



# Flagler County Board of County Commissioners

## Rules of Procedure

### SECTION I. COMMISSION MEETINGS AND PUBLIC PARTICIPATION

#### 1. Commission Meetings:

- a. Unless otherwise advertised, all regular meetings of the Flagler County Board of County Commissioners shall be conducted at 9:00 a.m. on the first Monday of the month and at 5:00 p.m. on the third Monday of the month in the Board Chambers in the Government Services Building located at 1769 East Moody Boulevard, Bunnell, Florida. From time to time, regular meetings may be adjusted by the Commission to accommodate a holiday schedule or other special circumstances and special meetings and workshops may be scheduled as necessary to conduct County business. Prior notice of such change shall be provided to the public, the Clerk and the media. While a minimum notice of 24 hours is required, the Commission will provide as much advance notice of all meetings as is feasible.
- b. The first Monday meeting beginning at 9:00 a.m. shall end before 5:00 p.m. unless the Board agrees by consensus or passes a motion to extend the time of adjournment. The Board shall recess for a lunch break at a time determined by consensus of the Board.
- c. The second Monday meeting beginning at 5:00 p.m. shall end before 11:00 p.m. unless the Board agrees by consensus or passes a motion to extend the time of adjournment.
- d. All agenda items not concluded before the time of adjournment shall automatically be carried over to the next scheduled meeting unless State law requires the hearing to be conducted at a different time or unless the Board, by a majority vote, determines otherwise.

#### 2. Commission Meetings – Open to the Public: All meetings of the Flagler County Commission, and of committees thereof, shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, Florida Statutes.

- a. The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions (Section 447.605(1), Florida Statutes); meetings regarding risk management claims (Section 768.28(16), Florida Statutes); and litigation meetings pursuant to Section 286.011(8), Florida Statutes. The Commission shall follow all statutory requirements for exempt meetings.
- b. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures will be allowed in County Commission meeting rooms. Other signs, placards, or banners shall not disrupt meetings or interfere with a person's ability to observe the meeting.

#### 3. Appearance Before the Commission: Persons who desire to address the Commission on a matter which is scheduled as a General Business or Public Hearing item may do so during the public comment segment of the item, upon recognition and introduction by the Chair. For all other matters which are scheduled on the agenda, to include the consent agenda, persons may address the Commission during the first Community Outreach period of the meeting.

- a. After being recognized, the person should:



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- Step up to the speakers' rostrum and give his/her name and where s/he resides;
  - Unless further time is granted by the Chair, limit comments to three (3) minutes;
  - Address all remarks to the Commission as a body, and not a member thereof; and
  - Make comments and present documents to the Commission and the Commission's Clerk.
- b. Speakers should make 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 granted permission by the Chair.
- c. Any person who disrupts or interrupts a Board meeting by the use of obscene language, by violation of these rules of decorum, by the threat of physical violence, or by exhibiting loud or boisterous behavior while the Board is in session may be removed from the meeting by a law enforcement officer of Flagler County Sheriff's Office. Removal may be requested at the direction of the Chair or by consensus of the Board or may be performed on the Sheriff's own initiative. No demonstrations of approval or disapproval from the audience shall be permitted. Any person violating the provisions of this section may be removed from the meeting; and/or the Chair may recess the meeting until order is restored. The Chair shall call upon the law enforcement officers or other security officer who may be present during the meeting to enforce directions given by the Chair for any violation of this section.
- d. The Commission may discuss the matter, assign it to a committee, refer it to the Administrator and/or Attorney for review and comment, question the speaker and/or take other appropriate action or no action.
- e. 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.
- f. A person may not interfere with, or interrupt, the orderly procedure of the Commission, any Commissioner, or the person speaking whom the Chair has properly recognized.
- g. If the Chair or the Commission declares an individual out-of-order, s/he will be requested to relinquish the speaker's rostrum. If the person does not do so, s/he is subject to removal from the Commission Chambers.
- h. If a large number of individuals wish to be heard on a proposition, a representative of those individuals may be designated to speak to the Commission on behalf of the group. The representative shall sign in with the Clerk prior to the meeting or indicate to the Chair at the time of public comment that the representative desires to be heard on behalf of the group. Group representatives shall have two (2) additional minutes to speak, for a total of five (5) minutes, unless granted additional time by the Chair.
- i. Employees of the County may address the Commission on matters of public concern. Employees or those speaking on their behalf shall not be permitted to address a grievance/arbitration or employee appeal matter as a part of Community Outreach. Employees will be advised of the appropriate forum and process for presenting or discussing such matters.
- j. These procedures may be waived by the Chair, pursuant to Section 286.0114(3), F.S.



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- 4. Public Comments and Inquiries for Items Not on the Agenda:** Persons may address the Commission on items not on the agenda, which are within the jurisdiction or governance of the County Commission, during the Community Outreach periods. The Commission shall not take final action on public comment items presented at the same meeting unless it waives its Rules of Procedure. When inquiries and comments are brought before the Commission, other than for items already on an agenda, the Chair may first determine whether the issue is within the jurisdiction or governance of the County Commission. If it is not, then the Chair may advise the individual to submit his/her comments to the County Administrator who will endeavor to forward the comments to the appropriate public official/s. If the inquiries and comments are within the jurisdiction or governance of the County Commission, then the Chair will determine whether they are legislative or administrative in nature and then:
- a. If legislative, and the inquiry or comment is about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Commission finds consideration of such suggestions advisable, the Commission may refer the matter to a committee, to the Administrator and/or Attorney for review and recommendation or may take other action or no action as it deems appropriate.
  - b. If administrative, and the inquiry or comment is regarding the performance of administrative staff, administrative interpretation of legislative policy, or administrative policy within the authority of the County Administrator, the Chair should then refer the complaint directly to the County Administrator for his/her review, if said complaint has not been so reviewed. The Commission may direct that the County Administrator report to the Commission when his/her review is completed. Where the Flagler County Code provides a specific procedure for administrative review or appeal, that procedure shall govern.
- 5. Commission Inspection Trips and Media Conferences:**
- a. The Chair, Commission, or County Administrator may schedule inspection trips as directed by the Commission. Advance notice of these meetings shall be given in the same manner as special meetings. County Commission staff shall make minutes of these meetings.
  - b. Any and every media conference officially sponsored by the Flagler County Government will be open to all media representatives and to the general public. Press conferences will be conducted in a location that is publicly accessible.
- 6. Public Hearings – Time, Location and 11 p.m. Rule:** Public hearings conducted at Commission meetings are normally conducted at 9:30 a.m., or soon thereafter, on the first Monday of the month, and at 5:30 p.m., or soon thereafter, on the third Monday of the month. Unless advertised otherwise, public hearings are conducted in the Board Chambers in the Government Services Building located at 1769 East Moody Boulevard, Bunnell, Florida.
- The matters under consideration shall be heard at the designated time, or as soon thereafter as practicable. Public hearings may be continued from a prior meeting or scheduled on days or evenings in addition to the first and third Monday of each month. No public hearing shall continue past 11:00 p.m. If a public hearing is not completed by 11:00 p.m., it shall be continued to a time



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certain as determined by the Commission. It is the intent of the Commission that this 11:00 p.m. rule not be waived.

Each speaker will be allowed up to three minutes to present his/her position, unless the speaker represents a group, in which case the speaker will be allowed up to ten (10) minutes to present the group's position. The Chair may grant additional time to speakers.

### 7. Public Hearing; Procedures.

#### a. General Public Hearings:

1. The Chair shall announce the opening of the Public Hearing and the topic being considered.
2. The County Administrator or his/her designee shall describe the agenda item to be considered, and provide the staff recommendation, if any. The Chair shall then inquire as to whether any Commissioners have questions for administration.
3. The Chair shall invite all speakers, if any, and the public to address the matter being considered.
4. Following public comment, the Chair shall close the public hearing and inquire if any Commissioner wishes to put forth a motion. Following the motion and its second, discussion shall occur among Commissioners.
5. The Chair shall inquire if there is any further discussion by the Commissioners and ask for any final comments or recommendations from administration. The maker of the motion or Clerk may be asked to restate the motion if necessary for clarification.
6. The Chair shall inquire if the Commissioners are ready for the question and call the vote.

#### b. Quasi-Judicial Public Hearings for zoning changes and other agenda items requiring a quasi-judicial hearing:

**Quasi-Judicial Policy Statement:** It shall be the general policy of the Board that the following statement of intent shall be applicable to all quasi-judicial public hearings:

"All persons wishing to participate have the right, through the Commission as a body, and not an individual member thereof, to ask questions of staff or other speakers, and to seek clarification of comments made by staff or other speakers. All persons who present written materials to Commissioners for consideration must ensure that a copy of such materials is provided to the Clerk for inclusion in the Board's record of proceeding and official minutes."

"While the Board welcomes comments from all persons with an interest in this proceeding, 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. Persons presenting testimony may rely on factual information that they present, that is presented by County staff, that the applicant presented, or that is included in the County staff report to support their testimony."



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### **Applicant/Public Testimony and Evidence Statement:**

Any person intending to speak on behalf of another person, partnership, association, corporation, organization, or other legal entity making application must request to be so recognized prior to speaking on the matter under consideration. Failure to make such request shall not preclude any person from speaking for himself/herself, but rather on behalf of another. Testimony presented to the Board shall be confined to facts pertinent to the case in question. In cases involving professional expert testimony, it may be accepted from those individuals (i.e., planners, architects, physicians, attorneys, engineers, etc.), when they are testifying in their particular field of expertise.

**Order of Procedure for Conducting the Hearing:** The order of procedure to be followed for quasi-judicial hearings shall generally be as follows. Such procedures are subject to the particular matter being heard by the Commission and the applicable caselaw, ordinances and statutes governing such matter.

- 1. Ex-Parte Disclosure Statement by the Chair:** The Chair shall make the following inquiry of the County Commissioners:

“Has any Commissioner received any oral or written communications regarding the quasi-judicial item? If so, please disclose the substance of the communication and identify the person making the communication.”

Disclosure must be made before or during the public meeting at which a vote is taken on quasi-judicial matters, so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication.

- 2. Staff Presentation of Application:** The County Administrator or his/her designee shall describe the quasi-judicial item to be considered and will make a presentation pertaining to the item as desired. Staff shall not exceed ten (10) minutes during its presentation. The Chair shall then inquire as to whether the Commissioners have questions for the staff members who made the presentation.
- 3. Applicant Presentation:** The applicant or his/her representative shall make a presentation pertaining to the application. The Chair shall inquire as to whether Commissioners and the parties to the proceeding have questions of the applicant and the applicant's representatives. The applicant will generally have up to fifteen (15) minutes to present the application unless this time is extended by consensus of the Board.
- 4. Proponent and Opponent Presentations:** The Chair shall next ask if any members in the audience wish to present evidence and testimony; each speaker shall give his/her name and address for the record and will be allowed up to three (3) minutes. A speaker may be allowed up to ten (10) minutes if s/he represents and speaks on behalf of other persons wishing to address the matter. The Chair may grant additional time to speakers. At the conclusion of the testimony, the Chair shall ask if any of the Commissioners or any of the parties to the proceeding have questions of the witness. Any materials to be presented to the Commission in any presentation must be filed with the Clerk to the Board of County Commissioners.





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5. **Applicant Rebuttal and Closing Staff Comments:** There shall be an opportunity for applicant rebuttal (not to exceed ten (10) minutes) and staff closing comments, or such time as allowed by the Commission.
6. **Commission Motions to Approve or Deny:** The Chair shall then inquire if any of the Commissioners wish to put forth a motion. If there is a second to the motion, the Commissioners may discuss the motion after which the Chair shall call the vote. No motions shall be accepted by the Chair until the close of the applicant's rebuttal and the public hearing portion of the hearing.
7. **Notice to the Applicant if Application is Not Approved:** If a motion is not passed in favor of the application, the application shall be deemed to be denied and the applicant shall be so notified by the Chair.
- c. **Ex-parte Communications:** Florida Statutes Section 286.0115 provides that any person who is not otherwise prohibited by statute, charter provision or ordinance may discuss with any Commissioner the merits of any matter on which the County Commission may take action. The following procedures, which remove the presumption of prejudice, shall be followed for ex-parte communication.
  1. The substance of any ex-parte communication with a Commissioner which relates to a quasi-judicial action pending before the Commission (such as a zoning decision) is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.
  2. A Commissioner may read a written communication from any person. A written communication that relates to quasi-judicial action pending before the Commission (such as a zoning decision) shall not be presumed prejudicial to the action. Such written communication shall be made a part of the record before final action on the matter.
  3. Commissioners may conduct investigations and site visits and may receive expert opinions regarding 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.
8. **Public Records; Inspection; Duplication:** Pursuant to Chapter 119, Florida Statutes, all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency, are public records. A public record (including information stored in computers) is open to public inspection and duplication, unless exempted by law.
  - a. If the purpose of a document prepared in connection with the official business of the County is to perpetuate, communicate or formalize knowledge, then it is a public record regardless of whether it is in final form, or the ultimate product of the County.
  - b. Requests for copies of public information for Commission meetings (videotapes, CD, audiotapes, etc. of County Commission meetings and workshops) should be made through the Clerk's office.



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- c.** Inspection and duplication fees shall be as specified in Chapter 119, Florida Statutes.



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### SECTION II. PREPARATION OF AGENDA; ORDER OF BUSINESS

1. **Preparation of Agenda:** The County Administrator shall prepare the agenda according to policies developed by the Commission. The County Administrator or the County Attorney may place an item on the agenda. Any Commissioner may seek consensus of the Commission to add an item to a Commission agenda.
  - a. The Chair, any Commissioner or the County Administrator may schedule an item for a time certain that recognizes County employees or citizens. These recognitions will generally honor individuals, teams, or organizations for activities or actions that benefit Flagler County.
  - b. The County Administrator shall have broad discretion in managing the items to be placed on the agenda. In order to conduct efficient meetings, s/he shall have the power to add or delete items, except for those items requested to be placed on the agenda by a Commissioner with consensus of the Commission.

Presentations on time certain items shall be a maximum of fifteen (15) minutes in length.

2. **Agenda Material:** A copy of the agenda and supporting materials shall be prepared for Commissioners, the public and the media **generally** by the Wednesday, twelve (12) days prior to the next regular Commission meeting or Public Hearing, except when legally observed holidays affect copying and distribution. The agenda, as well as lengthy reports that are part of agenda documentation, shall be available for review in the County Administrator's office. The County Commission, the County Administrator and County Attorney shall have the authority to add agenda items up to the time of the meeting when it is essential, necessary and in the County's best interest to do so.

3. **Meeting; Order of Business:** The business of all regular meetings of the Commission should be transacted as follows (provided, however, that the Chair may, by simple majority vote or consensus of the Commission, rearrange items on the agenda to more expeditiously conduct the business before the Commission):

1. **Pledge to the Flag and Moment of Silence**

2. **Additions, Deletions and Modifications to the Agenda**

- a. Addition of agenda items: An amendment to the agenda is necessary and consists of items that are submitted for agenda consideration after the established deadline. Examples of such items include grant applications. Amendments will be permitted only when warranted.
- b. Removal of agenda items: Any Commissioner, the County Administrator or County Attorney may request that an item be pulled from the agenda and the Commission shall vote by consensus whether or not to delete the item from the agenda.

3. **Announcements by the Chair**

4. **Recognitions, Proclamations and Presentations**





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### 5. Community and Board Comments:

- a. Community Outreach: A thirty (30) minute time period provided for public comment on any consent agenda item or topic within the jurisdiction or governance of the Commission that are not on the agenda. There is a three (3) minute time limit for all speakers, unless an individual requests to speak on behalf of a group. Normally, such individual who represents a group will have five (5) minutes to address the Commission or such time as the Commission determines.
- b. Board Comments on Consent Items: A Commissioner may speak about an item to highlight without pulling for discussion.

**NOTE:** Prior to the vote on the motion to approve Consent Agenda Items, the Chair will inquire if any Commissioner wishes to pull an item for further discussion. If an item is pulled it will be discussed separately. If two Commissioners remove the same item, the first Commissioner to indicate the removal will be the first to speak.

### 6. Consent Agenda: Constitutional Officers

### 7. Consent Agenda: BOCC Departments

### 8. General Business Items

9. **Public Hearings:** For the 9:00 a.m. meeting, the Public Hearings shall commence at 9:30 a.m., or soon thereafter, or as advertised. For the 5:00 p.m. meeting, the Public Hearings shall commence at 5:30 p.m., or soon thereafter, or as advertised.

### 10. Addition Reports and Comments:

- a. County Administrator Report/Comments
- b. County Attorney Report/Comments
- c. Community Outreach: Community Outreach: A thirty (30) minute time period provided for public comment on any topics within the jurisdiction or governance of the Commission that are not on the agenda. There is a three (3) minute time limit for all speakers, unless an individual has written documentation that they are representing a group, in which case s/he will have five (5) minutes to address the Commission or such time as the Commission determines.
- d. Commission Reports/Action/Comments

### 11. Adjournment

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting, a record of the proceedings may be needed and, for such purposes, the person will need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

4. **Quorum:** A quorum for the transaction of business by the Commission consists of three (3) Commissioners physically present at the meeting location. Remote participation shall not be permitted unless pursuant to an executive order of the governor during a declared state of emergency. Once a quorum has been established, a majority of Commissioners present at the



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meeting and eligible to vote shall be required to carry a motion, unless by statute, ordinance or other regulation, an extraordinary majority (4/5<sup>th</sup>) of the Commission is required for approval of an item (i.e., consideration of emergency ordinances, gas tax and other proposals requiring an extraordinary majority).

**5. Required Attendance of Officials:** In addition to Commissioners, County officials whose regular attendance shall be required at meetings of the Commission are the: Clerk of the Court, County Administrator, County Attorney, or their designees. A law enforcement officer of Flagler County Sheriff's Office shall be present to provide security and assistance in maintaining order.

**6. Clerk of the Commission; Minutes:**

- a. The Clerk of the Court shall make correct minutes of the proceedings of each regular, special or emergency Commission meeting or workshop.
- b. The Clerk shall notify the County Administrator's office to place the minutes on the agenda for approval by the Commission. Such minutes may be placed on the consent agenda and shall stand confirmed at the regular Commission meeting without a reading in open meeting, unless some error is shown. In such event, an appropriate correction shall be made. Copies of all Commission meeting minutes shall be available for review at the reception desk in the Clerk's office.

**7. Orderly Conduct of Meetings:** The Chair has the authority to ensure the orderly conduct and decorum at meetings. The Sheriff is authorized to assist the Chair in performing the duty of maintaining order and decorum at the Commission meetings. The following policy provides guidance in handling disruptions:

- a. If an individual refuses to relinquish the podium after being allowed to address the Commission, the Chair will inform the individual that his/her time to address the Commission has expired and the Chair will direct the individual to leave the podium.
- b. If an individual causes disruption in the Commission meeting site, the Chair will inform the individual causing the disruption to cease the disruptive activity.
- c. If the disruption fails to stop:
  1. The Chair will inform the individual causing the disruption that his/her actions are contrary to the orderly function of the meeting and that the individual is to cease such action.
  2. If an individual continues to disrupt the meeting after being instructed to cease, the Chair will direct the individual to leave the meeting site. The Chair will advise the person that s/he may submit their comments in writing to the County Administrator who will furnish the comments to the Chair and Clerk or other public official/s as appropriate. The Chair will inform the individual that if s/he is directed to leave and fails to do so, the individual may be subject to arrest.
  3. If the disruption fails to cease, the Chair may instruct the Sheriff to remove the individual from the meeting site. Regardless of whether the Chair so requests, the Sheriff shall



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remove any person from the meeting site who exhibits threatening behavior or who refuses to cease disrupting the meeting.

- 8. Rules of Order and Debate:** Every Commission member desiring to speak shall address the Commission Chair and, upon recognition by the Chair, shall confine his/her comments to the question under debate.
- a. The maker of a motion shall be entitled to the floor first for debate.
  - b. A member once recognized shall not be interrupted when speaking unless to call said member to order. The member shall then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said member shall be at liberty to proceed.
  - c. If the Commission Chair wishes to put forth or second a motion, s/he shall relinquish the chair to: (1) the Vice Chair; (2) the senior Commission member (if the Vice Chair is absent); or (3) another Commission member who has remained impartial; until the main motion on which the presiding officer spoke has been disposed.
  - d. Consistent with longstanding practice, the Commission shall follow simplified parliamentary procedures based on these rules and using Robert's Rules of Order Newly Revised as a guide, so long as such procedures and rules do not conflict with ordinances, statutes, or these Rules of Procedure.
- 9. Voting:** The votes during all Commission meetings should be transacted as follows:
- a. In order to expedite business, the Chair may determine to call for the vote by voice. At the request of any Commissioner, the Clerk shall take a roll call vote. A roll call vote can be conducted by ballot or by voice. If by ballot, each member indicates his/her name and vote on the ballot. Once all ballots are cast, the manner in which each Commissioner voted will be read aloud. If by voice, the chair puts the question and the secretary calls the members' names alphabetically, except that the chair's vote is taken last. Each member responds "Yea" for an affirmative vote, "Nay" for a negative vote. The secretary repeats the name of each member and states his or her vote to ensure accuracy in recording.
  - b. When the Chair calls for a vote on a motion, every member who was in the Commission chambers must give their vote, unless the member has publicly stated that s/he is abstaining from voting due to a conflict of interest, pursuant to Section 112.3143 or Section 286.012, Florida Statutes, or other Florida law.
  - c. The passage of any motion, policy or resolution shall require the affirmative vote of at least a majority of the membership of the Commissioners who are present and eligible to vote, unless otherwise required by statute or ordinance. In case of a tie in votes on any proposal, the proposal shall be considered to have failed and the requested item shall be deemed as denied.
  - d. Any Commissioner shall have the right to express dissent from or protests against any ordinance, resolution or policy of the Commission, and to have the reason therefor entered in the minutes.



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- e. If a motion is not carried by at least a majority of Commissioners present, the proposal shall be considered failed.

### **10. Conflict of Interest as Specified in Section 112.3143 or Section 286.012, Florida Statutes:**

The County Commissioners are legally obligated to abide by all statutory requirements of Florida law, including but not limited to Section 112.3143 and Section 286.012, Florida Statutes. No Commissioner shall vote in his/her official capacity on a matter which would inure to his/her special private gain or loss, or which the Commissioner knows would inure to the special private gain of any principal by who s/he is retained, the parent organization or subsidiary of a corporate principal by which s/he is retained, or a relative or a business associate. If a Commissioner abstains from voting to avoid a legal conflict of interest, s/he shall file with the Clerk to the Commission a Form 8B which describes the nature of his/her interest in the matter. The Form 8B shall be received by the Clerk and incorporated into the minutes of the meeting. This Form must be filed within fifteen (15) days following the Commission meeting.

### **11. Ordinances:** An enacted ordinance is a legislative act that prescribes general, uniform, and permanent rules of conduct relating to the corporate affairs of the County.

- a. Commission action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- b. All ordinances shall be introduced in writing, and scheduled for public hearing after advertisement.
- c. Emergency Ordinances. By vote of one more than simple majority, the Commission may without notice or hearing adopt an emergency ordinance. The emergency ordinance shall contain a declaration describing the emergency, and shall be passed in accordance with Section 125.66(4), Florida Statutes.

### **12. Resolutions:** Generally, an enacted resolution is an internal legislative act that is a formal statement of policy concerning matters of special or temporary character. Commission action shall be taken by resolution when required by law, and in those instances where an expression of policy more formal than a motion is desired. All resolutions shall be reduced to writing. A resolution may be put to its final passage on the same day on which it was introduced.

### **13. Motions:** An enacted motion is a form of action taken by the Commission to direct that a specific action be taken on behalf of the County. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law. All motions shall be made and seconded before debate.

Before a motion has been called for a vote, its proposer may change or withdraw it without the Commission's permission, and any member or the Chair may request that the maker withdraw it. A second to the motion may withdraw their second and the Chair would then request if any other Commissioner would like to second, otherwise the motion would die for lack of second.



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Once the motion has received a second and has been called for a vote, the Commission must vote on the motion.

**14. Reconsideration of Action Previously Taken:** A motion to reconsider enables the commission to set aside a vote on a main motion taken at the same meeting or at the next regular meeting, and to consider that motion again as though no vote had been taken on it.

- a. A motion to reconsider shall be allowed at any time by any Commissioner who voted on the prevailing side, during a meeting, except when a motion on some other subject is pending.

**15. Rescinding Action Previously Taken:** Commission action may be rescinded by a majority vote if the motion to reconsider is made by a Commissioner who voted on the prevailing side. After a motion to reconsider has been adopted by a majority vote, any Commissioner may, at the next regular Commission meeting, move to rescind action previously taken. Land use and other items requiring notice and a public hearing shall not be rescinded without re-notice and public hearing of the item being considered for rescission.



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### SECTION III. GENERAL PROVISIONS

- 1. 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 100.041, Florida Statutes.

A swearing-in ceremony for newly elected Commissioners will be conducted by the Honorable Circuit Court Judge or his/her designee. The County Administrator shall provide an orientation program.

- 2. Election of Chair and Vice-Chair; Succession in Office:** Procedures for electing officers are as follows:

- a. Every year or any other time it deems appropriate, the Board shall elect a Chairperson from among its members. The Circuit Court Judge (or the County Attorney in a non-election year) shall conduct a roll-call vote on each nomination in order if there is more than one nomination. If a vacancy occurs in the office of the Chair, the Commission shall, immediately or at its next meeting, select a Chair.
- b. In conjunction with the above election, a Vice-Chair shall also be elected in a like manner except the proceeding shall be conducted by the newly elected Chair rather than the Circuit Court Judge or County Attorney.
- c. In case of the absence or temporary disability of the Chair, the Vice-Chair shall serve as Chair during the absence. In case of the absence or temporary disability of the Chair and the Vice-Chair, an Acting Chair and Vice-Chair, shall be selected by members of the Commission to serve during the continuance of the absences or disabilities. The order of succession shall be based upon the length of seniority that the Commissioners have served in office, and in case of a tie, by drawing of lots.

- 3. Commission Chair / Presiding Officer:** The Presiding Officer (Chair) shall preside at all meetings of the Commission, and be recognized as the head of the County for all ceremonial purposes. In addition to the powers conferred upon him/her as Chair, s/he shall continue to have all the rights, privileges and immunities of a member of the Commission. The Chair's responsibilities are:

- a. Call the meeting to order, having ascertained that a quorum is present;
- b. Recognize all Commissioners who seek the floor under correct procedure. All questions and comments are to be directed through the Chair and restated by him/her, and s/he declares all votes;
- c. Preserve order and call to order any member of the Commission who violates any of these procedures; and, when presiding, decide questions of order, subject to a majority vote on a motion to appeal;
- d. Expedite business in every way compatible with the rights of members;





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- e. The Chair shall have the same rights in debate as any other member. If the Chair wishes to make a motion, the gavel must be relinquished. Based upon these Rules of Procedure, the gavel will be relinquished in the following order:

1. Vice-Chair;
2. Other Commissioners based upon seniority;
3. Another Commission member who has remained impartial;

The presiding officer who relinquished the Chair shall not return to it until the pending main question has been disposed of, since s/he has expressed partisanship as far as that particular matter is concerned.

- f. Declare the meeting adjourned when the Commission so votes, or at any time in the event of an emergency affecting the safety of those present;

- g. When time constraints dictate, the Chair is authorized to approve authorizations to advertise for public hearings; and

- h. Invoke rules of procedure and parliamentary decorum consistent with the Rules of Procedure necessary for the orderly conduct of public business.

- 4. Commission Appointments to Boards and Committees:** Advisory Boards and Committees will be appointed and operated pursuant to the rules attached as Exhibit B.

- 5. Code of Conduct:** Each Commissioner is subject to the Code of Ethics for Public Officers and Employees, Part III of Chapter 112, Florida Statutes. Each Commissioner will attend annual ethics training as required by Section 112.3142, Florida Statutes. Each Commissioner shall strive to faithfully comply with the Code of Ethics adopted by the Florida Association of Counties, attached as Exhibit C.

- 6. Suspension and Construction of Rules:** Temporary suspension of these procedures shall permit the Commission to take some action that would otherwise be prevented by a procedural rule already adopted. These rules of procedure may be amended or temporarily suspended at any Commission meeting with an affirmative vote of a majority of the Commission. These rules are for the efficient and orderly conduct of Commission business only; no violation of such rules shall invalidate any action of the Commission when approved by a majority vote required by law.



# Flagler County Board of County Commissioners Rules of Procedure

## Exhibit A: Advisory Boards, Committees and Councils

Flagler County currently has the following active advisory boards, committees or councils:

1. Contractor Review Board—Fla. Stat. §489.131(7)
2. Emergency Medical Services Advisory Board—Fla. Stat. §401.25(6)
3. Housing Task Force/Affordable Housing Advisory Committee—Fla. Stat. §420.9076(2)
4. Land Acquisition Selection Advisory Committee (Environmentally Sensitive Lands)
5. Library Board of Trustees
6. Parks and Recreation Advisory Board
7. Planning and Development Board
8. Public Safety Coordinating Council—Fla. Stat. §951.26(1)
9. Tourist Development Council—Fla. Stat. §125.0104(4)(e)
10. Veterans Advisory Council

The following list of advisory boards, committees or councils are named in the Flagler County Code, but have no members appointed.

- Code Enforcement Board
- Construction Board of Adjustments and Appeals
- Educational Impact Fee Committee (meets as needed but not sunset)
- Housing Finance Authority
- Human Services Allocation Committee
- Small Business Council

These boards, committees or councils were either established by state law, County ordinance, resolution, Board of County Commissioners recommendation or a combination of state and local law. This section contains a general set of rules which shall be applicable to all boards, committees or councils that currently exist and any that may be subsequently created, followed by a brief summary of the boards, committees or councils and their enabling legislation. A general application form (Attachment 1) must be completed for any person desiring to be appointed to any Board of County Commissioners' board, committee or council.



## **Flagler County Board of County Commissioners Rules of Procedure**

### **Exhibit B: General Rules for Citizen Boards, Committees and Councils Appointed by the Flagler County Board of County Commissioners**

All citizen boards, committees and councils reporting to the Board of County Commissioners shall be governed by the following general provisions, unless where said boards are governed by state law, County Ordinance or Resolution, such state law, County Ordinance or Resolution shall prevail to the extent of such conflict:

1. Comply with Chapter 286, Florida Statutes, "The Sunshine Law." The Sunshine Law requirements include, but are not limited to:
  - a. Meetings of boards, committees and councils must be open to the public;
  - b. Members of the public shall have an opportunity to address the board, committee, or council during the public comment portion of the meeting;
  - c. Reasonable notice of such meetings must be given; and
  - d. Minutes of the meeting must be taken.
2. Comply with Chapter 119, Florida Statutes, "The Public Records Act."
3. Comply with Chapter 112, Florida Statutes (public officers and employees) as required by that Chapter.
4. Comply with the Flagler County Employment policies pertaining to prohibiting discrimination, sexual harassment, and workplace violence.
5. Each member shall be an elector of Flagler County unless otherwise waived by the Board of County Commissioners. Additional considerations would include whether or not the applicant is a property owner, resident, a United States citizen or specializes in a field pertinent to the goals of the advisory board.
6. Unless otherwise required by statute or ordinance, the membership shall be available to citizens at large as opposed to elected officials in order to avoid the necessity of making positions available to each municipality and give more citizens opportunity.
7. Members shall be appointed in accordance with established Board of County Commission policies and procedures related to the establishment of and appointment of boards, committees and councils. Unless otherwise provided, members who have served the duration of their term and are subject to term limits for their board or committee may remain until a successor is appointed.
8. Members may be removed without notice and without assignment of cause by a majority vote of the County Commission.



## **Flagler County Board of County Commissioners Rules of Procedure**

9. Unless otherwise determined by the board, members of each board, committee or council shall annually elect a chair and vice-chair from among the members and may create and fill other offices as the Board deems needed. Exceptions to above statement include where any state statute or County Ordinance/Resolution otherwise mandates that the Chair of the Board of County Commissioners (or his/her designee) shall serve as the chair of the council/committee.
10. Each board, committee or council shall create whatever subcommittees it deems needed to carry out the purposes of the board.
11. The chair of the board, committee or council shall appoint the membership of each subcommittee as required by the board.
12. The County Administrator shall appoint a County employee to serve as secretary of the board, committee or council, recorder and custodian of all board, committee or council records.
13. Members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the County Commission, in accordance with Florida law.
14. The County Commission shall appropriate funds to permit each board, committee or council to perform its prescribed function.
15. If any member fails to attend three (3) successive unexcused, or 5 of 12 regularly scheduled meetings that have been noticed, the position shall be declared vacant and a replacement determined under customary Board appointment policy. The 12-month time period will begin with the first absence.
16. Bylaws, outlining the purpose and intent of the advisory board or committee, membership criteria, officers and their duties, and meeting guidelines, including information on a quorum, attendance, agenda development and rules of procedure, shall be adopted by each board, committee or council. Bylaws will be approved as to form by the County Attorney and approved by the County Administrator. (A template is provided as Attachment 2)
17. Citizen boards, committees and councils may change meeting dates, locations and times at their discretion provided proper public notice is given.
18. If any specific provision herein conflicts with a specific provision in the County Code or Florida Statutes, the County Code or Florida Statutes shall govern. Florida Statutes govern over the County Code in case of any conflict between them.
19. Newly appointed members of the Planning and Development Board shall complete the online training in growth management and land use offered by the Institute for County Government, a division of the Florida Association of Counties. The Commission may waive this requirement for appointees who possess experience in growth management and land use matters.



# Flagler County Board of County Commissioners Rules of Procedure



## **ATTACHMENT 1** **FLAGLER COUNTY GENERAL APPLICATION** **FOR VOLUNTEER BOARD, COMMITTEE OR COUNCIL MEMBERSHIP** **(Please Print)**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Home Mailing Address: \_\_\_\_\_

Home Physical Address: \_\_\_\_\_

County of Residence: \_\_\_\_\_ Voter Registration #: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Education: \_\_\_\_\_

Business: (name & type): \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Position: \_\_\_\_\_

Professional Organizations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Have you ever served on a Flagler County appointed Board, Committee or Council?

Yes \_\_\_\_ No \_\_\_\_ If yes, please identify those on which you have served.

BOARD, COMMITTEE OR COUNCIL

DATES SERVED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Flagler County Board of County Commissioners Rules of Procedure

Please list any board, committee or council for which you would like to be considered:

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Training or experience related to activities of board, committee or council to which appointment is sought:

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References may be secured from the following individuals (print name, address and phone number):

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

**IMPORTANT. READ BEFORE SIGNING.** If appointed, I will attend meetings in accordance with adopted policies of Flagler County. If at any time my business or professional interests conflict with the interests of this Board, Committee or Council, I will not participate in such deliberations. I understand that if appointed, I will serve at the pleasure of the Board of County Commissioners.

\_\_\_\_\_  
Signature of Applicant

***Applicants are encouraged to provide additional information (including a resume) to better explain their qualifications for the position to which they are making application.***

### ATTACHMENT 2





# Flagler County Board of County Commissioners Rules of Procedure

## BYLAWS OF THE FLAGLER COUNTY ADVISORY COMMITTEE NAME HERE

### PART I: PURPOSE & INTENT

The Flagler County Board of County Commissioners has established the **Advisory Committee Name** under **how it was established**, to **what its function is**.

### PART II: MEMBERSHIP

**Section 1. MEMBERSHIP.** The Committee shall consist of **Number (#)** members, who **describe the make up of the Committee here**. All appointees shall be residents and registered voters of Flagler County and shall serve at the discretion of the Board of County Commissioners.

**Section 2. TERMS.** The Committee members shall serve staggered terms and the term of office shall be for **Number (#)** years. If a vacancy occurs prior to the expiration of any member's full term, the Board of County Commissioners shall advertise the position and replace with another candidate accordingly.

**Section 3. COMPENSATION.** All members of the Committee shall serve without compensation; none are entitled to pension or retirement benefits for service on the Committee.

### PART III: OFFICERS

**Section 4. OFFICERS.** Except where otherwise required by statute or ordinance, the Committee shall elect its Chair and Vice-Chair from among its members. The term of the Chair and Vice-Chair shall be one (1) year with eligibility for reelection.

**Section 5. DUTIES OF OFFICERS.** The duties and power of the officers of the Committee shall be as follows:

A. Chair

- (1) To preside at all meetings of the Committee;
- (2) To call special meetings of the Committee in accordance with these Bylaws;
- (3) To sign documents within the purview and authority of the Committee; and
- (4) To see that all actions of the Committee are properly taken.

B. Vice-Chair

During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all responsibilities of the Chair.

### PART IV: MEETINGS

**Section 6. ANNUAL MEETING.** The annual meeting of the **Advisory Committee name** shall be the first regular meeting in the month of January (***unless already established***) each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Committee.



# Flagler County Board of County Commissioners

## Rules of Procedure

**Section 7. REGULAR MEETINGS.** Regular meetings of the Committee shall be held on the **regular day held** of the month at **time held** in the **Name of room and building (if applicable)** located at **address, City, Florida**. Time and place changes of meetings may be called by the Chair, provided that reasonable advance notice is given to each member and the public in accord with Florida's Sunshine Law.

**Section 8. QUORUM. 50% + 1 (denote the number using that formula)** members of the Committee shall constitute a quorum for transaction of business. The only business that can be transacted in the absence of a quorum is (1) to adjourn; (2) to recess for a period of time within the same day; and (3) to continue any agenda item to a date and time certain.

**Section 9. NOTICE OF INABILITY TO ATTEND MEETING.** Each member of the Committee that will not be able to attend a scheduled meeting shall, at the earliest possible opportunity, advise the County staff liaison. The County staff liaison shall notify the Chair in the event that projected absences will produce a lack of a quorum. If any appointed member of the Committee fails to attend three (3) unexcused consecutive, regularly scheduled meetings or five (5) of twelve (12) regular or special meetings or workshops of the Committee, the County staff liaison shall notify the County Administrator. The County Administrator will present to the Board of County Commissioners the name of any appointed member of an advisory committee established by the Board of County Commissioners who has failed to attend the required number of meetings as noted previously in this section. The Board of County Commissioners shall determine whether in such circumstances it shall declare the position vacant and obtain a successor applicant for membership with the particular advisory committee.

**Section 10. VOTING.** At all meetings of the Committee, each member attending shall be required to cast a vote on all matters requiring action by the Committee. Any member who has a conflict of interest on any issue being voted shall recuse himself/herself from voting on matters relating to the issue. The member must have a special gain or loss as defined by the Florida Commission on Ethics in order to have a conflict of interest. The member should consult with the County Administrator's office on whether a conflict exists. In the event of conflict, the required form must be completed and made a part of the minutes. The conflict and recusal shall be stated in the minutes of the Committee. Otherwise the member is required to cast a vote.

### **Section 11. PROCEEDING.**

- A. The order of business, unless otherwise adopted by the members present, at all regular meetings shall be as follows:
  - (1) Roll call and Pledge of Allegiance
  - (2) Approval of minutes of previous meetings
  - (3) Agendaed items
  - (4) Adjournment
- B. Minutes will be taken and maintained by County staff. Copies of all minutes will be sent to the County Administrator and made available to each Flagler County Commissioner.

**Section 12. RULES OF PROCEDURE.** All meetings of the Committee shall be conducted with *Robert's Rules of Order Revised* as a guideline. The Committee shall be governed by the Florida Sunshine Law, Public Records Law, **Ordinance #, Resolution # or Flagler County Code Section (if applicable)** and these Bylaws.

**Section 13. DEADLINE FOR AGENDA.** The deadline for placement of an item on the agenda of the Committee shall be seven (7) calendar days prior to any scheduled meeting.



## Flagler County Board of County Commissioners Rules of Procedure

**Section 14. AMENDMENTS.** These Bylaws may be amended at any meeting of the Committee, only to the extent consistent with County Ordinance/Resolution and provided that said notice of said proposed amendment is given to each member in writing at least five (5) business days prior to said meeting and approved as to form by the County Administrator and approved by the County Administrator.

**Section 15. RELATION TO COUNTY COMMISSION RESOLUTIONS AND STATE LAWS.** Any section or provision of any section of the Bylaws as adopted by the **Name of the Committee** which conflicts with County resolution or State laws shall have no force and effect.

**Section 16. MATTERS REFERRED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS.** Matters referred to the Committee by the Board of County Commissioners shall be placed on the calendar for consideration and action at the first meeting of the Committee after such referral.

**Section 17. THESE BYLAWS SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL AS TO FORM BY THE COUNTY ATTORNEY AND APPROVAL BY THE COUNTY ADMINISTRATOR.**

These Bylaws adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name, Committee Chair

ATTEST:

\_\_\_\_\_  
Name, Committee Recording Secretary

APPROVED:

\_\_\_\_\_  
County Administrator

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney



# Flagler County Board of County Commissioners Rules of Procedure

## EXHIBIT C: Florida Association of Counties Code of Ethics

### CODE OF ETHICS FOR COUNTY OFFICIALS

#### PREAMBLE

The Florida Association of Counties (FAC) is committed to the highest standards of conduct by and among county commissioners in the performance of their public duties. Individual and collective adherence to high ethical standards by public officials is central to the maintenance of public trust and confidence in government.

While county officials agree on the need for proper conduct, they may experience personal conflict or differing views of values or loyalties.

In such cases the principles contained in this Code of Ethics provide valuable guidance in reaching decisions which are governed, ultimately, by the dictates of the individual conscience of the public official and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements: actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements: actions to be avoided and conduct to be condemned.

The Code of Ethics for County Commissioners has been created by and for elected county commissioners. However, these principles apply to the day to day conduct of both elected and appointed officials and employees of county government.

FAC recognizes that this Code of Ethics should serve as a valuable reference guide for all those in whom the public has placed its trust.

#### ETHICAL PRINCIPLES

##### **The ethical county commissioner 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 impartially and impartially apply them to everyone.

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

*Developed by the National Association of Counties (NACo) 1991. Adopted by the Florida Association of Counties (FAC) 1997.*