

**ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS**



**RULES OF PROCEDURE**

*Draft 1/12/12*

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## SECTION I - PUBLIC PARTICIPATION IN COUNTY GOVERNMENT

**1: Commission Meetings -Open to the Public.** All meetings of the Alachua 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, F.S.

- (a) The exception shall be those meetings statutorily exempt, such as collective bargaining sessions with the County Manager - Section 447.605(1), F.S.; meetings regarding risk management claims - Section 768.28(15), F.S.; and litigation meetings pursuant to Section 286.011(8) F.S. The Commission shall follow all statutory requirements for exempt meetings.
- (b) Because of the need to comply with seating capacity requirements of the fire code, there may be occasions when entrance by the public to the Commission Chambers or other meeting rooms shall be limited. In those instances, the Commission may make other rooms available for those who desire to participate in the meeting.
- (c) Regular meetings of the Commission will be conducted in a publicly owned or controlled building. Special meetings will also be conducted in publicly owned or controlled buildings. All meetings will be held in a building that is open to the public.
- (d) 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.
- (e) All persons with disabilities shall be provided the assistance that is necessary to enable them to effectively participate in Commission meetings.

**2: Appearance Before the Commission.** Persons desiring to address the Commission on a matter pending before it, or which needs the attention of the Commission, may do so upon recognition and introduction by the Chair. To ensure that everyone has a fair opportunity to participate, these procedures will be followed:

- (a) After being recognized, the person should:
  - step up to the speaker's rostrum and give her/his name;
  - unless further time is granted by the Chair, limit the comments to five 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.
  - 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.

- (b) The Commission may discuss the matter, assign it to a committee, refer it to the manager and/or attorney for review and comment, question the speaker and/or take other appropriate action.
- (c) 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.

Speakers should refrain from disruptive conduct.

- (d) A person may not interfere with, or interrupt, the orderly procedure of the Commission, any Commissioner, or the person speaking who has been properly recognized by the Chair.
- (e) 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 pursuant to Rule 19 Sergeant-at-Arms.
- (f) Prior to the beginning of a meeting or public hearing, the Chair may require that all persons who wish to be heard sign in with the Clerk, give their names, the agenda item and whether they wish to speak as a proponent, opponent, or otherwise. If a sign-in sheet is required, any person who does not sign in may be permitted to speak after all those who signed in have done so.
- (g) The Chair, subject to concurrence of the majority of the Commission, is authorized to establish speaker time limits and otherwise control presentations to avoid repetition.
- (h) Employees of the County may address the Commission on matters of public concern. Employee comments that address an active grievance/arbitration, employee appeal matter or a personnel dispute will not be entertained as a part of Citizen Comments. Employees will be advised of the appropriate forum and process for presenting or discussing such matters.

**3: Public Comments and Inquiries.** Persons may address the Commission on items not on the agenda during the Public Comment 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 legislative or administrative in nature and then:

- (a) If legislative, and the complaint 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

Attorney and/or Manager for review and recommendation, or may take other action it deems appropriate.

- (b) If administrative, and the complaint is regarding the performance of administrative staff, administrative interpretation of legislative policy, or administrative policy within the authority of the County Manager, the Chair should then refer the complaint directly to the County Manager for her/his review, if said complaint has not been so reviewed. The Commission may direct that the County Manager report to the Commission when her/his review is completed.
- (c) The Chair may also assign to a Commissioner issues that require additional examination. If so assigned, the Commissioner shall provide a report to the Commission when the examination is complete.

**4: Commission Meetings - Regular.** Regular meetings of the Alachua County Commission are normally conducted at 9:00 a.m. on the second and fourth Tuesdays of the month in the Jack Durrance Auditorium - Room 209, County Administration Building, 12 SE First Street, Gainesville, Florida.

- (a) From time-to-time, regular meetings may be adjusted by the Commission to accommodate a holiday schedule or other special circumstances. Prior notice of such change shall be provided. While a minimum notice of 24 hours is required, the Commission will provide as much advance notice of a regular meeting as is feasible.

**5: Commission Meetings - Special.** Any Commissioner, the County Manager, or the County Attorney may call a special meeting.

- (a) The notice for a special meeting shall be in writing and shall contain the date, time and place of the meeting. The notice of a special meeting shall be posted at a designated area on the second floor of the County Administration Building. The date, time and place of the special meeting will be added to the meetings list. Special meetings may be held upon no less than twenty-four (24) hours notice.
- (b) Each Commissioner, the Clerk of the Court, the Sheriff, the County Manager and the County Attorney shall be given 24 hours prior notice of the special meeting. Such notice shall be provided by any reasonable means, including telephone, email or facsimile transmission to the person's residence, place of employment, or other location, whichever site is most likely to ensure the person's receipt of the notice.
- (c) Twenty-four hours prior notice of the special meeting shall be provided to the business office of each local media organization that has on file a written request for notice of special meetings. Such notice shall be provided by any reasonable means, including telephone, email or facsimile transmission.

- (d) Special meetings may be scheduled on days or evenings in addition to the second and fourth Tuesday of the month.
- (e) An agenda outlining the business to be conducted will be available prior to the meeting. Public comment shall be allowed on items on the agenda, but there will not be a separate public comment period included on the agenda.
- (f) If there is no longer a need for a special meeting, the person(s) who called the meeting is/are authorized to cancel the meeting.

**6: Commission Meetings – Special Meeting – General Policy Discussion.** The Special Meeting – General Policy Discussion will normally be held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month.

- (a) The notice for a Special Meeting – General Policy Discussion Meeting shall be in writing and shall contain the date, time and place of the meeting. The notice of the meeting shall be posted at designated areas of the County Administration Building. The date, time and place of the meeting will be added to the meetings list. Special Meetings - General Policy Discussion Meetings may be held upon no less than twenty-four (24) hours notice.
- (b) Each Commissioner, the Clerk of the Court, the Sheriff, the County Manager and the County Attorney shall be given 24 hours prior notice of the meeting. Such notice shall be provided by any reasonable means, including telephone, email or facsimile transmission to the person's residence, place of employment, or other location, whichever site is most likely to ensure the person's receipt of the notice.
- (c) Twenty-four hours prior notice of the meeting shall be provided to the business office of each local media organization that has on file a written request for notice of special meetings. Such notice shall be provided by any reasonable means, including telephone, email or facsimile transmission.
- (d) An agenda outlining the business to be conducted will be available prior to the meeting. Public comment shall be allowed on items on the agenda, but there will not be a separate public comment period included on the agenda. The Agenda for special meetings shall contain the following items:
  - (1) Approval of the agenda
  - (2) Emergency items requiring Board action or direction submitted by the County Manager or County Attorney and approved by the Chair.
  - (3) Commissioner Proposed Items for Discussion.
    - a. County commissioners may propose topics for discussion at the General Policy Meeting by submitting topics to the county agenda coordinator by



5:00 p.m. on Monday seven days before the Special Meeting - General Policy Discussion Meeting.

b. The Board may not adopt motions or take final action during the Commission comments section of the agenda. The Board shall also not suspend its Rules of Procedure pursuant to Rule 36 in order to take action on an item raised during the commission comments period.

(4) Commission Discussion. The Board shall use this portion of the meeting to discuss any matters of county concern raised by a commissioner. The Board may not adopt motions or take final action during the Commission comments section of the agenda. The Board shall also not suspend its Rules of Procedure pursuant to Rule 36 in order to take action on an item raised during the commission comments period.

**67: Commission Meetings - Emergency.** Any one Commissioner, the County Manager, or the County Attorney may call, orally or in writing, an emergency meeting.

- (a) The call for an emergency meeting shall contain the date, time, and place of the meeting. The date, time and place of the emergency meeting will be added to the Meetings List. Emergency meetings may be held, when practicable, upon the most reasonable notice allowable under the circumstances. Twenty-four (24) hours notice shall normally be provided for emergency meetings.
- (b) Each Commissioner, the Clerk of the Court, the Sheriff, the County Manager and the County Attorney shall be given the most reasonable notice allowable under the circumstances. Such notice shall be provided by any reasonable means, including telephone, email, or facsimile transmission to the person's residence, place of employment, or other location, whichever site is most likely to ensure the person's receipt of the notice.
- (c) The most reasonable notice allowable under the circumstances of the emergency meeting shall be provided to the business office of each local media organization that has on file a written request for notice of emergency meetings. Such notice shall be provided by any reasonable means, including telephone, email or facsimile transmission.
- (d) Emergency meetings may be scheduled on days or evenings in addition to the second and fourth Tuesday of the month.
- (e) An agenda outlining the business to be conducted will be available prior to the meeting. Although the Board of County Commissioners will normally only consider items listed on the agenda, the Board may add additional items to the agenda at the beginning of the meeting when the item added is related to the emergency. Public comment shall be allowed on items on the agenda, but there will not be a separate public comment period included on the agenda.

- (f) If there is no longer a need for an emergency meeting, the person(s) who called the meeting is/are authorized to cancel the meeting.

**78: Informal Commission Meetings - Workshops, Retreats.** The Chair, Commission, or County Manager may schedule ~~informal meetings, workshops, or retreats.~~ Advance notice of these meetings shall be given in the same manner as special meetings. ~~Minutes of these meetings shall be made by County Commission staff.~~ Agendas shall be required for workshops and retreats. ~~No agenda shall be required for informal meetings. The Board shall use informal meetings to conduct discussions of matters of county concern in a meeting that complies with the requirements of the Florida Government in the Sunshine Law. The County Commission may not adopt motions or take final action at informal meetings. The County Commission shall not suspend its Rules pursuant to Rule 35, herein in order to take action at an informal meeting. The Board may adopt motions and take action at Workshops and Retreats.~~

**89: Oath Ceremony Meeting.**

The Board of County Commissioners may conduct a meeting to provide for the formal administration of the oath of office to newly elected and reelected county commissioners. This meeting should be conducted at or near the second Tuesday following the Tuesday of the General Election in November. The following guidelines will apply to the meeting:

- (a) The Clerk of the Commission will call the meeting to order.
- (b) The Clerk will recognize a member of the clergy to provide an invocation.
- (c) The Clerk will lead the pledge of allegiance.
- (d) The Clerk will ask the Board to approve the agenda.
- (e) A person authorized to administer oaths under Florida law will administer the oath of office to the newly elected and reelected county commissioners.
- (f) The Clerk will conduct an election of officers of the Board of County Commissioners for the following year. The Board will elect a Chair and Vice-Chair of the Commission.
- (g) Commissioners may make remarks in the following order:
  - (1) Reelected county commissioners.
  - (2) Newly elected county commissioners.
  - (3) Remarks by other county commissioners.
- (h) The meeting will generally be limited to ceremonial items. All commissioners should limit their comments to items that relate to the ceremonial nature of the oath ceremony meeting.

**910: Public Hearings; Time; Location.**

Public hearings shall be held on the second and (if necessary) fourth Tuesday of the month, and are normally conducted at 5:00 p.m. Unless advertised otherwise, public hearings are conducted in the Jack Durrance Auditorium, 12 SE First Street in Gainesville, Florida.

The matters under consideration shall be heard at the designated time, or as soon thereafter as practicable. However, by vote (of a majority plus one pursuant to Subsection 125.66(4)(b)(1), F.S.), the County Commission may conduct public hearings for those applications identified in this subsection -- usually required after 5:00 p.m. -- at another time of day. Public hearings may be continued from a prior meeting, or scheduled on days or evenings in addition to the second and fourth Tuesday of each month.

Prior to the beginning of any meeting or public hearing, the Chair may require that all persons who wish to be heard sign in with the Clerk, give their name, the agenda item and whether they wish to speak as a proponent, opponent, or otherwise. If a sign-in sheet is required, any person who does not sign in may be permitted to speak after all those who signed in have done so. The Chair, subject to concurrence of a majority of the Commission, is authorized to establish speaker time limits and otherwise control presentations to avoid repetition.

**1011: Public Hearing; Procedures.**

(a) General Public Hearings

The procedures to be followed for public hearings are, generally, as follows:

- (1) The County Manager designee should describe the agenda item to be considered, and provide the staff recommendation. The Chair should then inquire as to whether any Commissioners have questions for administration. After Commissioners' questions are answered, the Chair inquires whether any Commissioner wishes to put forth a motion. Whether or not a motion and second are made, the Chair opens the public hearing.
- (2) Following public comment (if any), the Chair closes the public hearing and inquires if any Commissioner wishes to put forth a motion. Following the motion and its second, discussion occurs among Commissioners.
- (3) The Chair inquires if there is any further discussion by the Commissioners and any final comments or recommendations from administration. The Chair shall entertain comments from the public about the motion on the floor. The presiding officer restates the motion.
- (4) The Chair inquires of the Commissioners as to whether they are ready for the question and restates the vote.

(b) Quasi-Judicial Hearings

The procedures to be followed for quasi-judicial hearings are generally as follows:

- (1) Prior to the commencement of quasi-judicial hearings, the Commission will either recess for broadcast of the quasi-judicial videotape or the County Attorney will provide the public with an explanation of “quasi-judicial” proceedings and shall read the following statement:

“All persons wishing to participate and speak will be sworn in prior to speaking during this proceeding. All persons have the right, through the Chair, to ask questions of staff or other speakers, to seek clarification of comments made by staff or other speakers and respond to comments or presentations of 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 proceedings and official minutes.”

“While we welcome 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 on factual information included in the County staff report to support their testimony.”

- (2) After reading the statement, the deputy clerk will make the following inquiry of the County Commissioners:

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

Disclosure made must be made before or during the public meeting at which a vote is taken on such 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.

- (3) The Deputy Clerk shall administer the affirmation to all persons who desire to speak at quasi-judicial proceedings before the County Commission

- (4) A “summary” agenda document may be used for zoning items. Items that have unanimous staff and Planning Commission recommendation for approval, and no

opposition received from the public prior to the meeting, may be scheduled on the summary agenda. The commission will consider the summary agenda at the beginning of the meeting.

- (5) The County Manager designee shall describe the quasi-judicial item to be considered and make a presentation pertaining to the item. The Chair shall then inquire as to whether any Commissioner has questions for the staff members who made the presentation. After the Commissioners' questions are answered, the Chair will ask if any of the parties to the proceeding have any questions of staff members who made presentations.
- (6) The zoning applicant or his/her representative will make a presentation pertaining to the application. The Chair will once again inquire as to whether Commissioners and then parties to the proceeding have questions of the applicant and the applicant's representatives.
- (7) The Chair will next ask if any members in the audience wish to present testimony. At the conclusion of the testimony, the Chair will ask if any of the Commissioners or any of the parties to the proceeding have questions of the witness.
- (8) There will be an opportunity for applicant rebuttal and staff closing comments.
- (9) The Chair will then inquire of the Commissioners as to whether they are prepared to vote to address the application before them.

(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 that 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 County 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.
- (4) Persons who have opinions contrary to those expressed in an ex-parte communication shall be given a reasonable opportunity to refute or respond to the communication.

**1112: Public Records; Inspection; Duplication.** Pursuant to Chapter 119, F.S., all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, email messages, or other material, regardless of physical form or characteristics, made or received pursuant to law 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 agency 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 an agency.
- (b) Requests for copies of public information (including the Chair's mail and videotapes of County Commission meetings and workshops) should be made through the County Manager's office. The cost shall be as established by the County Commission.
- (c) Any and every media conference officially sponsored by Alachua 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.

**1213: Commission Mail; Circulation; Public Review and Duplication.** All mail addressed to the Chair and the Commissioners, which is received pursuant to law or in connection with the transaction of official County business, is a public record (Chapter 119, F.S.). The public may review and duplicate these records via email.

- (a) Each Commissioner will be provided a copy of the Chair's mail. The originals with attachments will remain in the Chair's mail file. Items of considerable length (such as petitions) will not be copied; instead, a memorandum will be distributed which announces the availability and location of the item in the office. Publications and lengthy agenda materials for other boards on which Commissioners serve will not be copied; only the agenda will be circulated.
- (b) Each Commissioner will receive the original of items addressed to her/him. Mail with the words similar to "Personal", "Confidential" or "For the Addressee Only", shall be delivered unopened to the addressee.

- (c) The Chair and Commissioners who receive individually-addressed mail will be responsible for replying; asking the County Manager to draft a response for their signature; or requesting that the item be agendaed for formal Commission consideration. The County Manager shall be responsible for ensuring that mail addressed to the Chair or the Commission is properly answered or placed on an agenda.

**1314: Advisory Boards/Committees.** The mission of advisory boards and committees shall be to examine various policy issues referred by the Commission, staff or as determined in the board or committee work plan. Committees shall provide guidance to the Commission in the development of policy recommendations, but shall not attempt to manage the administrative operations of the County or direct staff.

Advisory boards and committees may be created and dissolved by resolution, ordinance or other act adopted by the Commission. Committee members are appointed by the Commission after advertising vacancies. All members shall serve at the pleasure of the Commission.

- (a) The County Manager's office shall provide to the chair of each advisory board or committee and appropriate department director copies of all resolutions or ordinances which pertain to that committee. Such information shall be delivered to the committee chair within one (1) week after adoption by the Commission, or as soon thereafter as possible.
- (b) Appointment to advisory boards shall be by voice vote during a regular Commission meeting. Priority shall be given to applicants from Alachua County. All members serve at the pleasure of the Commission.
- (c) All Commission advisory boards, commissions and other bodies shall meet in public buildings.
- (d) All statutory boards, commissions and advisory bodies shall publish minutes taken at each meeting on the County's advisory board web site. Communications to the Commission from such boards, commissions and bodies shall be received in the mail of the Advisory Board Coordinator and provided by email to the Commission, where practicable.

All Chairpersons of advisory boards/committees are encouraged to provide updates to the County Commission at its regularly scheduled business meetings/public hearings. All requests for presentations shall be submitted to the Office of the County Manager.

- (e) Members appointed to advisory boards and committees should generally serve a maximum of two (2) terms. The Board of County Commissioners may make exceptions to this general policy on a case-by-case basis (1) when no person applies for a vacant position; (2) when necessary to preserve the stability of a board or committee; (3) when necessary to retain a particular appointee because of his or her special knowledge and

expertise; or (4) for such other reasons or circumstances as the Board deems appropriate. When filling a vacancy for an unexpired term, an appointee who serves more than half a term in office is considered to have served a full term. When filling a vacancy for an unexpired term of less than one year, the appointment shall be for the unexpired term and one full term, when applicable.

- (f) Employees may serve on advisory boards/committees.
- (g) Appointees' personal and business affairs conducted within Alachua County must be in substantial compliance with all County regulatory and taxing authorities' rules and regulations. Appointees deemed to be in chronic violation of any County rule, regulation, or policy may be disallowed from membership on advisory boards or committees by a majority vote of the Commission.
- (h) Advisory boards and committees are required to adhere to the "Guidelines for Citizen Advisory Boards & Committees" as approved by the County Commission. These guidelines are incorporated herein as Attachment 1.



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

**1415: Preparation of Agenda.** The County Manager shall prepare the agenda according to a policy guide developed by the County Manager and confirmed by the Commission. The Chair, any Commissioner or Constitutional Officer, the County Manager, or the County Attorney may place an item on the agenda. The County Manager will provide the tentative agenda to Commissioners two weeks prior to a regular meeting. The Chair and County Manager will meet to discuss each agenda.

- (a) The Chair, any Commissioner or Constitutional Officer, the County Manager, or the County Attorney may request that an item be scheduled for a time certain. Persons requesting an item be scheduled for a time certain shall submit the request to the Agenda Office no later than Tuesday one week prior to the meeting.

Presentations on time certain items will normally not exceed thirty (30) minutes in length.

- (b) The Chair, any Commissioner or Constitutional Officer, the County Manager, or the County Attorney 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 Alachua County. Recognition presentations will not exceed fifteen (15) minutes.
- (c) Time certain items that may exceed the thirty (30) minute time limit set forth herein will be scheduled for the afternoon portion of the meeting.

**1516: Agenda Material.** A copy of the agenda and supporting materials shall be prepared for Commissioners, the public and the media before 5:00 p.m. on the Thursday prior to the 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 Manager's office.

- (a) Each Commissioner should carefully review the Consent Agenda to determine whether there is any item he or she wishes to have placed on the Regular Agenda. Commissioners are encouraged to notify the County Manager or the Agenda Coordinator of requested changes to the agenda before the day of the meeting. A commissioner may request that any item be removed from the Consent Agenda and placed on the Regular Agenda at any time before the adoption of the agenda at a county commission meeting.

**1617: 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, re-arrange items on the agenda to more expeditiously conduct the business before the Commission:

- Invocation and Pledge of Allegiance

The Commission may maintain a clergy rotational roster, which may be used to rotate among local clergy the invocation at the regular meetings. Members of the Commission may also be designated to present the invocation. The Chair shall lead the pledge.

- Presentation of Amendments to the Agenda

An amendment to the agenda is an emergency addition to the regular or consent agenda and consists of items which are submitted for agenda consideration after the established deadline. Examples of such items include grant applications. Amendments will be prepared only when warranted. Amendments and supporting material shall be made available to the Commission and the public no later than 4:00 p.m. on the Monday before the regular meeting. All amendments shall be shown in italics (additions) or strike-throughs (deletions or moved items).

- Approval of the Regular, Consent and Public Hearing Agenda

Except for items advertised for public hearings, items may be added to, or removed from, the agenda. Agenda items may be reordered. Authorization to advertise ordinances may be placed on the consent agenda.

A motion to approve the agenda:

- (a) approves any amendments to the Regular and Consent Agenda;
- (b) adopts the Regular Agenda; and
- (c) approves all items on the Consent Agenda.

Prior to a vote on the motion to adopt the Agenda, the Chair shall inquire if any Commissioner wishes any other items to be withdrawn from the Consent Agenda. If any matter is withdrawn by any member of the Commission, the Chair shall place the item at an appropriate place on the agenda for the current or a future meeting.

- Time Certain Items

- A. Public Comments 9:30 a.m. - Forty-five minutes will be allotted for comments. Fifteen minutes will also be allotted at the end of each meeting. Persons who did not speak during the first public comment period will have the opportunity to do so.

Any person may address the Commission under this agenda section. The County Commission shall not take *final* action at the same meeting on items addressed under this section unless the County Commission waives its Rules of Procedure.

- B. Proclamations at 5:30 p.m. Proclamations may also be read at any time during the meeting. Any person may request that the Chair present a proclamation. The Board will not approve the proclamation. The Chair may read proclamations at 5:30 p.m. in the Jack Durrance Auditorium.
  - C. Public Comments at 5:30 p.m. (30 minutes)
  - D. Public Hearings at 5:00 p.m.
  - E. Public Comments (at the conclusion of the evening meeting agenda)
  - F. Commission approval is required prior to the scheduling of any agenda item other than those listed above for a time certain.
- Appointments to Advisory Boards and Committees
  - Committee Reports
  - Constitutional Officers/Other Governmental Units
  - County Attorney
  - County Manager
  - Public Comments
  - Commission Comments
  - Any items not listed on the printed agenda, for which a Commissioner will request Commission action, should be in writing, and should be provided to the Commission, the Clerk and the public at the beginning of the meeting. The exceptions are items of an emergency nature.
  - Adjourn

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

**1718: Quorum.** A quorum of the Commission to adopt motions and take action consists of three (3) Commissioners. Once a quorum has been established, a majority of Commissioners present at the meeting shall be required to carry a motion, unless by statute, ordinance or other regulation, an extraordinary majority (4/5ths) of the Commission is required for approval of an item (e.g. consideration of emergency ordinances, gas tax and proposals to amend the Charter).

**1819: 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 Manager, County Attorney, or their designees. A representative of the Alachua County Sheriff's Office shall be present to provide security and assistance in maintaining order.

**1920: Clerk of the Commission; Parliamentarian; Minutes.** The Clerk of the Court, or the Deputy Clerk, serves as parliamentarian, and advises the Chair as to correct rules of procedure or questions of specific rule application. The parliamentarian calls to the attention of the Chair any error in the proceedings that may affect the substantive rights of any member, or may otherwise do harm. Pursuant to the agenda, the Clerk shall announce the business that shall come before the Commission.

- (a) The Clerk of the Court shall make correct minutes of the proceedings of each regular, special or emergency Commission meeting. The draft minutes are reviewed by a Commissioner designated by the Chair. The Clerk shall provide corrected copies of the final minutes to each Commissioner for their reading.
- (b) The Clerk notifies the County Manager's office to place the minutes on the agenda for approval by the Commission. Such minutes stand confirmed at the regular Commission meeting without a reading in open meeting, unless some error is shown. In such event, an appropriate correction is made.
- (c) The Clerk shall be responsible for recording County Commission workshops. Preparation of workshop minutes is the responsibility of County Commission staff.
- (d) Upon request, the County Manager may ask that the Clerk provide any Commissioner with transcribed excerpts of tapes of Commission meetings.

**2021: Sergeant at Arms.** The County Manager, or her/his designee, shall be sergeant-at-arms of the Commission meetings. The Alachua County Sheriff's Office is authorized to assist the County Manager in performing this duty. The County Manager shall carry out all orders and instructions given by the County Commission for the purpose of maintaining order and decorum at the Commission meeting. The following policy will provide 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 their 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 their actions are contrary to the orderly function of the meeting and that the individual is to cease such action or the Sergeant-at-Arms (County Manager/designee) will be instructed to remove the individual from the meeting site.
  - (2) The Chair will direct the individual to leave the meeting site. The Chair will inform the individual that, if s/he is directed to leave and fails to do so, the individual will be subject to arrest for trespass.
  - (3) If the disruption fails to cease, the Chair shall be authorized to take final action and read the following: “As the Commission Chair, I inform you that your actions are inconsistent with the orderly function of this meeting and you have failed to comply with the lawful order of the Chair. I am instructing the Sergeant-at-Arms (County Manager/designee) to have you removed from this meeting site, and if deemed necessary by the Sergeant-at-Arms, to remove you from this building.”

**2122: Rules of Order and Debate.** Every Commission member desiring to speak should address the Commission Chair and, upon recognition by the Chair, should be confined 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 should not be interrupted when speaking unless to call said member to order. The member should then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said member will 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), (3) another Commission member who has remained impartial or (4), the Clerk, until the main motion on which the presiding officer spoke has been disposed.
- (d) The most recent edition of the Standard Code of Parliamentary Procedure (Alice Sturgis) shall be the rules of the Commission, so long as they do not conflict with ordinances, statutes, these rules, or the Alachua County Charter.

**2223: Voting.** The votes during all Commission meetings should be transacted as follows:

- (a) In order to expedite business, the Chair shall determine whether to call for the vote by voice or electronic voting equipment. At the request of any Commissioner, a roll call

vote shall be taken by the Clerk. The roll call vote may be determined in alphabetical order, with the Chair voting last.

- (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 286.011, Florida Statutes. If any Commissioner declines to vote "aye" or "nay" by voice, his or her vote shall be counted as an "aye" vote.
- (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. In case of a tie in votes on any proposal, the proposal shall be considered lost.
- (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 therefore entered in the minutes.
- (e) If a motion is not carried by at least a majority of Commissioners present, the proposal shall be considered lost.

**2324: Conflict of Interest as Specified in 112.3143 or Section 286.011, Florida Statutes.** No Commissioner shall vote in her/his official capacity on a matter which would inure to his/her special private gain, or which the Commissioner knows would inure to the special private gain of any principal by whom s/he is retained, of the parent organization or subsidiary of a corporate principal by which s/he is retained, or a relative or of a business associate. Each Commissioner shall, prior to the vote being taken, publicly state the nature of the Commissioner's interest in the matter from which he or she is abstaining from voting. Within fifteen (15) days following that Commission meeting, s/he shall file with the Clerk to the Commission a Form 8B which describes the nature of her/his interest in the matter. The Form 8B shall be received by the Clerk and incorporated into the minutes of the meeting.

**2425: Ordinances.** An enacted ordinance is a legislative act which prescribes general, uniform, and permanent rules of conduct relating to the corporate affairs of the county. 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. All ordinances shall be introduced in writing, and scheduled for public hearing after advertisement.

- (a) Emergency Ordinances. By vote of one more than the 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(3), F.S.

**2526: Resolutions.** Generally, an enacted resolution is an internal legislative act which 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.

**2627: Proclamations.** Generally, an enacted proclamation is an informal statement of the Commission's position on an event, issue, or matter that is of concern to the Commission. Proclamations may also be used to recognize citizen or organization accomplishments. The Chair may, upon request, approve a proclamation that addresses matters of substantial concern within the County. At the request of any Commissioner, a proposed proclamation shall be presented to the Board as a resolution.

**2728: 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 stated by the Chair, 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. Once the motion has received a second and has been stated by the Chair, the Commission must vote on the motion.

**2829: 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, 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 during a meeting, except when a motion on some other subject is pending. No motion by any Commissioner to reconsider shall be made more than once on any subject at the same meeting.
- (b) Upon passage of a motion to reconsider, no substantive action on the matter may be taken until a subsequent meeting so that the public and media may be on notice of the matter to be reconsidered. The subject matter shall be scheduled for the next regular Commission meeting for any action the Commission deems advisable.

**2930: Rescinding Action Previously Taken.** Commission action may be rescinded by a 4/5ths vote. 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.

### SECTION III - GENERAL PROVISIONS

**3031: Newly-Elected Commissioners.** The term of County Commissioners elected to office shall commence on the second Tuesday following the general election as specified in Florida Statutes Section 100.041. Each County Commissioner shall take the oath of office before performing the duties of a County Commissioner.

A swearing-in ceremony for newly-elected commissioners will be coordinated by the County Manager. The County Manager shall provide an orientation program.

**3132: Election of Chair and Vice-Chair.** The Clerk shall preside over the election of officers. Procedures for electing officers are as follows:

- (a) On the second Tuesday of November each year, or as soon thereafter as practicable, the Commission elects a Chairperson from among its members. The Clerk calls for nominations for Chair; nominations do not require a second. A roll-call vote is conducted by the Clerk if there is more than one nomination. If a vacancy occurs in the office of the Chair, the Commission shall, at its next meeting, select a Chair for the remainder of the term.
- (b) In conjunction with the above election, a Vice-Chair is also elected in a like manner. The Vice-Chair continues to have all the rights, privileges and immunities of a member of the Commission.
- (c) In case of the absence or temporary disability of the Chair, the Vice-Chair serves 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, selected by members of the Commission, serves during the continuance of the absences or disabilities.

**3233: Commission Chair; Presiding Officer.** The Presiding Officer (the Chair) presides at all meetings of the Commission, and is recognized as the head of the County for all ceremonial purposes. In addition to the powers conferred upon her/him as Chair, s/he continues to have all the rights, privileges and immunities of a member of the Commission. The Chair's responsibilities include:

- (a) Call the meeting to order;
- (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 her/him, 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;



- (e) Remain objective. The Chair has the same rights in debate as any other member; but the impartiality required of the Chair in an assembly precludes exercising these rights while presiding. The Chair should have nothing to say on the merits of pending questions until the Commissioners and citizens have fully debated the question. On certain occasions -- which should be extremely rare -- the Chair may believe that a crucial factor relating to such a question has been overlooked and that his/her obligation as a member to call attention to the point outweighs the duty to preside at that time. If the Chair wishes to place 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;
- (4) Clerk to the County Commission;

The presiding officer who relinquished the chair should 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.
- (h) Assign Commissioner's seats in the commission chambers.
- (i) For time-sensitive matters only, send letters to the Alachua County State and Federal Legislative Delegations and other government officials in support of Alachua County municipality or community-based organization initiatives, such as legislative changes and grant requests, provided the Board of County Commissioners has taken a position in support of the initiative in its legislative agenda or by some other action expressed its position on the issue presented.

**3334: Legislative Program and Communication with Lobbyists.** Each year, prior to the Legislative Session, the County Manager shall submit to the Commission a proposed legislative program for the State Legislature and the Federal Government. This program shall be based on legislative concerns submitted by Alachua County and its member municipalities. The County will coordinate with the Florida League of Cities and the Florida Association of Counties, as is appropriate, to protect the interests of Alachua County in the legislative process.

- (a) The final State and Federal Legislative Program will be approved at a County Commission meeting. Copies of the approved Legislative Program shall be submitted to the appropriate Legislative Delegation in order to seek favorable legislation and

appropriations to further the goals of Alachua County. The Legislative Program and lobbying efforts should be developed to coordinate and leverage federal and state appropriations.

- (b) As deemed necessary by the County Commission, the County Manager may solicit and obtain the services of professional lobbyists to gain approval or favorable consideration of issues within the Legislative Program, or to intercede on behalf of Alachua County before governmental administrative agencies. The County Manager shall notify the County Commission when such services are to be rendered.
- (c) Professional registered lobbyists or county staff members assigned to advance the County's Legislative Program shall meet all legal requirements of the State of Florida and conduct themselves ethically to eliminate any conflict of interest, as they represent the citizens of Alachua County. Firms or individuals lobbying on behalf of the County will use the approved Alachua County Legislative Program, including those issues submitted by municipalities and approved by the County Commission, as a guide for their activities. New issues shall be approved by the County Commission for inclusion in the adopted Legislative Program.
- (d) In the event of emergency or in the changing climate of the legislative amendment process, the County Manager may (in consultation with the Chair of the County Commission) direct the County Lobbyist to take action on bills or amendments that would have a favorable impact on Alachua County. Such emergency authorizations will be reported to the County Commission in a timely manner. The County Manager may, at his discretion, assign county employees to the legislative tasks (including attendance in Tallahassee, or appearance before legislative or administrative bodies) to promote the Legislative Program.

**3435: Commission Appointments to Boards and Committees.** Members of the County Commission serve on various boards and committees (e.g., Tourist Development Council, Regional Planning Council, etc.). Appointments are reviewed and made on the second Tuesday of November of each year or as soon thereafter as practicable.

- (a) A listing of previous-year appointments will be disseminated to the County Commission in advance of the appropriate meeting so that each Commissioner can determine his/her interest in serving on various boards/committees.
- (b) If there is no nominee or no volunteer or more than one volunteer for a vacancy, the Chair will appoint a Commissioner to serve. The Commission shall ratify the appointments to boards and committees.
- (c) Each committee shall call upon, advise with, and seek the recommendation of the County Manager's staff. Employees shall staff the various committees as directed by the County Manager. When the staff and committee's recommendations differ, both recommendations will be discussed at the appropriate regular Commission meeting.

- (d) The County Manager is responsible for scheduling recommendations or reports on the Commission agenda in a timely manner. Reports will include minutes of the committee meeting and other supporting documentation.

**3536: Functional Groups; Appointment of Commission Liaisons.** To improve performance in functional areas of county operations, the County Manager may establish collaborative workgroups and a regularly scheduled forum to bring together multiple departments. These functional groups are intended to foster teamwork and better communication in order to enhance program coordination, policy recommendations, and regulations governing county operations.

- (a) Meetings of functional groups shall be regularly scheduled and properly noticed public meetings. The County Manager shall designate county staff to Chair each functional group. In order to assure timely communication of issues considered by each functional group, the agendas and functional group meeting minutes will be provided to all commissioners.
- (b) Established functional groups include:
  - (1) The Administrative Services Group - shares internal organizational customers, handles organization-wide issues of human resources and training, risk management, organizational effectiveness, and technological infrastructure and protocols, all of which create an effective organization.
  - (2) The Community Services Group - examines outcomes and anticipates problems, or develops solutions to problems, in the provision of services to the community by governmental operations.
  - (3) The Community Planning Group - examines outcomes of County planning and development activities, and anticipates problems or develops solutions to enhance the community's natural and as-built environment.
  - (4) The Financial Planning Group – analyzes and provides recommendations on the financial and debt service issues that affect County government.
- (c) To assure communication and teamwork, each year the County Commission shall select from among its members one commissioner to serve as liaison to each functional group. The Commission liaison shall be selected from a Commission member who is not a Commission officer (Chair or Vice Chair).
- (d) Each Commission liaison to the functional group shall provide the staff and other agency representatives with the general perspective of the County Commission on issues considered by the functional group. Commission liaisons participate as full members of the functional group and as representative elected officials as to the concerns, need for information or timeliness of issues and recommendations of the functional group. It is expressly not the role of the Commission liaison to direct county staff at these meetings, or to control the agenda of functional group discussions.

**3637: Suspension of Rules.** Temporary suspension of these rules 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. After adopting a motion to suspend the Rules, the Commission may take action on an item even though that item is not on an agenda.

**3738: Construction of Rules.** 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.

**Attachment 1**  
**GUIDELINES FOR BOARDS & COMMITTEES**

1. Designation, Length of Service: Boards and committees are to be designated as standing or special.  

A sunset date will be specified for special committees. The staff liaison for each special committee shall notify the members of the special committee at least 90 days before the committee's sunset date. Term length for serving on any standing board or committee will be a minimum of two years unless otherwise specified (e.g. State Statute may require term lengths of less than two years).
2. Transition Between Members: Board or committee by-laws will include language which provides for members whose terms have expired to continue serving until the appropriate appointments are made.
3. Alternate Members: All boards and committees shall have at least one alternate member. The attendance requirement detailed herein applies to alternate members. An alternate member shall serve in place of an absent member, and shall have all rights and responsibilities of the absent member, including the right to vote.
4. Attendance:
  - a. Any board or committee member whose attendance is less than 50% of the last six (6) consecutive meetings will automatically be removed from the board or committee.
  - b. Staff liaisons shall report attendance monthly to the Board and Committee Coordinator. The Coordinator will prepare a monthly report to the Commission of attendance violations. The Coordinator will prepare a letter notifying attendance policy violators of their dismissal and will submit the letters to the Commission Chair for signature.
  - c. The board or committee liaison will provide written notice of attendance violations to the County Commission Chair. If a board or committee member from another elected body has low attendance, the Board Coordinator shall notify the chief elected official of the elected body and the County Commission Chair of the low attendance.
  - d. When a quorum is not present at an announced meeting of a board or committee, the board or committee shall meet in a workshop setting, record attendance, and furnish minutes.
5. Workplans/Accomplishments Reports:
  - a. The staff liaison for each board and committee shall coordinate the submission of workplans, accomplishment reports or other communications to the County Commission. The details associated with the workplans will be dependent upon the mission of the board or committee.
  - b. Workplans should be submitted to the Advisory Board Coordinator on or before October 1 of each year.
  - c. Report of accomplishments should also be submitted to the Advisory Board Coordinator on or before October 1 of each year.

- d. Workplans and accomplishments will be forwarded to the County Commission by the Advisory Board Coordinator before October 8 of each year.
  - e. Verbal presentations on workplans/report of accomplishments are optional. If presentations are given, these should be scheduled on the County Commission's agenda, coinciding with the submission date (i.e. October 1) for the written documents.
6. Removal of Members For Cause: Any board or committee member may be removed for good cause by the County Commission after consideration of the issue at a County Commission meeting. A removal for good cause shall be based on the failure of the board member to adhere to and/or enforce the Alachua County Code of Ordinances or comply with state and federal law while performing his or her duties as a board or committee member.
7. Elections of Officers:
- a. All board and committee officers (i.e. Chair, Vice-chair, etc.) shall be elected by the membership of the board or committee.
  - b. Officers shall be elected on October 1 of each fiscal year or as soon thereafter as practicable.
  - c. Alternate members are not eligible to serve as board or committee officers.
8. Meeting Frequency:
- a. At a minimum, all boards and committees shall meet once per year.
  - b. The names of those boards or committees that do not meet this minimum requirement shall be submitted to the County Manager's Office.
  - c. Recommendations to dissolve boards or committees or other recommended action will be submitted to the County Commission for consideration.
  - d. The Housing Finance Authority shall be exempted from this guideline.
9. Parliamentary Procedure: As appropriate, the most recent edition of the Standard Code of Parliamentary Procedure (Alice Sturgis) shall be the rules of the boards and committees, so long as they do not conflict with ordinances, statutes, these rules, or the Alachua County Charter.
10. Open to the Public: All board and committee meetings shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, F.S. Regular committee meetings will be conducted in a publicly owned or controlled building. Special meetings and any subcommittee meetings will also be conducted in publicly owned or controlled buildings. All meetings will be held in a building that is open to the public.