required by charter, special or general law, or county ordinance. Final action on a pending motion may be postponed in accordance with paragraph F. above.
- B. Method.** The vote may be by voice, show of hands, or roll call as decided by the Chair. The maker and seconder of the motion need not be present in Chambers when the vote is taken. The Chair shall call for the vote and announce the results, which will be recorded by the Clerk. Every member who is in the Commission Chambers must vote, unless the member has publicly stated that he/she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. (See “C. Voting Conflict.”) A Commissioner’s silence will be counted as an “aye” vote.
- C. Voting Conflict.** No Commissioner shall vote on a matter when the Commissioner has a voting conflict pursuant to Sections 112.3143 or 286.011, Florida Statutes. Further, in accordance with the County’s Code of Ethics, any Commissioner with a conflict shall not participate in the discussion of the item. The abstaining member shall comply with the requirements of the referenced state law as applicable, including the filing of Form 8B “Memorandum of Voting Conflict” with the Clerk within ten (10) days of the meeting at

which the conflict was declared. A copy of Form 8B shall also be filed with the Palm Beach County Commission on Ethics.

- D. Vote Change.** Any Commissioner may change his/her vote before the next item is called for consideration.
- E. Tie Vote.** A tie vote shall result in the failure of the motion; however, there is no prevailing side for the purposes of a Motion to Reconsider. Any member of the Board may, at the next regular meeting and with approval by a majority of the Board, request that the item be placed on a future agenda for consideration.

## **VI. Public Participation in County Government.**

- A. Citizen Input.** The Board recognizes the important right of all citizens to express their opinions on the operation of County government and encourages citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings so that County business may be completed efficiently, effectively, and timely. Members of the public wishing to speak at Board meetings shall comply with the procedures set forth below.
- B. Accessibility.** All persons with disabilities shall be provided reasonable assistance to enable them to effectively participate in Board meetings.
- C. Comment Cards.** Any member of the public wishing to speak before the Board or who wants to make their position known but does not want to address the Board shall complete a “comment card” and present the card to staff in the Commission Chambers for forwarding to the Chair. Only those individuals who have submitted comment cards and who have been recognized by the Chair may address the Board. Any member of the public who has filled out a card must be present when the Chair announces the person’s name if they desire to be recognized. If an individual does not wish to speak and instead submits a card with his/her comment noted, it is within the Chair’s discretion to read the comment into the record. If the Chair does not read the comment, the comment card is nonetheless submitted as part of the official record. In any event, a comment card will not be read into the record if the citizen submitting same is not present when the item is being discussed. As a general practice, comment cards will not be accepted after presentation of an agenda item has begun; however, the Chair has the discretion to accept additional comment cards. Comment cards are considered public records and are to be submitted to the Minutes Clerk before the meeting adjourns.
- D. Civility.** All public comments and any multimedia shown or material distributed shall avoid personal attacks, abusive language, and redundancy. The Chair may curtail repetitious comments. No person attending a Board meeting is to harass or otherwise disturb any other person in the room. Any person making impertinent or slanderous remarks or whose behavior is disruptive shall be subject to removal from the Commission Chambers by County security/Sheriff deputy, or such other action as may be appropriate, and barred from making any additional comments during the meeting by the Chair, unless

permission to continue or again address the Board is granted by a majority vote of the Board members present.

- E. Relevancy.** Comments shall be limited to the subject being considered by the Board and, if there is a motion on the floor, shall be limited to the motion. Comments during “Matters by the Public” should be directed to County issues. Comments on any matter appearing on the agenda the same day are to be made at the time the item is considered under the Consent or Regular Agenda and not under “Matters by the Public.”
- F. Manner.** Each person addressing the Board shall step up to the podium and give his/her name and address for the record. No person other than a member of the Board and the person having the floor shall be permitted to enter into any discussion without the permission of the Chair. All remarks shall be addressed to the Board as a body and not to any individual member or the audience. Commissioners may ask questions of the speaker after his/her uninterrupted comments have been made. No question shall be directed to a Commissioner or staff except through the Chair. No persons other than members of the Board, County staff, individuals participating in an agenda item presentation at the staff table, or persons authorized by the Chair, are allowed beyond the podiums.
- G. Allotted Time.** Each member of the public shall be granted three minutes to speak. The Chair may extend the maximum speaking time. Allowing the use of a speaker’s time by another individual is within the Chair’s discretion. In the event more than twenty (20) people indicate their desire to speak on the same or a related subject, the Chair may establish a maximum time limit, not to exceed one hour, for public comments. The Chair may also assign time limits for proponents and opponents to address an item. In any event, the Chair shall have the discretion to adjust speaking time limits as he/she deems appropriate.
- H. Lobbyists.** Any person defined as a “lobbyist” under the County’s Lobbyist Registration Ordinance shall register before addressing the Board unless an exception set forth in the ordinance applies.
- I. Consent Agenda.** Prior to Board approval of the Consent Agenda, public comment will be accepted. One comment card identifying all items of interest shall be submitted to County staff who will pass it on to the Chair. If more than one item is identified, the three-minute allotment may be extended at the Chair’s discretion.
- J. Dissemination of Information/Use of Multimedia.** Any member of the public desiring to submit information to the Board relevant to the item may do so only when they are at the podium and recognized to speak. No motion to receive and file any submission by the public is necessary to make same a part of the record; the Chair may “accept without objection” providing there is none. Due to time constraints, there shall be no expectation that the Board will read any information submitted at a Board meeting. Early submission of information relevant to an item appearing for Board consideration is encouraged. The public is authorized to use multimedia supportive of their comments. Multimedia is to be

submitted to the County's Public Affairs Department five (5) working days prior to the Board meeting.

- K. Employees.** Employees of the County have every right as any other member of the public to address the Board. However, comments pertaining to an active grievance, arbitration, or other personnel dispute are not appropriate for this forum.

## **VII. County Commission.**

- A. Designation as Mayor/Vice Mayor.** The member elected as Chair shall be known as the Mayor of Palm Beach County, and the member elected Vice Chair shall be known as the Vice Mayor.<sup>1</sup>
- B. Chair/Vice Chair Duties.** The Chair presides over Board meetings and is recognized as the ceremonial dignitary who serves as the County's official representative. The Chair's responsibilities include, but are not limited to, the following:

1. Calling the meeting to order after ascertaining that a quorum is present.
2. Preserving order and deciding points of order.
3. Expediting business in a way that is compatible with the rights of members of the Board.
4. Executing documents as provided in paragraph D. below.
5. Declaring the meeting adjourned.

The Vice Chair acts in the absence of the Chair or, in the event of his/her inability to serve by reason of illness or accident, shall perform the duties and functions of the Chair until his/her return.

- C. Chair/Vice Chair Election; Term of Office.** The Chair and Vice Chair shall be elected from and by the members of the Board at the first Board meeting following the November election and the swearing-in of the newly-elected County Commissioners or, in years in which no swearing-in takes place, at the first Board meeting after the first Tuesday in November. The term shall be for one year from the date of the election, unless a different time period is approved by a majority of the Board. The Board may remove the individual from the position of Chair by majority vote. In the event the Chair relinquishes his/her office, the Vice Chair shall be automatically appointed Chair for the remainder of the term. In the event the office of Vice Chair becomes vacant, the Board shall elect a new Vice Chair to serve until the term expires. The election process shall be as follows:

1. The Clerk, in the case of the Chair's election, and the Chair, in the case of the Vice Chair's election, calls for nominations.

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<sup>1</sup> The use of the term "Chair" and "Mayor" mean one and the same throughout these rules, as does the term "Vice Chair" and "Vice Mayor."



2. Nominations are made and received. A member may nominate himself or herself. No second is required.
3. The Clerk/Chair asks if there are any further nominations. If none, the Clerk/Chair declares that nominations are closed. No motion to close nominations is required.
4. The Clerk/Chair calls for a vote.
5. The nominee who receives a majority of the votes is elected.

**D. Signature by the Chair.** Generally, all items approved by the Board will be hand delivered to the Chair's office by the Minutes Department for signature. Documents may also be signed in other offices as appropriate. When the items have been signed, the documents will be released only to a Deputy Clerk to be attested, sealed and distributed. The Vice Chair, if available, shall execute items if the Chair is unavailable. If the Chair and Vice Chair are not available, and there is a need to obtain an immediate signature, any Commissioner may sign a document providing the County Attorney's Office has signed for legal sufficiency. Strict adherence to this procedure is necessary to ensure the integrity of the documents and particularly to expedite handling those items with time constraints. Only documents received from a Deputy Clerk will be signed by the Chair or Vice Chair who, in turn, will release them only to the Clerk's custody.

**E. Facsimile Signatures.** Upon election, the Chair and Vice Chair shall execute Affidavits of Manual Signature and Authorization to fix Facsimile Signature (rubber-stamped signature) for filing with the Secretary of State. Use of a facsimile signature is limited to instruments of payment, official orders, proclamations, and any public security or instrument of conveyance to which at least one required signature has been manually subscribed. Facsimile signatures cannot be used on contracts or ordinances.

**F. Newly Elected Commissioners.** The term of County Commissioners elected to office shall commence on the second Tuesday following the general election as specified in Section 100.41, Florida Statutes. A swearing-in ceremony for newly elected commissioners will be coordinated by the County Administrator. The County Administrator shall provide an orientation program for all new Commissioners.

## **VIII. General Provisions.**

**A. Commissioner Attendance by Telephone.** There may be times when a Commissioner is physically unable to attend a Board meeting. If a majority of the members of the Board present in the Commission Chambers determines that extraordinary circumstances exist to justify the absence of a County Commissioner from a meeting, the Board may allow the absent Commissioner to participate by telephone conference or other interactive electronic technology. While the determination of whether an extraordinary circumstance exists is left to the Board's good judgment, the Attorney General's Office, acknowledging that the Board makes the ultimate decision, has opined that a serious medical condition is an extraordinary circumstance and a scheduling conflict is not. The absent Commissioner does not count towards a quorum. In instances in which the

physically absent Commissioner participates in a meeting, the Commissioner shall be allowed to cast his/her vote.

- B. Board Member Representation at Other Meetings.** The Chair will represent the Board at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or nongovernmental organizations, departments, agencies or officials, and report back to the Board anything of significance. The Chair may designate another member to represent the Board. The Chair or his/her designee shall have no power to act for or on behalf of the Board or the County, unless previously authorized to do so.
- C. Amendment, Suspension, and Construction of Rules.** Any amendment of these rules shall be in accordance with the Administrative Code. The Board may temporarily suspend any rule during a meeting with an affirmative vote of a majority of the Board. These rules are for the efficient and orderly conduct of Commission business only; no violation of such rules shall invalidate any action of the Board when approved by a majority vote.
- D. Effective Date.** These rules shall go into effect on January 1, 2013, and shall supersede all other rules previously adopted by the Board.

*Adopted December 18, 2012*  
*Effective January 1, 2013*  
*Revised January 15, 2013*

## Board of County Commissioners Leon County, Florida

### Policy No. 01-05

Title:	Rules of Procedure for Meetings of the Leon County Board of County Commissioners
Date Adopted:	March 13, 2012
Effective Date:	March 13, 2012
Reference:	Robert's Rules of Order Revised
Policy Superseded:	Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised December 8, 2009; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised January 9, 2007; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised March 28, 2006; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised December 14, 2004; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised September 17, 2002; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised January 13, 2004; Policy No. 92-11, "Citizen Inquiry Processing," adopted September 8, 1992

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It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a revised Policy No. 01-05 is hereby adopted. It is the policy of the Leon County Board of County Commissioners that these Rules of Procedure shall govern all official meetings of the Board of County Commissioners. The members of the Board, County Administrator, County Attorney, staff, and the public shall adhere to these rules, to wit:

#### **I. Governing Rules.**

Except as may be provided by these rules or by law, questions of order, the methods of organization and the conduct of business of the Board shall be governed by *Robert's Rules of Order Revised* in all cases in which they are applicable.

#### **II. Open to the Public.**

- A. Meetings Open to Public. All meetings of the Leon County Board of County Commissioners shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, Florida Statutes.

- B. Exempt Meetings. The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions, Section 447.605(1), F.S., meetings regarding risk management claims, Section 768.28(15), F.S., and litigation meetings pursuant to Section 286.011(8) F.S. The Board shall follow all statutory requirements for exempt meetings.
- C. Seating Capacity. Due to the need to comply with seating capacity requirements of the Fire Code, there may be occasions when entrance by the public to the Commission Chambers or other meeting rooms shall be limited.
- D. Accessibility. All meetings of the Commission will be conducted in a publicly accessible building.
- E. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in County Commission meeting rooms. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

### **III. Quorum.**

- A. Quorum. A majority of the entire Board shall constitute a quorum. No ordinance, resolution, policy, or motion shall be adopted by the Board without the affirmative vote of the majority of the members present or, if required by the Florida Statutes, an extraordinary majority vote of the members present.
- B. Remaining in Chambers. During a Board meeting, Commissioners should remain in the Chambers at all times unless an emergency or illness should occur. Commissioners present in the meeting should not absent themselves for a particular item.
- C. Participation by Absent Commissioner: Upon the determination by a majority of the Board of County Commissioners present in the Commission Chambers and voting, that extraordinary circumstances exist to justify the absence of any County Commissioner from said meeting, and assuming a quorum of the Board of County Commissioners is otherwise present, the Board may allow the participation of the physically absent County Commissioner. The physically absent Commissioner may not vote on any motion authorizing such participation. The physically absent County Commissioner must take all steps necessary to provide an interactive communication between the County Commission meeting location and the location of the physically absent County Commissioner, and at a minimum must provide interactive voice communication, but should also endeavor to provide interactive video communication whenever possible. In instances in which the physically absent County Commissioner participates in the meeting, this Commissioner shall also be allowed to cast his/her vote, but only to the extent that the physically active County Commissioner's vote does not break a tie vote of those Commissioner present in Commissioner Chambers and voting. The decision of the Board of County Commissioners shall take place before the subject meeting, preferably at a prior meeting, and shall be based upon the facts and circumstances of each such request.

- D. Conflict of Interest. Any member of the Commission who announces a conflict of interest on a particular matter pursuant to Section 112.3143 or Section 286.012, Florida Statutes, and decides to refrain from voting or otherwise participating in the proceedings related to that matter, shall be deemed present for the purpose of constituting a quorum.
- E. Loss of Quorum. In the event that a Commissioner is required to depart a Board meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, other than adjournment.
- F. No Quorum. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Commission, or upon a meeting having commenced with a quorum, which quorum shall have been lost, the Chair or the Vice Chair, or in their absence, another Commissioner, in order of seniority, shall adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

#### **IV. Presiding Officer.**

- A. Chairman. The Presiding Officer is the Chairman of the Leon County Board of County Commissioners. The Chairman presides at all meetings of the Board. The Chairman's responsibilities shall include, but not be solely limited to:
  - 1. Open the meeting at the appointed time and call the meeting to order, having ascertained that a quorum is present.
  - 2. Announce the business to come before the Board, in accordance with the prescribed order of business.
  - 3. Recognize all Commissioners, the County Administrator, and the County Attorney, who seek the floor under correct procedure. All questions and comments are to be directed through the Chairman and restated by him or her, and he or she declares all votes. The Chairman shall repeat every motion and state every question coming before the Commission, and announce the decision of the Commission on all matters coming before it.
  - 4. Preserve decorum and order, and in case of disturbance or disorderly conduct in the Commission Chambers, may cause the same to be cleared or cause any disruptive individual to be removed.
  - 5. Call to order any member of the Board who violates any of these procedures and, when presiding, decide questions of order, subject to a majority vote on a motion to appeal.
  - 6. Expedite business in every way compatible with the rights of the members.



7. Remain objective. For the Chairman to make a motion, the gavel must be relinquished. Based upon these Rules & Procedures, the gavel shall be relinquished in the following order:

- (a) to the Vice Chair;
- (b) to other Commissioners based upon seniority.

The “Rule Against Chair’s Participation in Debate” states that the presiding officer who relinquishes the chair should not return to it until the pending main question has been disposed of, since he or she has shown himself or herself to be partisan as far as that particular matter is concerned.

8. Declare the meeting adjourned when the Board so votes, or at any time in the event of an emergency affecting the safety of those present.
- B. Vice Chairman. In the absence of the Chairman or in the event of the Chairman’s inability to serve by reason of illness or accident, the Vice Chairman shall perform the duties and functions of the Chairman until the Chairman’s return to the County or recovery and resumption of duty.

## **V. Order of Business.**

- A. Official Agenda. There shall be an official agenda for every meeting of the Commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the Commission shall be conducted in accordance with the official agenda.
- B. Agenda Form; Availability; Support Information. The agenda shall be prepared by the County Administrator in appropriate form approved by the Commission. The County Administrator shall make available to the Commissioners a copy of the agenda before the meeting. All support information for agenda items shall be available no later than the morning of the business day before the regular meeting. If the support information is not available, the agenda item shall be removed from the agenda and considered at a later meeting.
- C. Agenda Format for Regular Meeting. The agenda format for a regular Commission meeting shall be in substantially the form as set forth below:
  1. Call to Order, Invocation and Pledge of Allegiance
  2. Awards and Presentations
  3. Consent
  4. Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)
  5. General Business
  6. Scheduled Public Hearings, 6:00 p.m.
  7. County Attorney
  8. County Administrator
  9. Citizens to be Heard on Non-Agendaed Items
  10. Discussion Items by Commissioners
  11. Adjourn

- D. Invocation procedures. The following procedures are not intended, and shall not be implemented or construed in any way, to affiliate the Board with, nor express the Board's preference for, any particular faith or religious denomination, and shall be utilized for the scheduling and offering of invocations at Board meetings.
1. The County Administrator, or designee, shall compile a list of religious congregations and assemblies in Leon County. The list shall be compiled from information reasonably available from a variety of sources, such as the telephone book, Internet, and the local chamber of commerce. The list should be updated on an annual basis.
  2. Each Commissioner, on a rotational basis, shall offer the invocation or extend an invitation either to a leader of a religious congregation or assembly on the list or otherwise choose a person to offer the invocation, making every reasonable effort to ensure that individuals from a variety of faiths and beliefs are scheduled.
  3. Should the individual scheduled to offer the invocation not be present at the meeting, the invocation may be offered pursuant to the Chairman's invitation.
  4. The invocation should be limited to not more than 3 minutes.
  5. Invocations shall be nonsectarian and shall avoid advancing one faith or belief.
  6. Participation in the invocation by persons in attendance at Board meetings is voluntary.
- E. Consent Agenda. On the portion of the agenda designated as "Consent," all items contained therein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Administrator, or the County Attorney may withdraw an item from the consent agenda, provided that such request is made in writing 24 hours (excluding holidays) before the subject meeting, and it shall then be voted on individually.
- F. Citizens to be Heard on Non-Agendaed Items (first). On the portion of the agenda designated as the first "Citizens to be Heard on Non-Agendaed Items" (3-minute limit; non-discussion by Commission), there shall be no debate and no action by the Commission.
- G. General Business. General business items are items of a general nature that require Board direction or pertain to Board policy.

- H. Scheduled Public Hearings, 6:00 p.m. Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required pursuant to Section V, Subsection K (Placing Items on Agenda) of this policy. Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular Board meetings, public hearings shall be heard at 6:00 p.m., or as soon thereafter as is possible. This time designation is intended to indicate that an item will not be addressed prior to the listed time. Individual speakers are encouraged to adhere to a three (3) minute time limit when speaking on issues scheduled for public hearing. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.
- I. Citizens to be Heard on Non-Agendaed Items (second). On the portion of the agenda designated near the end of the meeting as the “Citizens to be Heard on Non-Agendaed Items” (3-minute limit), there may be debate by the Commission, but the Commission shall take no policy action except to agenda the topic for a later date or by a unanimous vote of the Board.
- J. Discussion Items by Commissioners. On the portion of the agenda designated at “Discussion Items by Commissioners,” no assignments shall be given to the County Administrator or County Attorney without the express approval of the majority of the Board. The Board shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the Board. The remarks of each commissioner during his or her “discussions items” time shall be limited to no more than three (3) minutes, unless the Chairman extends the time.
- K. Departure from Order of Business. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission present at the meeting.
- L. Placing Items on Agenda. With the consent of the Commission as a whole, matters may be placed on the agenda by any member of the Commission, the Administrator, or the County Attorney. When a Commissioner wishes to place a matter on the agenda, the Commissioner shall raise the matter at a regular Commission meeting, and seek the Commission’s consent for inclusion of the matter on the next available regular agenda. A Commissioner may not unilaterally add a matter to an agenda without the Commission’s prior approval.

Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required. A request to schedule the public hearing shall be placed on the Consent Agenda for consideration by the Commission. Upon the Commission’s approval of the request to schedule a public hearing, the public hearing shall then be scheduled for inclusion on the next available regular agenda. In addition, the Commission may direct the scheduling of a matter that requires a public hearing by a majority vote. This rule of procedure does not apply to zoning and site and development plan approvals, which are placed on the agenda by staff pursuant to County Code and general law.

- M. Additions, Deletions, or Corrections to Agenda. Deletions or corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only.

“Add On” agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the Commission only in exigent circumstances, for issues that are time critical or cost sensitive to the County. For such matters, the Chairman, County Administrator and County Attorney should be consulted in advance of the meeting to approve of the “Add On” agenda item. If the “Add On” agenda is approved, the Agenda Coordinator should modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas. Furthermore, the County’s web site should be updated to reflect the new agenda. For matters of extreme emergency, a special meeting of the Commission may be called by the Chairman upon adequate notice being provided under Section 286.011, Florida Statutes.

- N. Announcing Agenda Items. The Chairman shall announce each item on the agenda. The County Administrator or County Attorney shall then present the item to the Board.

## **VI. Parliamentarian.**

The County Attorney shall act as parliamentarian and shall advise and assist the Chairman in matters of parliamentary law. In the absence of a Rule of Procedure as provided for by these Rules, the parliamentarian shall refer to *Robert’s Rules of Order Revised* on all rulings.

## **VII. Rules of Debate.**

### **A. Decorum.**

1. Every Commissioner desiring to speak should address the Chairman, and upon said recognition by the Chairman, should confine discussion to the question under debate, avoiding all personalities and indecorous language.
2. Commissioners shall refrain from: attacking a member’s motives; speaking adversely on a prior motion not pending; speaking while the Chairman or other Board members are speaking; speaking against their own motions; and disturbing the Board.
3. A member once recognized should not be interrupted when speaking unless said member is being called to order. The member should then cease speaking until the question of order is determined, without debate, by the Chairman. If in order, said member shall be at liberty to proceed.
4. A member shall be deemed to have yielded the floor when he or she has finished speaking. A member may claim the floor only when recognized by the Chairman.

B. Motions.

1. A motion and a second to the motion is to precede any action on an agenda matter unless there are speakers to be heard on the agenda matter.
2. All motions shall be made and seconded before debate.
3. 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.
4. Any Commissioner may move to close debate and call the question on the motion being considered which shall be nondebatable. A successful vote on the motion to close debate will end discussion of the item. The Commissioner moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.
5. If the Chairman wishes to put forth a motion, he or she shall relinquish the Chair to the Vice Chairman until the main motion, on which he or she spoke, has been disposed. The Chairman may second any main motion made by another Commissioner.
6. The following motions are not debatable: to adjourn; to lay on the table; to take from the table; to call the question.

C. Motions to Amend. An amendment to a motion must be germane, that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A Commissioner may amend the main motion in either of the following two ways:

1. By Consent of the Members. The Chairman, or another Commissioner through the Chairman, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.
2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

**VIII. Voting.**

- A. Voice Vote. Unless otherwise directed by the Chairman, all votes shall be taken by voice.



- B. Tabulating the Vote. The Chairman shall tabulate the votes and announce the results. Upon any roll call, there shall be no discussion by any Commissioner prior to voting, and each Commissioner shall vote “aye” or “nay.”
- C. Voting. Every member who was in the Commission Chambers when the question was put must give his or her vote, unless the member has publicly stated that he or she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. If any Commissioner declines to vote “aye” or “nay” by voice, his or her silence shall be counted as an “aye” vote.
- D. Absent for Vote; Changing Vote. Any Commissioner momentarily absent for a vote on a particular item may record his or her vote, and any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the Commissioners who voted thereon.
- E. Voting Conflict. No Commissioner shall vote on a matter when the Commissioner has a voting conflict of interest as specified in Section 112.3143 or Section 286.011, Florida Statutes. A Commissioner abstaining from voting due to a conflict shall announce the conflict prior to discussion on the matter. Within fifteen (15) days following that Commission meeting, the Commissioner shall file with the Clerk a Form 8B “Memorandum of Voting Conflict” which describes the nature of the interest in the matter. Form 8B shall be received by the Clerk and incorporated into the meeting minutes as an exhibit.
- F. Majority Vote; Extraordinary Majority Vote; Tie Vote. The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of at least the majority of the members of the Commission who are present and eligible to vote. If an extraordinary majority vote is required by the Florida Statutes, this shall require the affirmative vote of an extraordinary majority of the members of the Commission who are present and eligible to vote. In the case of a tie in votes on any proposal, the proposal fails.

**IX. Citizen Input: Addressing the Board of County Commissioners.**

- A. Citizen Input. The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of County government and encourage citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.
- B. Non-Agendaed Inquiries.
  - 1. At regularly scheduled County Commission meetings, the Board provides two comment periods for citizens to speak on non-agendaed items. These public comment periods are denoted on the agenda as “Citizens to be Heard on Non-Agendaed Items.” The remarks of each speaker at the initial comment period shall be limited to no more than three (3) minutes, unless the Chairman extends the time.

Any citizen who did not speak during the first citizen comment period shall have the opportunity to speak during the second comment period. The remarks of each speaker at the second comment period shall be limited to no more than three (3) minutes. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.

2. Any citizens who have non-agendaed inquiries at regularly scheduled County Commission meetings will be directed to prepare a Citizen Inquiry Form to gain all the necessary information.
  3. The matter will then be addressed by staff in the ensuing days, and the County Administrator or County Attorney shall report back to the Board of County Commissioners by written memorandum.
  4. If the inquiry is unable to be addressed or resolved by staff, an appropriate agenda item will be prepared by the County Administrator or County Attorney if a change in policy, procedures, or ordinances is required and recommended by staff in order to address the general subject matter of the inquiry.
  5. This procedure shall not be used if “appeal” mechanisms already exist to address the inquiry.
- C. Citizen Input on a Matter Pending Before the Commission. Each person who addresses the Commission on an agenda item pending before the Commission shall complete a citizen’s input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than three (3) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers.
- D. Public Input at Workshops. Citizen input at Commission Workshops is not permitted unless an individual is called upon by the Chairman. In such case, each person who addresses the Commission shall complete a citizen’s input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than three (3) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers. The Commission itself may also vote to allow public input on a particular matter.
- E. Addressing the Commission.
1. When the person’s name is called, the person shall step up to the speaker’s lectern and shall give the following information in an audible tone of voice for the minutes:
    - (a) name;
    - (b) place of residence or business address;
    - (c) if requested by the Chairman, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.

2. All remarks shall be addressed to the Commission as a body and not to any member thereof.
3. No person, other than a member of the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chairman. No question may be asked except through the Chairman.
4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the Commission to consider. No person may speak more than once on the same subject unless specifically granted permission by the Chairman.

**F. Decorum.**

1. Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Commission, or disturb any person having the floor. No person shall refuse to obey the orders of the Chairman or the Commission. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chairman and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chairman, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.
2. If the Chairman or the Commission declares an individual out of order, he or she will be requested to relinquish the podium. If the person does not do so, he or she is subject to removal from the Commission Chambers or other meeting room and may be arrested by the Sheriff subject to Section 810.08(1), Florida Statutes.
3. Any person who becomes disruptive or interferes with the orderly business of the Commission may be removed from the Commission Chambers or other meeting room for the remainder of the meeting.

**X. Adjournment.**

No meeting should be permitted to continue beyond 11:00 P.M. without the approval of a majority of the Commission. A new time limit must be established before taking a Commission vote to extend the meeting. In the event that a meeting has not been closed or continued by Commission vote prior to 11:00 P.M., the items not acted on are to be continued to 9:00 a.m. on the following day, unless state law requires hearing at a different time, or unless the Commission, by a majority vote of members present, determines otherwise.

RULES OF PROCEDURE  
BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY

1.01 Governing Rules. Except as may be provided in the charter or by these rules, or by questions of order, the methods of organization and the conduct of business of the Board of County Commissioners (Commission) shall be governed by the procedures set forth herein.

1.02 Introduction. The purpose of these rules is to provide for the smooth and orderly functioning of the business of the Commission and to provide a basis for resolving questions of procedure when they arise.

1.03 Definitions. As used herein, the following terms shall be defined as follows: Commission or Board shall mean the Charlotte County Board of County Commissioners; member or Commissioner shall mean the individual elected or appointed to the Board of County Commissioners; County Administrator shall mean the person appointed by the Commission in a full time or interim capacity or his or her designee; County Attorney shall mean the person appointed by the Commission in a full time or interim capacity or his or her designee; the Clerk shall mean the person elected or appointed to the position of the Clerk of the Circuit Court or his or her designee.

1.04 Regular Meetings.

A. The Commission shall hold regular meetings on the second and fourth Tuesdays of each month; and when the day fixed for any such regular meeting falls on a day designated by law as a legal holiday, such meeting may be canceled at the discretion of the Commission. Regular meetings shall commence at 9:00 a.m. Regular meetings may be otherwise postponed or canceled by resolution or motion adopted at a regular or special meeting by a majority of the Commission members present. All regular meetings shall be held in the County Administration Center or such place or time as may be approved by resolution or motion adopted at a regular or special meeting by a majority of the Commission members present and shall be open to the public and all news media.

B. Meetings held for the public hearings for land use items shall be held at 2:00 p.m. on the fourth Tuesday of every month.

1.05 Special Meetings, Emergency Meetings, Workshops.

A. Special Meetings. A special meeting of the Commission may be called by the Chair or by a majority of the Commission members present at a meeting of the Commission. Whenever a special meeting is called, written and verbal notice shall be given by the Administrator to each member of the Commission, the Clerk, the County Attorney, any persons entitled, as a matter of law, to written or verbal notice, and the press, stating the date, hour and place of the meeting and the purpose(s) for which the meeting is called. Twenty-four hours must elapse between the time the meeting is noticed and the time the meeting is to be held. The minutes of the special meeting shall show the manner and method of notice.

B. Emergency Meetings. An emergency meeting of the Commission may be called by the highest ranking officer of the Commission available. An emergency meeting of the Commission may be called only when the person(s) calling the meeting believes that an emergency exists which requires immediate consideration or action by the Commission. Whenever such emergency meeting is called, person(s) calling the meeting and the County Administrator shall make a good faith attempt to notify each member of the Commission, the Clerk, the County Attorney, any person entitled to notice as a matter of law, and the press, stating the date, hour and place of the meeting, the nature of the emergency and the purposes for which the meeting is being called. If possible, this notice shall be in writing. No other business shall be transacted at the meeting, and the minutes of each emergency meeting shall show the nature of the emergency and the manner and method of notice.

C. Workshop Meetings. The Chair, or Vice Chair in the absence of the Chair, may call a workshop meeting to discuss items of special importance or complexity which require longer than usual staff presentation and Board questions. The purpose of a workshop meeting is to allow staff to make presentations and to allow questions by the Commission. Public comment will be at the direction and discretion of the Commission but will be no more than three minutes for each person unless the Commission wishes to extend the time limit. An agenda of the order of business at the workshop meeting shall be prepared by the County Administrator and made available to the public at least seven calendar days before the workshop meeting. Official action may be taken upon any of the items discussed at the workshop meeting and any of the items of official business that require immediate consideration and decision by the Commission.



D. Public Hearing, Procedures. The purpose for establishing these procedures is to provide fundamental fairness to the parties at the hearing. Should the Commission decide to grant any party additional time or other consideration, they should also provide the same amount of time or consideration to the other parties. Failure to strictly adhere to these procedures shall not invalidate any action of the Commission. The public is always invited to speak at a Public Hearing however, the following time limits shall apply:

Petitioner presentation - 20 minutes; citizens comments - 5 minutes per speaker; petitioner rebuttal - 5 minutes. These times may vary due to subject matter (for example, there may be no petitioner or applicant.)

1. General Public Hearings.

a. Persons presenting testimony are required to complete and sign the Request to Speak card.

b. The Chair then reads the description of the agenda item(s) to be considered.

c. The Chair opens the Public Hearing.

d. The staff will then make a presentation for the agenda item being considered.

e. The Chair then inquires as to whether there is any discussion or questions of staff.

f. The petitioner, if any, then makes its presentation, limiting the time to 20 minutes unless otherwise agreed.

g. Public comment follows and unless otherwise determined by the Chair, shall be limited to 5 minutes per speaker. Petitioner rebuttal is limited to 5 minutes.

h. A Commissioner will make a motion to close the public hearing.

i. After a second to the motion, the Chair closes the public hearing and inquires if there is any discussion.

j. The vote is taken.

2. Quasi-Judicial Hearings

The procedures to be followed for quasi-judicial hearings are generally the same as given above for General Public Hearings:

a. Florida law requires that the County Commission's decision in a quasi-judicial action be supported by competent substantial evidence presented to the Commission during the hearing on the application. Competent substantial evidence is such evidence as a reasonable mind would accept as adequate to support a conclusion. There must be a factual basis in the record to support opinion testimony from both expert and non-expert witnesses. All testimony must rely on factual information.

b. With leave of the Board, those who desire to be recognized with objector status may be provided additional time to present competent substantial evidence (e.g. through counsel, expert testimony or cross-examination).

c. Disclosure must be made before or during the public meeting at which a vote is taken if any Commissioner received any oral or written communications regarding the matter. The substance of the communication and identity of the person making the communication must be disclosed, allowing reasonable opportunity for others to refute or respond to the communication.

d. Ex-parte Communications

(1) Definition: Written or oral communications regarding quasi-judicial matters pending before the Board received outside the record of the related public hearing.

(2) The County Attorney's office suggests that Commissioners refrain from participating in ex-parte communication

whenever possible regarding a quasi-judicial matter to avoid the creation of the presumption of prejudice.

(3) The presumption of prejudice may be overcome if the context of the ex-parte communication and the identity of the person is disclosed and made a part of the record at the public meeting before the final action on the matter.

(4) A written communication that relates to quasi-judicial action pending before the Commission (such as a zoning decision) shall be made a part of the record before the final action on the matter.

(5) If a Commissioner conducts an investigation or site visit or receives expert opinions regarding a quasi-judicial action pending before the Commission, such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit or expert opinion is made a part of the record before final action on the matter.

e. Commissioners shall not text or e-mail or have any off the record discussions during quasi-judicial hearings.

#### 1.06 Quorum.

A. A majority of the whole number of members of the Commission shall constitute a quorum. Any member of the Commission who announces a conflict of interest on a particular matter and a decision to refrain from voting or otherwise participating in the proceedings related to that matter shall be deemed present for the purpose of constituting a quorum. The Commission may entertain motions for continuances and may in its discretion grant such motions upon a showing of good cause. Lack of a full Commission for public hearings on land use items shall not be deemed good cause.

B. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Commission, the Chair or the Vice Chair, or in their absence, the Administrator may adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

1.07 Meeting Attendees. All meetings of the Commission shall be open to the public. Promptly at the hour set for each meeting, the members of the Commission, the County Attorney, the County Administrator, and the Clerk to the Commission shall take their regular station in the Commission chamber, and the business of the Commission shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

1.08 Call to Order. The Chair shall take the chair at the hour appointed for the meeting and shall call the Commission to order immediately. In the absence of the Chair and Vice Chair, the Administrator shall then determine whether a quorum is present and in that event shall call for the election of a temporary chair. Upon the arrival of the Chair or the Vice Chair, the temporary chair shall relinquish the chair upon the conclusion of the business immediately before the Commission.

1.09 Chair Presiding Officer, Duties.

A. The Commission shall select a Chair and Vice Chair at the second regular meeting following the first Monday in November of every year. The Chair of the Commission shall preside at all meetings at which the Chair is present. In the absence of the Chair, the Vice Chair shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the Commission. The Chair shall repeat every motion and state every question coming before the Commission and announce the decision of the Commission on all matters coming before it. A majority vote of the members present shall govern and conclusively determine all questions or order not otherwise covered. The Chair may vote on all questions, the Chair's name being called last when a roll call is requested. In the absence of the Chair or in the event of the Chair's inability to serve by reason of illness or accident, the Vice Chair shall perform the duties and functions of the Chair until the Chair's return to the County or recovery and resumption of duty.

B. The Chair, or Vice Chair in the absence of the Chair, is authorized to sign any documents approved by the Commission.

C. The Chair shall have the authority to assign honorary or administrative duties to other members of the Commission with members' consent.

1.10 Parliamentarian. The County Attorney shall act as parliamentarian and shall advise and assist the Chair in matters of parliamentary law. In the absence of a Rule of Procedure as provided for by these Rules, the Parliamentarian shall refer to Roberts Rules of Order on all rulings.

1.11 Agenda.

A. There shall be an official agenda for every meeting of the Commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the Commission shall be conducted in accordance with the official agenda.

B. A portion of the agenda shall be designated as a consent agenda, and all items contained therein may be voted on with one motion, except that any Commissioner may withdraw an item from the consent agenda, and it shall be voted on individually.

C. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission present at the meeting.

D. Additions, deletions, or corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion. Items may be added to the agenda by four-fifths vote of the Commission or when deemed necessary by the majority in emergency situations when the issues are time critical to the County or cost sensitive to the County. Non-agenda matters shall be confined to items that are informational only.

E. The agenda shall be prepared by the Administrator in appropriate form approved by the Commission. The Administrator shall make available a copy of the regular agenda, and supporting documentation in the possession of the County, seven calendar days before every non-emergency meeting and post same on the County's public web site. If the support information is not available, the agenda item may be removed from the agenda and considered at a later meeting. Matters may be placed on the agenda by any member of the Commission, the Administrator, the County Attorney and the Clerk. Only a member of the Commission and the County Administrator may place a citizen on the official agenda.



F. A copy of each resolution or non-emergency ordinance shall be furnished to the office of the members of the Commission not later than seven calendar days before a vote may be called on the resolution or ordinance. The provisions of this rule shall be deemed waived unless asserted by a Commissioner before the Commission takes action on the resolution or ordinance in question.

| 1.12 Comments; Citizen's Input: Addressing Commission, Manner, Time.

Each person who addresses the Commission on an agenda item shall complete a citizen's input card and submit the card to the Receptionist. When the person's name is called, the person shall step up to the speaker's lectern and shall give the following information in an audible tone of voice for the minutes:

A. name;

B. and, if requested by any Commissioner, the person may be required

- to state place of residence; and
- whether the person speaks for a group of persons or a third party; if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization; and
- whether the person is being compensated.

C. Persons desiring to address the Board shall keep their comments concise and to the point. Persons desiring to distribute documents to the Board shall provide same to the Sheriff's Deputy who in turn will distribute to the Board members. No one, except staff, may approach the dais. No question shall be asked a member of the Commission except through the presiding officer.

- All remarks under Citizen's Input shall be limited to no more than three minutes unless the Chair extends the time and shall be addressed to the Commission as a body and not to any member thereof.

- Any person addressing the Commission during a public hearing shall limit remarks to five minutes unless the Commission extends the time. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, without the permission of the presiding officer.

D. No person who has addressed the Commission during any given Citizens Input on agenda items shall be allowed to make additional comments on the agenda item except with the permission of the Commission. Citizens may make additional comments on specific items being heard during a public hearing.

E. For those matters in which citizen's input is heard by the Commission, the Chair shall close the citizen's input portion of the meeting upon the conclusion of the last speaker's comments. No additional citizen's input shall be allowed, except in specific response to questions by members of the Commission or if an extension of time for public comment is approved by the Commission.

F. Any person making slanderous remarks or who becomes boisterous while addressing the Commission shall be barred from making any additional comments during the meeting by the presiding officer, unless permission to continue or again address the Commission is granted by the majority of the Commission members present. Any person who becomes disruptive or interferes with the business of the Commission may be removed from the audience for the remainder of the meeting. If a law enforcement officer is the person removing the member of the public, the decision of whether to take action shall be made by the law enforcement deputy based on state and federal law.

G. Any person shall be entitled to submit written comments for consideration by the Commission. Written comments submitted may be considered and entered into the record of the meeting.

H. For public safety purposes, no signs, posters or placards mounted on sticks, posts, poles or similar structures will be allowed in County Commission meeting rooms.

I. A citizen may act as a spokesperson for a group of citizens and audience members may raise their hands to show support for their spokesperson's comments.

J. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.

K. Prolonged conversations shall be conducted outside Commission Chambers.

L. Clapping, whistling, heckling, gesturing, loud conversations, or other disruptive behaviors are prohibited.

M. Comments at public hearings shall be limited to the subject being considered by the Board. Comments at the end of every regular Board meeting shall be directed to County issues.

N. All public comments shall avoid personal attacks, abusive language and redundancy.

O. No person attending a board meeting is to harass, annoy or otherwise disturb any other person in the room.

P. Member Decorum. To ensure every member has a fair opportunity to participate and meetings are conducted in an orderly fashion, the following procedures are in effect:

1. Confinement of Remarks. In discussion, the remarks made by the Board members shall be confined to the motion or matter immediately before the body.

2. Personal Attacks Prohibited. In discussion, a member may condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances may he/she attack or question the motives of another member. The issue, and not a person, shall be the item under discussion.

3. Breach of Decorum. The Chair shall immediately call as "out of order" any remarks outside the issue being addressed, or another member may call to the attention of the Presiding Officer and other members this breach of procedure, and the member shall immediately cease the breach

of decorum and continue with his/her remarks confined to the issue.

4. Comments Addressed to Chair. All discussion shall be made through the Presiding Officer, and one member may not interrogate another member or a person speaking from the public, except through the Presiding Officer.

5. Order of Discussion. After a member has spoken or asked questions on a matter before the Board, other members shall be given the opportunity to speak. If no other member wishes to speak to the issue, the member may continue speaking to the issue.

6. Disruptiveness. During discussion or voting, a member shall not disturb the other members in any way that may be considered disruptive to the proceedings or hamper the transaction of business.

7. Rulings from the Chair. The Presiding Officer may rule as "out of order" any action deemed inappropriate or dilatory and may interrupt a speaker for reasons he or she deems necessary.

8. Refusals to Comply. If a member of the Board refuses to comply with these Rules, the following procedure shall be used:

a. The member shall be "called to order" by the Presiding Officer or by a majority of the members present.

b. If a member refuses throughout the meeting to abide by the Rules, the members present, by majority vote, may censure the member and have it entered in the official minutes of the meeting.

9. Members are prohibited from using text messaging and instant messaging during public hearings or meetings.

1.13 Clerk, Minutes. The Clerk shall sit or appoint a deputy clerk as Clerk of the Commission. The Clerk shall certify all ordinances and resolutions adopted by the Commission. The

Clerk shall duplicate the minutes and all resolutions and ordinances and shall furnish copies to persons desiring them at the prescribed rates.

1.14 Reading Minutes. Unless a reading of the minutes of a meeting is required by a majority of the Commission, such minutes, when approved by the Commission and signed by the Chair and the Clerk, shall be considered approved without reading.

1.15 The Record.

A. Automatically included in the record. The following documents shall automatically be included in the records of the Commission:

1. Agenda packet or staff report;
2. Any documents, exhibits, diagrams, petitions, letters or other materials presented to the Commission in support of, or in opposition to, an item to be considered by them shall be entered into the record, unless clearly inadmissible and irrelevant. The Commission may accept wholly or partially inadmissible items into the record, provided that members of the Commission shall not consider those items, or parts thereof, which are inadmissible. In the event the Commission has any question as to the relevancy and admissibility of any item placed into the record, the Commission may request an opinion from the County Attorney's Office. The Commission, the Clerk, County Attorney and County Administrator shall be provided hard copies of any PowerPoint or electronic displays prior to their presentation. In addition, Administration should be provided with a duplicate electronic copy in an acceptable format for posting to the County website prior to presentation of the item to the Commission. All presentations, except as stated below, will be uploaded to the County website before consideration by the Board. Procurement presentations which are called for by the Board after rejection of the Professional Services Committee recommendations will be uploaded to the County website following the conclusion of the meeting where final selection of the firm occurs.

B. Custodian. The Clerk of the Circuit Court shall be custodian of the record.

C. Correction of errors in the record. In the event the Commission determines that there was an error, either of commission or omission regarding the placement of an item into the record, any member of the Commission may move to correct such



errors, and such act of correction shall be done upon a majority vote of the members of the Commission present.

D. Exhibits. Unless an oversized exhibit is absolutely essential, documentary paper or photographic exhibits shall not exceed 24 inches by 36 inches and, if mounted on a backboard, shall be removable therefrom.

E. Substitution of copies of exhibits. A person submitting an exhibit for the Board's consideration in support of, or in opposition to a pending matter, must file the original thereof with the Clerk. The Commission may approve substitution of a copy or duplicate thereof after viewing the original and the copy or duplicate. In the case of a written document, the person may furnish the Clerk with an exact duplicate and, upon verification thereof, the Clerk may return the original to said person. Alternatively, the Clerk may, in the Clerk's discretion, and at the expense of the person requesting the return of the original, make or arrange for the making of a copy of the exhibit after which the original may be returned to the person requesting it.

#### 1.16 Method of Voting.

A. General: The vote upon any ordinance, resolution, motion or other matter may be voice vote, providing that the Chair or any other member of the Commission may require a roll call vote to be taken. Upon every roll call vote, the names of the Commissioners shall be called alphabetically by surname, except that the names shall be rotated after each roll call vote, so that the Commissioner who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the presiding officer shall always cast his or her vote last. Upon relinquishing the chair, the Chair shall vote in alphabetical order with the other Commissioners. The Clerk shall call the roll, tabulate the votes and announce the results.

#### B. Voting.

1. Voting. Unless otherwise provided by law, ordinance or statute, when the Commission has finished discussion and is ready to vote a question, the Chair shall call for the vote, and there shall be no further discussion by any member voting. Each member shall vote aye or no, and silence shall be considered an "aye" vote. When a matter is brought up for a vote on a motion to approve it and said motion fails, the status quo ante shall be maintained, and the matter shall be considered denied. Such a vote shall not preclude a subsequent motion at the same meeting to approve with modifications to the motion.

After any vote, any member may give a brief statement to explain his or her vote, and such explanation should be consistent with the vote registered. A member shall have the privilege of filing with the Clerk a written explanation of his or her vote which shall become part of the record of the proceeding.

2. Roll call. Upon any roll call, there shall be no discussion by any member prior to voting, and each Commissioner shall vote aye or no.

3. Vote change. Any Commissioner momentarily absent for a vote on a particular item may record his or her vote, or any Commissioner may change his or her vote before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the Commissioners who voted thereon.

4. Abstention.

a. No Commissioner may abstain from voting on any matter before the Commission upon which official action is to be taken unless there is or appears to be a possible conflict of interest pursuant to Sections 112.311, 112.313, 112.3143 or 286.012, Florida Statutes. In such cases, said Commissioner shall comply with the disclosure requirement of state law.

b. If a Commissioner has a conflict with an item appearing on the consent portion of the Commission's agenda, that Commissioner does not have to pull the item for the purpose of abstention if prior to the vote on the consent agenda the Commissioner:

(1) publicly discloses the nature of interest in the matter from which the Commissioner is abstaining, and

(2) notifies the Clerk of the conflict.

c. The Commissioner must supply the Clerk with a completed Form 8B "Memorandum of Voting Conflict" form within 15 days after the vote occurs. Form 8B shall be received by the Clerk and incorporated into the meeting minutes as an exhibit.

1.17 Rules of Debate.

A. As to the Chair. The Chair may second any motion, or, after relinquishing the Chair, may make any motion. The Chair shall not resume the Chair until after the Commission has acted upon the matter under consideration.

B. Getting the floor, improper references to be avoided. Every member desiring to speak for any purpose shall address the Chair and, upon recognition, shall confine discussion to the question under debate, avoiding all personalities and indecorous language.

C. Interruption. A member once recognized shall not be interrupted when speaking unless it is to call that member to order. If a member while speaking is called to order, the member shall cease speaking until the question of order is determined by the Chair; and, if in order, the member shall be permitted to proceed. Any member may appeal to the Commission from the decision of the Chair upon a question of order, whereupon without debate the Chair shall submit to the Commission the question, "Shall the decision of the chair be sustained?" and the Commission shall decide by a majority vote of those present at the meeting.

D. Privilege of closing debate. Any Commissioner may move to close debate after every Commissioner has had one opportunity to comment and call the question on the motion being considered which shall be non-debatable. By request of a Commissioner, members of the Commission shall be polled to decide whether debate may be reopened.

E. Renewal. Once the period for consideration of any ordinance, resolution, decision or motion has expired, then neither the same ordinance, resolution, decision or motion nor its repeal may be brought for discussion before the Commission for a period of six months.

F. Reconsideration. An action of the Commission may be reconsidered only at the same meeting at which the action was taken or at the next regular meeting. For land use items, an action by the Commission may be reconsidered only at the same land use meeting at which the original action was taken or at the next land use meeting. A motion to reconsider may be made only by a member who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A Commissioner who was absent at the time the vote was taken shall be deemed on the prevailing side. Such motion shall not be entertained in any one of the following instances: (1) if the approved action has been partially or fully carried out; (2) if a

contract, when the other party to the contract has received written notification by the County of the outcome; (3) if an ordinance or other action taken after a required public hearing; or (4) if the vote has caused something to be done that is impossible to undo. Adoption of a motion to reconsider shall rescind the action reconsidered; therefore a new motion, second, and vote is required to take formal action on the item, if desired, and may take place at a future meeting. If a motion to reconsider is not brought forward in a timely manner, yet a Commissioner would like to revisit the issue, the item may be placed on a future agenda provided that (1) new information has been discovered that if known at the time of the original vote, the outcome may have been different; (2) a majority of the Board approves; and (3) none of the instances set forth above that would prohibit a motion to reconsider exist. This rule on motions for reconsideration may not be suspended.

G. Tie votes. Whenever action cannot be taken because the vote of the Commissioners has resulted in a tie, the proposed ordinance, resolution or motion that produced the tie vote shall fail; however there is no prevailing party for purposes of a Motion to Reconsider. Whenever action cannot be taken due to a tie vote, the status quo shall continue and the item can be placed on a future agenda for consideration.

1.18 Commissioner Comments. The purpose of Commissioner Comments is to promote the public discussion of matters relating to County business and to encourage the dissemination of information. Any Commissioner may submit reports and information on items relating to County business. When possible, the other Commissioners, the County Administrator, and the County Attorney should receive such materials in advance. Commissioners may also request the preparation of proclamations, resolutions, ordinances, reports, and other actions of the Board during this portion of the agenda, subject to majority consensus. All such requests shall be referred to the Administrator or the Attorney, as appropriate.

1.19 Adjournment. A motion to adjourn shall always be in order and decided without debate, except that the motion shall contain a time to hear the balance of the agenda if same has not been completed.

#### 1.20 Ordinances, Resolutions, Motions, Contracts

A. Preparation of ordinances. The County Attorney, when requested by at least three Commissioners, shall prepare

ordinances which shall be delivered to the Administrator for inclusion in the agenda.

Copies of all proposed ordinances or resolutions shall be furnished to each Commissioner and shall be made available to all interested persons at the normal copying cost.

B. Approval of documents by County Attorney. All ordinances, resolutions and contract documents, before presentation to the Commission, shall have been reduced to writing and shall have been approved as to form by the County Attorney.

C. Passage of approval of ordinances. Any action of the Commission which provides for a new law or a penalty to be imposed shall be by ordinance. Ordinances may be introduced and adopted by title and shall be read by title only before consideration by the Commission. The adoption of all ordinances shall require the affirmative vote of a majority of the total membership of the Board. Ordinances must be sponsored by a member or members of the Commission, except that either the Administrator, Clerk or the County Attorney may present ordinances, resolutions and other matters, of an administrative nature, to the Commission for consideration, and any Commissioner may assume sponsorship thereof by moving that such ordinance, resolution or other matter be adopted in accordance with law; otherwise, they shall not be considered.

D. When action to be taken by motion, resolution or ordinance. All actions of the Commission may be taken by motion, resolution or ordinance. Approval of purely administrative matters may be accomplished by resolution or motion duly adopted and recorded in the minutes of the meeting. No resolution or motion shall be adopted by the Commission without the affirmative vote of the majority of all the members present.

E. Emergency ordinances. The Commission at any regular, special or emergency meeting may enact or amend any ordinance with a waiver of notice requirement by a vote of four members of the Commission declaring that an emergency exists and that the immediate enactment of such ordinance is necessary.

#### 1.21 Committees.

A. Whenever the Commission deems it necessary or desirable that the Commission shall be represented at meetings, conference or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental

organizations, or departments, agencies or officials of the County government, the Commission may nominate members of the Commission to represent the Commission at such meetings, conferences or other occasions, with the consent of the nominated member. Such representative shall have no power to act for or on behalf of the Commission or to make any commitment or binding obligation on behalf of the Commission or the County. Such representatives may report to the Commission with regard to such meeting, conference or other occasion.

B. The Commission may establish special committees of the Commission and/or citizens as specific needs arise. The Commission shall make nominations to such committees with the consent of the nominated person. Any special committees may be abolished by the Commission when its continued existence no longer is necessary.

1.22 Evaluations of Commission's Appointees' Performance. The Commission shall annually evaluate the performance of the County Attorney, the County Administrator and the Director of Economic Development. The Chair may designate a time for the review of the Commission's appointees; however, if no time is designated, the evaluation shall take place in June of each year. The Chair shall distribute evaluation forms, if any, and request input from each Commissioner. Each Commissioner shall forward the completed evaluation to the Chair. The Chair shall take the evaluations of all Commissioners and develop a composite evaluation, averaging the numerical scores of each Commissioner. The composite evaluation shall be placed on the Commission's agenda within three weeks by the Chair. The agenda package for the Commission shall include the composite evaluation and the evaluation of each Commissioner. The Commission shall review the composite evaluation and adopt it by majority vote of the members present. The Chair may make recommendations on tenure, salary and other matters related to the appointees.

1.23 Suspension of the Rules. Unless otherwise stated, any of the Rules of Order adopted by this Commission may be temporarily suspended for the meeting in session by a majority of those Commissioners present at said meeting.

1.24 Effect of These Rules of Procedures. In any instance where the procedure established by these Rules of Procedure is in conflict with state law, county ordinance or court order, or has the effect of violating any applicable law, ordinance or ruling, or order of a court or administrative agency, or rights



thereunder, the procedures established hereunder shall be inoperative to the extent of such conflict or violation.

1.25 Publication. Upon adoption of these Rules of Procedure and any amendment hereof, the County Administrator shall cause same to be posted on the County's web site. Copies shall be provided by the County Administrator to all persons who request them at the standard charge. Copies shall be available for review by the public at all meetings of the Commission.

1.26 Effective Day. These rules shall become effective upon adoption by the Board of County Commissioners.

Passed and duly adopted this 13<sup>th</sup> day of May, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

BY: 

Ken Doherty, Chairman

ATTEST:

BARBARA T. SCOTT, CLERK OF  
CIRCUIT COURT AND EX-OFFICIO CLERK  
TO THE BOARD OF COUNTY COMMISSIONERS

BY: 

Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY: 

Janette S. Knowlton, County Attorney

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**PINELLAS COUNTY COMMISSION  
PUBLIC PARTICIPATION AND DECORUM RULES**

1. Decorum.
  - A. Please be respectful of others' opinions, and refrain from making personal attacks. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned may be barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.
  - B. If the Chair or Commission declares an individual out of order, he or she may be requested to relinquish the podium. If the person does not do so, he or she may be subject to removal from the Commission Chambers or other meeting room.
  - C. Clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be discouraged. Persons exiting the Commission Chamber shall do so quietly.
2. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in County Commission meeting rooms. Other signs, placards, banners, etc. shall not disrupt meetings or interfere with others' visual rights.

**I. CITIZEN PARTICIPATION PROCEDURES**

The Board of County Commissioners values and benefits from the orderly participation of citizens during public meetings. The following rules and procedures will apply to citizen participation during BCC work sessions, Agenda Items/Board Action comments, and Citizen Comment portions of regular Commission meetings.

1. Opportunities for Citizen Comment.
  - A. Public Input at Work Sessions. Time shall be allotted at the conclusion of each work session item for public comment. The remarks of each speaker may be up to three (3) minutes, based upon the Chair's discretion.
  - B. Citizens To Be Heard: Agenda Items/Board Actions. Each person who wishes to address the Commission regarding an Agenda Item or pending Board Action shall complete a comment card and submit the card to the staff at the Agenda Staff Table in the front of the Board room. The remarks of each speaker may be up to three (3) minutes, based upon the Chair's discretion.
  - C. Citizens To Be Heard: Citizen Comment. Each person who wishes to address the Commission during the Citizen Comment portion shall complete a comment card

and submit the card to the staff at the Agenda Staff Table in the front of the Board room. The remarks of each speaker may be up to three (3) minutes, based upon the Chair's discretion

2. Addressing the Commission.

- A. When a person's name is called, that person shall approach the speaker's lectern and shall give the following information in an audible tone of voice for the minutes:
  - 1. Name; whether they reside in a city, and if so, which city, or whether they reside in the unincorporated area;
  - 2. If requested by the Chair, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.
- B. All persons shall provide a place of residence or business address in writing prior to speaking.
- C. All remarks shall be addressed to the Commission as a body and not to any member thereof.
- D. No person, other than a member of the Commission and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chair. No question may be asked except through the Chair.
- E. Speakers should make their comments concise and to the point, and present any data or evidence they wish the Commission to consider.

## II. PUBLIC HEARING PROCEDURES

It is the intent of these Public Participation and Decorum Rules that all Public Hearings before the Board of County Commissioners are governed by the provisions of Section 134-14 of the Pinellas County Land Development Code. That code provides that at the conclusion of each person's presentation, any speaker may seek the Chair's permission to ask questions of staff. Specifically:

- 1. At the conclusion of the presentations by the applicant and any proponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from the applicant and/or the proponents.
- 2. At the conclusion of the presentation by the opponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from any opponent.

The applicant's closing comments will address testimony subsequent to their presentation. Continuing rebuttal of other than directly preceding testimony will not be allowed.

Because much testimony has already been submitted in writing, the following guidelines are expected to be sufficient to accommodate efficient presentations:

1. The applicant should present his or her entire case, including rebuttal, in no more than twenty (20) minutes.
2. Persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons may speak for up to ten (10) minutes. It is expected that others in the organization or group will waive their time.
3. All other persons may speak up to three (3) minutes each, after completing comment cards and submitting them to the staff at the Agenda Staff Table in the front of the Board Room. The Chair will call each speaker's name.

# Board of County Commissioners

## Leon County, Florida

### Policy No. 03-05

Title:	Code of Ethics
Date Adopted:	December 11, 2007
Effective Date:	December 11, 2007
Reference:	Chapter 112, Florida Statutes; Leon County Ordinance No. 07-27 (Lobbyist Regulations)
Policy Superseded:	Amending Policy No. 03-05, "Code of Ethics," adopted February 10, 2004; Amending Policy No. 03-05, "Code of Ethics," adopted March 18, 2003; Superseding Policy No. 02-08, adopted July 30, 2002

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Policy No. 03-05, Code of Ethics, adopted by the Leon County Board of County Commissioners on February 10, 2004, is hereby amended to read as follows:

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that this policy shall apply to the members of the Board of County Commissioners and its employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners.

#### **Section 1. Code of Ethics.**

This Policy shall be known as the Leon County Code of Ethics.

If any word, phrase, clause, section or portion of this policy shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

This policy shall take effect upon being approved by a majority vote of the Board of County Commissioners.

#### **Section 2. Intent and Purpose.**

The proper operation of County government requires that County Commissioners be independent and impartial; that County policy and decisions be made through established processes; that County Commissioners not use public office to obtain private benefit; that County Commissioners avoid actions which create the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its County government and County Commissioners.

### **Section 3. Acknowledgment.**

All County Commissioners, upon taking their oath of office to their current term and all current County Commissioners within ten (10) days of the passage hereof, shall submit a signed statement to the County Attorney acknowledging that they have received and read the Leon County Code of Ethics, that they understand it, and that they are bound by it.

All candidates for County Commission, upon qualifying to run for that office, shall submit a signed statement to the Clerk to the Board located at the Clerk of Court's Office, Finance Department, Room 450, 315 South Calhoun Street, Tallahassee, Florida 32301, acknowledging that they have received and read the Leon County Code of Ethics, that they understand it, and that they shall be bound by it upon election to office.

### **Section 4. Interpretation, Advisory Opinions.**

When in doubt as to the applicability and interpretation of the Leon County Code of Ethics, any County Commissioner may request an advisory opinion from the County Attorney's Office. The County Attorney's Office shall keep a file, open to the public, of all written opinions issued and submit a copy of each opinion rendered to every County Commissioner.

Any County Commissioner may request a review by the Board of County Commissioners of any advisory opinion within thirty (30) days of its issuance or it shall become final. A majority vote of the Board of County Commissioners shall be the final determination of said opinion.

### **Section 5. Definitions.**

- I. "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.
- II. "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.
- III. "Breach of the public trust" means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.



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- IV. "Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.
- V. "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.
- VI. "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.
- VII. "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.
- VIII. "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
- IX. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.
- X. "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.
- XI. "Facts materially related to the complaint at issue" means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.

XII.

- A. "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:
1. Real property.
  2. The use of real property.
  3. Tangible or intangible personal property.
  4. The use of tangible or intangible personal property.
  5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
  6. Forgiveness of indebtedness.
  7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
  8. Food or beverage.
  9. Membership dues.
  10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
  11. Plants, flowers, or floral arrangements.
  12. Services provided by persons pursuant to a professional license or certificate.
  13. Other personal services for which a fee is normally charged by the person providing the services.
  14. Any other similar service or thing having an attributable value not already provided for in this section.
- B. "Gift" does not include:
1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
  3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
  4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
  5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
  6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
  7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
  8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.
- C. For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b), Florida Statutes.
- D. For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.
- XIII. "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.
- XIV. "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment. accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.
- XV. "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

- XVI. "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.
- XVII. "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.
- XVIII. "Parties materially related to the complaint at issue" means any other public office or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.
- XIX. "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.
- XX. "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.
- XXI. "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

XXII. "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

XXIII. "Source" means the name, address, and description of the principal business activity of a person or business entity.

XXIV. "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

### **Section 6. Standards of Conduct.**

- I. Definitions. As used in this Section, unless the context otherwise requires, the following terms shall be defined as follows:
  - A. "County Officer" shall include any person elected or appointed to hold office in the Leon County government, including any person serving on an advisory body.
  - B. "County Commissioner" shall include any member of the Leon County Board of County Commissioners.
  - C. "County Employee" shall include any person employed by the Leon County Board of County Commissioners.
- II. Solicitation or Acceptance of Gifts. No County Officer or County Employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the County Officer, County Employee, local government attorney, or candidate would be influenced thereby.
- III. Doing Business with One's Agency. No County Employee acting in his or her official capacity as a purchasing agent, or County Officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the County Officer or County Employee or the County Officer's or County Employee's spouse or child is an officer, partner, director, or proprietor or in which such County Officer or County Employee or the County Officer's or County Employee's spouse or child, or any combination of them, has a material interest. Nor shall a County Officer or County Employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the County. This subsection shall not affect or be construed to prohibit contracts entered into prior to:
  - A. October 1, 1975.
  - B. Qualification for elective office.
  - C. Appointment to public office.
  - D. Beginning public employment.

- IV. Unauthorized Compensation. No County Officer or County Employee or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such County Officer, or County Employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the County Officer or County Employee was expected to participate in his or her official capacity.
- V. Salary and Expenses. No County Commissioner shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a County Officer, as provided by law. The County Attorney shall not be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.
- VI. Misuse of Public Position. No County Officer or County Employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31, Florida Statutes.
- VII. Conflicting Employment or Contractual Relationship.
  - A. No County Officer or County Employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, Leon County, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall a County Officer or County Employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

If the Leon County Board of County Commissioners exercises regulatory power over a business entity residing in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a County Officer or County Employee shall not be prohibited by this subsection or be deemed a conflict.
  - B. This subsection shall not prohibit a County Officer or County Employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.



- VIII. Disclosure or Use of Certain Information. No County Officer or County Employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.
- IX. Post-Employment Restrictions; Standards of Conduct. No County Officer or County Employee shall personally represent another person or entity for compensation before Leon County Board of County Commissioners for a period of 2 years following vacation of office.
- X. County Employees Holding Office.
- A. No County Employee shall hold office as a member of the Leon County Board of County Commissioners while, at the same time, continuing as a County Employee.
- B. The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.
- C. Exemption. The requirements of Subsection III, "Doing Business With One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship," as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing entity and full disclosure of the transaction or relationship by the appointee to the appointing entity. In addition, no person shall be held in violation of Subsection III, "Doing Business With One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship" if:
1. Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.
  2. The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:
    - a. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder.
    - b. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

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- c. The official, prior to or at the time of the submission of the bid, has filed a statement with the County.
  3. The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.
  4. An emergency purchase or contract which would otherwise violate a provision of Subsection III, "Doing Business with One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship," must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.
  5. The business entity involved is the only source of supply within the political subdivision of the County Officer or County Employee and there is full disclosure by the County Officer or County Employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.
  6. The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.
  7. The fact that a County Officer or County Employee is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of Leon County, provided it appears in the record that the Board of County Commissioners has determined that such County Officer or County Employee has not favored such bank over other qualified banks.
  8. The County Officer or County Employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with Leon County.
  9. The County Officer or County Employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of Leon County and:
    - a. The price and terms of the transaction are available to similarly situated members of the general public; and
    - b. The County Officer or County Employee makes full disclosure of the relationship to the Board of County Commissioners prior to the transaction.

- XI. Additional Exemption. No County Officer or County Employee shall be held in violation of Subsection III, "Doing Business With One's Agency," or Subsection VII, "Conflicting Employment or Contractual Relationship," if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with Leon County, and:
- A. The County Officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;
  - B. The County Officer has in no way participated in the County's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with County Officers or County Employees, or otherwise; and
  - C. The County Officer abstains from voting on any matter which may come before the Board of County Commissioners involving the officer's employer, publicly states to the assembly the nature of the County Officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s.112.3143, Florida Statutes.
- XII. Non-Interference in County Real Estate Transactions. The following provisions are intended to assure the integrity of the competitive bidding process is preserved, agreements are negotiated at arms-length and consistently enforced, and that no County Commissioner utilizes his or her position or any property within his or her trust, to secure a special privilege, benefit, or exemption for himself, herself, or others.
- A. Definitions. As used in this subsection, unless the context otherwise requires, following terms shall be defined as follows:
    - 1. "County Real Estate Transaction" shall include any existing or proposed real estate transaction in which Leon County is involved as either a buyer, seller, lessee, lessor, or is otherwise involved as a party.
    - 2. "Communicate" or "Communication" shall include one-on-one meetings, discussions, telephone calls, e-mails, and the use of other persons to convey information or receive information.
    - 3. "Property Manager" shall mean the individual or entity retained by the Board of County Commissioners to lease and manage any County-owned property.

B. Restricted Communication With Parties to County Real Estate Transactions.

1. No County Commissioner shall knowingly communicate with any individual or entity, or their employees, officers, or agents, involved as a party in any County Real Estate Transaction, unless the communication is:
  - a. Part of the transactional process expressly described in a request for bids or other such solicitation invitation;
  - b. Part of a noticed meeting of the Board of County Commissioners; or
  - c. Incidental and does not include any substantive issues involving a County Real Estate Transaction in which such individual or entity is a party.
2. Any Board member who receives a communication in violation of this subsection shall place in the record at the next regular meeting of the Board of County Commissioners, the following:
  - a. Any and all such written communications;
  - b. Memoranda stating the substance of any and all such oral communications; and
  - c. Any and all written responses to such communications, and memoranda stating the substance of any and all oral responses thereto.

C. Restricted Communication With County Employees and Property Manager.

1. No County Commissioner shall directly or indirectly coerce or attempt to coerce the County Administrator, the County Attorney, any other County Employee, or the Property Manager, with respect to any County Real Estate Transaction.
2. In accordance with the Board of County Commissioners Policy No. 03-01 and the Leon County Administrative Code, the County Administrator or his designee shall be responsible for the management of any County-owned property, including the enforcement and termination of lease and license agreements. Except for the purpose of inquiry, County Commissioners shall not communicate directly or indirectly, give directions or otherwise interfere with these property management responsibilities.

3. Any communication outside a noticed meeting of the Board of County Commissioners between a County Commissioner, or their Aide, and the County Administrator, the County Attorney, any County Employee, and/or the Property Manager, which communication involves a substantive issue in a County Real Estate Transaction, shall be summarized in writing no later than three (3) working days after the communication (the Communication Summary), as follows:
  - a. While it is preferred that the template provided on the County intranet is utilized for the Communication Summary, another form of effective written communication, such as e-mail, is acceptable.
  - b. The Communication Summary shall include, at a minimum, the name of the persons involved in the communication, the date of the communication, the subject matter of the communication, and the way in which the communication was ended. The Communication Summary may also include the remarks of the persons involved.
4. The completed Communication Summary shall be forwarded to the Chairperson of the Board of County Commissioners, unless the communication involved the Chairperson in which case it shall be forwarded to the Vice-Chairperson, and a copy of the Communication Summary shall be forwarded to the County Administrator and the County Attorney.

#### **Section 7. Voting Conflicts.**

- I. As used in this section:
  - A. "County Officer" includes any person elected or appointed to hold office in the Leon County government, including any person serving on an advisory body.
  - B. "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.
  - C. No County Officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2), Florida Statutes; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer. Such County Officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

- D. No appointed County Officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer, without first disclosing the nature of his or her interest in the matter.
1. Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
  2. In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
  3. For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.
- E. Whenever a county officer or former county officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.



**Section 8. Use of Office for Political Campaigns or Personal Matters.**

Use of Leon County resources, including but not limited to material goods and the use of office staff and/or County personnel, for either political campaign purposes or other personal matters, is strictly forbidden.

**Section 9. Investigation and Prosecution of Alleged Violation of Code of Ethics.**

The investigation and prosecution of any alleged violation of this Code of Ethics shall be in accordance with the Florida Statutes or local ordinances.

**Section 10. Conflicts Between this Policy and Florida Statutes.**

The Florida Statutes shall apply in the event of any conflict between this adopted policy and the Florida Statutes.

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# **Council-Employee Interactions Policy 2009-0921**

**September 21, 2009**

**Approved as Information Guide by the Council on September 21, 2009  
Motion to approve by Moses; seconded by Hill, 4 yeah, 0 nay, 1 Absent (Ward)**

# Council-Staff Interactions

## Policy Guidelines

**I. Introduction.** The relationship between the City Council and its' staff is a key component to creating a productive and harmonious working environment. As a “*Council-Manager*” Government Form, the primary Council-staff relationship should be focused with the manager. However, Council contact with other key staff under appropriate guidelines can actually build trust between the Council, the manager and the staff. An open exchange between Council members, the manager and the staff about how that interaction occurs, what information may be shared, and under what circumstance Council may interact with the staff ensures that the manager is properly informed and the Council is well served. Further, it clarifies expectations and enhances staff confidence in carrying out their assigned responsibilities without fear of intimidation.

Under the Council-manager form of government, the City Manager is charged by the Council to direct the day-today operations of all employees and city activities. Council members should be sensitive to the role of the City Manager and City staff and strive to work consistently and appropriately through the City Manager. Pursuant to the City Charter, Council members may however ask other staff members about the status of a matter, may ask for information or make inquires, etc. But, Council members may not expressly or implicitly give orders or direction to staff, except through their participation on the City Council and members must not intervene directly with staff on behalf of a particular constituent or organization on a pending matter. Council must participate collectively in discussing and deciding policy matters for the staff to carry out.

**II. Purpose.** Good City Governance relies on the cooperative efforts of the City Council, who set policy and priorities, and the city staff, who analyze problems and issues, make recommendations, and implement and administer the Council's policies. The purpose of this Guide is to supplement the City of Lake City Charter and is intended to facilitate effective communications between the City Council, City Manager, and key City Staff (department heads). This Guide also provides suggested ethical guidelines.

**III. Charter Re-stated.** City of Lake City Charter, Article III, Sections 303(b) and (c), are hereby restated as the “*spirit*” of this policy and for informational purposes:

**Sec. 303(b). Appointments and Removals.** Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

**Sec. 303(c) Interference with Administration.** Except for the purpose of inquiries and investigations, the Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the Council from closely scrutinizing by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the Council. It is the express intent of this Charter, however, that recommendations for improvement in city government operations by individual Council members be made to and through the City Manager, so that the manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

#### **IV. General:**

a. *The City Council.* The Council should be mindful that their interaction directly with the staff can be a sensitive issue for the manager and the staff members. It should also be understood that the primary Council-staff relationship is with the manager; that it is the manager's job to create opportunities for the Council to be prepared so all members can operate in an environment of mutual understanding. When contemplating direct staff interaction, the Council should consider the following perceptions.

**(1) The City Manager cannot be on top of things if he/she doesn't know what the things are.** Council members correctly expect managers to be highly familiar with all City activities. But if council members bypass the manager to make requests of staff or to express concerns to staff, then the manager cannot possibly be sufficiently aware of their interests or concerns. The manager cannot assure a timely response to a council member's inquiry if the manager is not aware of the request in the first place. Staff members can inform

the manager of the request, but this roundabout way of communication greatly increases the chances of miscommunication.

**(2) Bypassing the City Manager can give the impression that there is a problem in the council-manager relationship, and this perception can undermine both the manager's credibility within the organization and the respect that the staff feels for the Council member.**

If a Council member (or members) consistently goes directly to other staff members with issues, these harmful perceptions may evolve: 1) the Council member does not like to work with the manager; 2) the Council member does not trust the information provided by the manager; 3) the manager is evading responsibility and just “passing the buck”; 4) the Council member does not play by the rules and seeks special treatment; and/or 5) it must be okay for staff to go around the manager because Council members do it. Such impressions will weaken a manager's credibility and authority in the organization or reflect poorly on the Council member, or both.

**(3) It is not possible for the City Manager to treat all Council members equally if the manager is unaware of the treatment that one Council member is getting.**

The manager is in a unique position of having many, equal bosses, and the expectation of equal treatment by each of those bosses is not only extremely high but also entirely appropriate. Equal treatment includes providing Council members with the same information, the same levels of support, and the same accessibility to the staff in general. Thus, when a Council member goes through the manager in making a request, the manager can judge if the desired information should be shared with all Council members. The manager can also judge whether a request for staff work is consistent with Council policy or if the full Council should direct such work. If requests are only inconsistently made through the manager, then the likelihood of inequities cropping up over time is high.

**(4) Council members are often perceived as having “awesome power” and, therefore, direct staff requests can lead to surprising and negative unintended consequences.**

Council members may contact staff people in a department to make what the member perceives to be “simple requests for information,” only to find these requests are later perceived as orders to do something never intended by the Council member. This is especially possible when direct contacts are made with staff below the department-head level. Council members are typically surprised by such overreactions and by the complications and

rumors that can result. But to the staff member who seldom has contact with the higher-ups, the Mayor and Council members are as “high up” as they come.

**(5) Council member contact with staff members (especially below department heads) boosts the likelihood of getting erroneous or incomplete information.**

The further a Council member reaches beyond the manager or department head, the more likely communications will be with someone who has significantly less familiarity with the legislative process, the context of various local government issues, the cross-departmental stakeholders who should be consulted, and acceptable rules for staff-council communication. Combine these differences with the “Council power” phenomenon, and the margin for a mistake in responding to the Council member climbs substantially. On the other hand, a manager can provide one-stop service, saving time while producing better, more complete information.

**(6) Council member contact can inadvertently cause awkward and/or embarrassing situations - for the Council member and for the staff member involved.**

A staff member who learns that he/she provided incorrect or incomplete information feels embarrassed. In fact, a staff member who learns they violated some staff-council communication rule is not only embarrassed but also worried that they might be perceived as acting politically and undermining the bosses. A staff member who incorrectly completes excessive work at the direction of an individual Council member may perceive him- or herself to be “in trouble,” especially if they have failed to notify their bosses or failed to complete other assigned work as a result.

b. *The City Manager.* The Council and City Manager must function under a system whereby the relationships will work in the best possible way. To achieve this it is not necessary for every little thing to go through the manager. What is required, however, is an understanding between the Council, the manager, and the staff as to what differentiates a little thing from a bigger thing.

The City Manager must be accessible for “one-to-one” time with each member of the Council. Typically, such times will be no less than on a weekly basis but it is at the discretion of individual Council members as to the frequency of the time. Although the manager is bound to implement the policy adopted by the Council majority, the relationship the manager



develops must be with the body as a whole as well as with each individual who makes up the body.

c. ***The City Staff.*** It is imperative that department heads and other key staff understand their organizational and political mesh with the Council, the City Manager, and the significance of the “political line” which determines whether a “harmonious” relationship is maintained among this group. The political line is the “cornerstone” of the council-manager government foundation. *It is an imaginary line which separates the Council as policy-makers (who prioritize the city operation and service needs) and the appointed staff who carry out the policies and directives established by the Council.* The following may further clarify and enhance understanding of the political line.

- Staff must respect the will of the "full" City Council.
- The City Council sets the direction and policy; the city staff is responsible for administrative functions and city operations.
- Council members must have equal access to all information with which to make informed decisions.
- Staff must respond to citizen concerns and complaints as fully and as expeditiously as practical.
- In order to provide the Council with timely and accurate information, source documents and other relevant information for Council agenda items must be submitted well ahead of the meeting. “Walk-ons” must be only be exercised in cases of urgency and extreme importance to the City.
- The staff must follow the City Manager’s directives. The City Manager should always be informed on departmental matters subject to consideration by the Council.
- The City Manager and staff must collectively support and serve as advocates for adopted Council policy.
- Staff must refrain from participating in public criticisms, whether questioning facts or opinion.
- Staff must refrain from directly contacting Council members to discuss any aspect of employee entitlement and should address such matters to their direct supervisor.

## V. The Ethical Guide

**a. General Character.** The Council is often called upon to make decisions that adversely affect various groups and/or individuals. Balancing diverse constituent interests is a difficult task. While some will always be disappointed in decisions, the Council shall adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness or illegality. Preservation of public trust is critical for the preservation of democracy and a positive image of the City government. A certain amount of detail is required in any ethics code so that it serves as a clear guide. However, at the core of ethical behavior are some basic standards that may be used to reach a level of conduct that strives to be beyond reproach. Treating others as you would have them treat you is always a good ethical test. Another standard is to reflect on how one's actions or decisions might be viewed by persons the public holds in high regard because of their ethical integrity. Character guides are:

**1. Honesty and Integrity.** Honesty and integrity should be the primary values in all issues. The public trust in the City Council can be a reality only when public officials are truthful.

**2. Fairness and Respect.** All issues and citizens should be handled with fairness, impartiality and respect. The Council is obligated to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting. In reviewing, discussing and deciding issues, City Council members have an obligation to be accessible, open and direct, not only with the other members of the Council, but also to the citizens and business representatives who appear before them. The public is entitled to communicate with their public servants and understand the position of the Council on public issues.

**3. Effort.** The Council is obligated to attend meetings and to be prepared to address the issues. It is expected that Council members will review the materials, participate in discussions and make an informed decision on the merits of the issue.

**b. Conflict of Interest.** The Council should be constantly on guard against conflicts of interest. In short, Council members should not be involved in any activity which conflicts with their responsibilities to the City and its residents. The citizens of Lake City have a right

to expect independence and fairness toward all groups without favoring individuals or personal interests

**1. Self-Dealing and Financial Disclosure.** Florida conflict-of-interest laws apply to all Council members who must be consistently aware of any potential issues which may appear to be self-dealing. The Council should not be involved in discussing or deciding any issue over which they have jurisdiction as a Council which may impact the member, or the member's family, financially. It should also be understood that Council members must comply annually with the Financial Disclosure Act, as outlined in the Florida Statutes

**2. Disclosure of and Policy on Acceptance of Gifts and Favors.** Florida law prohibits the Council from receiving anything of value or any compensation other than their normal salary for any service rendered in connection with the duties with the City. The Council should consider ethical principles before accepting personal gifts of entertainment and sports/athletic activities. Council members should immediately disclose in writing to the City Clerk all gifts, benefits, or favors received from people with a financial interest in business before the City, or which may come before the City, that:

- Relate to professional or collegiate sports, athletic, or entertainment activities or tickets, or

- Have a face value of \$50 or more, amount subject to periodic review.

Council members should not accept a gift or favor that is a bribe, or reflects, to a reasonable person, an effort to improperly influence the member contrary to that member's responsibility to the public to act impartially and on the merits of a matter. When in doubt about these requirements, disclose the gift, benefit or favor to the City Clerk where all such disclosures will be kept for public record. In summary, Council members should consider: 1) Does the gift or favor come from someone with business before the city or which may come before the city? 2) Does the gift or favor exceed \$50 dollars in value, or consist of the type of sports or entertainment tickets described above? 3) And, did you accept the gift or favor for yourself or another?

If the answer is "yes" to all these questions, then the gift or favor has to be reported to the City Clerk. If the answer is "no" to any of these questions, then the gift or favor does not have to be reported to the City Clerk unless it represents a bribe or other improper influence as described above. Gifts having a value greater than \$50 that are donated to the city or a

bona fide charity also do not need to be reported. These items are City of Lake City property. Council members (or any city employee) who receive a gift on behalf of the City exceeding \$50 in value shall promptly turn the gift over to the City Clerk for public display or other appropriate handling.

**3. Loyalty.** The Council has an obligation to put the interests of the City of Lake City over all personal considerations. The goal should be “what is in the best interest for the broadest public good of the City of Lake City, consistent with constitutional and other legal protections for minority, property, and other interests.”

**4. Nepotism.** It should be a practice of the Council that no relative of a sitting Council member may be hired as an employee the City.

**c. Discrimination and Harassment.** Public decision-making should be fair and impartial and shall not be discriminatory on the basis of those protected classes, such as racial and religious groups, outlined in federal, state, and city laws and ordinances. It is the policy of the City of Lake City that the City Council, advisory board members and all employees will conduct business and operate in a manner that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, or religious persuasion, both internally and in the relationships of the Council, advisory board members and employees with their constituencies. In addition, it is the policy that the Council and advisory board members, and employees strive to create an operating environment internally and in the relationships with their constituencies, that is productive and free from intimidation, hostility or other adversity. This includes harassment of any sort – verbal, physical, visual – including intentional and unwarranted actions that would constitute sexual harassment were they to occur in an employment

## **V. Procedures**

**a. When in Doubt, Seek Advice.** Questions regarding a conflict of interest, or other ethical problems should be presented to the City Attorney’s Office. If time permits, requests should be in writing to the City Attorney directly. Requests related to conflicts of interest must be kept confidential. However, official opinions of the City Attorney may become a public record.

**b. What to Do if You Are Uncertain.** The existence of an ethical issue often does not arise until a meeting is underway. Rather than risk an inadvertent violation of law, the safest

course of action is simply to declare that a conflict may exist that prevents participation - “If in doubt, don’t.”

**c. How to Declare a Possible Conflict.** If it is believed that a conflict of interest (or even a possible conflict) exists, then disclose the fact as soon as possible. For example, as soon as it is realized (or assumed) that a conflict exists on a given matter, disclose the conflicting interest on the record for the minutes. From that point on, do not participate in any manner (by discussing, questioning or voting) in that matter. Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience. Always declare possible conflicts to avoid any appearance of impropriety.