

RESOLUTION NO. 2013- 201

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE RULES/POLICIES OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTED MAY 12, 1998 AND SUBSEQUENTLY AMENDED; SUBSTITUTING EXHIBIT A, ADDING EXHIBIT B, PROVIDING FOR THE CORRECTION OF ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, from time to time the Board of County Commissioners wishes to revise its Rules and Policies to clarify and promote effective operation of the Board; and

WHEREAS, from time to time including year 2013 the Florida Legislature revises Florida Statutes which affect the operations of local government, including St. Johns County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Recitals expressed above are incorporated by reference into the body of this Resolution, and such Recitals are hereby adopted as findings of fact.

Section 2. The Board hereby accepts and adopts the Rules and Policies of the St. Johns County Board of County Commissioners attached as Exhibit A.

Section 3. To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tone, tenor or context of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

Section 4. This Resolution shall be effective upon execution by the Chair of the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 3rd day of September, 2013.

ATTEST: Cheryl Strickland, Clerk

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Sam Halterman
Deputy Clerk

By: John H. Morris
John H. Morris, Chair

Effective Date: 9/9/13

Rendition Date: 9/9/13



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)

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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.

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 ADMINISTRATOR¹

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

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

¹ See Ordinance No. 2010-47.

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

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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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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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- 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 1st 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

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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

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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

