



# FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS RULES OF PROCEDURE

## SECTION I. COMMISSION MEETINGS AND PUBLIC PARTICIPATION

### **1. Commission Meetings.**

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

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

- (a) The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions (Section 447.605(1), Florida Statutes); meetings

regarding risk management claims (Section 768.28(15), Florida Statutes); and litigation meetings pursuant to Section 286.011(8), Florida Statutes. The Commission shall follow all statutory requirements for exempt meetings.

- (b) For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures will be allowed in County Commission meeting rooms. Other signs, placards, or banners shall not disrupt meetings or interfere with a person's ability to observe the meeting.

**3. Appearance Before the Commission.** Persons desiring to address the Commission on a matter pending before it 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 speakers' rostrum and give his/her name and where they reside;
- Unless further time is granted by the Chair, limit comments to three (3) minutes;
- Address all remarks to the Commission as a body, and not a member thereof;
- Make comments and present documents to the Commission and the Commission's Clerk; and
- 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.
- Any person who disrupts or interrupts a Board meeting by the use of profane language or the threat of physical violence or who makes personal, impertinent remarks or who exhibits loud or boisterous behavior while the Board is in session, may be removed from the meeting by the Sheriff's office. Removal may be requested at the direction of the Chair 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. Any person violating the provisions of this section may be removed from the meeting; and/or the Chair may recess the meeting until order is restored. The Chair shall call upon the 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 section.

- (b) The Commission may discuss the matter, assign it to a committee, refer it to the Administrator and/or Attorney for review and comment, question the speaker and/or take other appropriate action or no action.
  - (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.
  - (d) A person may not interfere with, or interrupt, the orderly procedure of the Commission, any Commissioner, or the person speaking whom the Chair has properly recognized.
  - (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 from the Commission Chambers.
  - (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) Employees of the County may address the Commission on matters of public concern. Employees or those speaking on their behalf shall not be permitted to address a grievance/arbitration or employee appeal matter as a part of Public Comments. Employees will be advised of the appropriate forum and process for presenting or discussing such matters.
- 4. 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 inquiry or comment is about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Commission finds consideration of such suggestions advisable, the Commission may refer the

matter to a committee, to the Administrator and/or Attorney for review and recommendation, or may take other action or no action as it deems appropriate.

- (b) If administrative, and the inquiry or comment is regarding the performance of administrative staff, administrative interpretation of legislative policy, or administrative policy within the authority of the County Administrator, the Chair should then refer the complaint directly to the County Administrator for his/her review, if said complaint has not been so reviewed. The Commission may direct that the County Administrator report to the Commission when his/her review is completed. Where the Flagler County Code provides a specific procedure for administrative review or appeal, that procedure shall govern.

#### **5. Commission Inspection Trips and Media Conferences.**

- (a) The Chair, Commission, or County Administrator may schedule inspection trips as directed by the Commission. Advance notice of these meetings shall be given in the same manner as special meetings. County Commission staff shall make minutes of these meetings.

- (b) Any and every media conference officially sponsored by the Flagler County Government will be open to all media representatives and to the general public. Press conferences will be conducted in a location that is publicly accessible.

#### **6. Public Hearings; Time; Location; 11 p.m. Rule.**

Public hearings conducted at Commission meetings are normally conducted at 9:30 a.m. on the first Monday of the month and at 5:30 p.m. on the third Monday of the month. Unless advertised otherwise, public hearings are conducted in the Board Chambers in the Government Services Building located at 1769 East Moody Boulevard, Bunnell, Florida.

The matters under consideration shall be heard at the designated time, or as soon thereafter as practicable. Public hearings may be continued from a prior meeting, or scheduled on days or evenings in addition to the first and third Monday of each month. No public hearing shall continue past 11:00 p.m. If a public hearing is not completed by 11:00 p.m., it shall be continued to a time certain as determined by the Commission. It is the intent of the Commission that this 11:00 p.m. rule not be waived.

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 will be permitted to speak after all those who signed in have done so. Each speaker will be allowed up to three minutes to present his/her position.

## **7. Public Hearing; Procedures.**

### **(a) General Public Hearings:**

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

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

#### ***Quasi-Judicial Policy Statement***

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

“All persons wishing to participate have the right, through the Chair, to ask questions of staff or other speakers, to seek clarification of comments made by staff or other speakers. All persons who present written materials to Commissioners for consideration must ensure that a

copy of such materials is provided to the Clerk for inclusion in the Board's record of proceeding and official minutes."

"While the Board welcomes comments from all persons with an interest in this proceeding, Florida law requires that the County Commission's decision in a quasi-judicial action be supported by competent substantial evidence presented to the Commission during the hearing on the application. Competent substantial evidence is such evidence as a reasonable mind would accept as adequate to support a conclusion. There must be a factual basis in the record to support opinion testimony from both expert and non-expert witnesses. Persons presenting testimony may rely on factual information that they present, that is presented by a County staff, that the applicant presented, or on factual information included in the County staff report to support their testimony."

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

Any person intending to speak on behalf of another person, partnership, association, corporation, organization, or other legal entity making application, must present written or other evidence of his/her authority to do so from the party represented except in the case where the applicant is present before the Board and can duly authorize this representative in person to speak on his/her behalf. Such authorization shall specify the application or item under consideration and the authority granted. This shall be presented prior to submission of testimony and will be made a part of the official record of the Board meeting. Failure to provide such evidence shall not preclude any person from speaking for himself/ herself, but rather on behalf of another. Testimony presented to the Board shall be confined to facts pertinent to the case in question. In cases involving professional expert testimony, it may be accepted from those individuals (i.e., planners, architects, physicians, attorneys, engineers, etc.), when their credentials are accepted by the Commission and that they are testifying in their particular field of expertise.

#### ***Order of Procedure for Conducting the Hearing***

The order of procedure to be followed for quasi-judicial hearings shall generally be as follows:

### **Ex-Parte Disclosure Statement by the Chair**

- (1) The Chair shall make the following inquiry of the County Commissioners:

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

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

### ***Staff Presentation of Application***

- (2) The County Administrator or his/her designee shall describe the quasi-judicial item to be considered and will make a presentation pertaining to the item as desired. Staff shall not exceed ten (10) minutes during its presentation. The Chair shall then inquire as to whether the Commissioners have questions for the staff members who made the presentation.

### ***Applicant Presentation***

- (3) The applicant or his/her representative shall make a presentation pertaining to the application. The Chair shall inquire as to whether Commissioners and the parties to the proceeding have questions of the applicant and the applicant’s representatives. The applicant will generally have up to fifteen (15) minutes to present the application unless this time is extended by consensus of the Board.

### ***Proponent and Opponent Presentations***

- (4) The Chair shall next ask if any members in the audience in favor of the application wish to present evidence and testimony; each speaker shall give his/her name and address for the record and will be allowed up to three (3) minutes. The Chair shall then invite all members of the public who are opposed to the application to present his/her testimony and evidence in support of his/her position; opponents shall give

their name and address for the record and will be allowed up to three (3) minutes. Proponents and opponents may be allowed to exceed the three (3) minute time limit with a maximum of a five (5) minute time limit if s/he represents and speaks on behalf of other persons wishing to address the matter. At the conclusion of the testimony, the Chair shall ask if any of the Commissioners or any of the parties to the proceeding have questions of the witness.

***Applicant Rebuttal and Closing Staff Comments***

- (5) There shall be an opportunity for applicant rebuttal (not to exceed ten (10) minutes) and staff closing comments.

***Commission Motions to Approve or Deny***

- (6) The Chair shall then inquire if any of the Commissioners wish to put forth a motion. If there is a second to the motion, the Commissioners may discuss the motion after which the Chair shall call the vote. No motions shall be accepted by the Chair until the close of the applicant's rebuttal and the public hearing portion of the hearing.

***Notice to the Applicant if Application is Not Approved***

- (7) If a motion is not passed in favor of the application, the application shall be deemed to be denied and the applicant shall be so notified by the Chair.

**(c) Ex-parte Communications**

Florida Statutes Section 286.0115 provides that any person who is not otherwise prohibited by statute, charter provision or ordinance may discuss with any Commissioner the merits of any matter on which the County Commission may take action. The following procedures, which remove the presumption of prejudice, shall be followed for ex-parte communication.

- (1) The substance of any ex-parte communication with a Commissioner which relates to a quasi-judicial action pending before the Commission (such as a zoning decision) is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.

- (2) A Commissioner may read a written communication from any person. A written communication that relates to quasi-judicial action pending before the Commission (such as a zoning decision) shall not be presumed prejudicial to the action. Such written communication shall be made a part of the record before final action on the matter.
- (3) Commissioners may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before the Commission. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit or expert opinion is made a part of the record before final action on the matter.

**8. Public Records; Inspection; Duplication.** Pursuant to Chapter 119, Florida Statutes, all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, 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 for Commission meetings (videotapes, CD, audiotapes, etc. of County Commission meetings and workshops) should be made through the Clerk's office.
- (c) Inspection and duplication fees shall be as specified in Chapter 119, Florida Statutes.

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

**9. Preparation of Agenda.** The County Administrator shall prepare the agenda according to policies developed by the Commission. The Chair, any Commissioner, the County Administrator or the County Attorney may place an item on the agenda.

- (a) The Chair, any Commissioner, the County Administrator or the County Attorney may request that an item be scheduled for a time certain.
- (b) The Chair, any Commissioner or the County Administrator may schedule an item for a time certain that recognizes County employees or citizens. These recognitions will generally honor individuals, teams, or organizations for activities or actions that benefit Flagler County.
- (c) The County Administrator shall have broad discretion in managing the items to be placed on the agenda. In order to conduct efficient meetings, he/she shall have the power to add or delete items, except for those items requested to be placed on the agenda by a Commissioner.

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

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

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

- Pledge to the Flag  
Announcements by the Chair and presentation of amendments to the Agenda. (An amendment to the agenda is a necessary addition to the regular or consent agenda and consists of items that are submitted for agenda consideration after the established deadline. Examples of such items include grant applications. Amendments will be permitted only when warranted.)
- Removal of agenda items: Any Commissioner, the County Administrator or County Attorney may request that an item be pulled from the agenda and the Commission shall vote by consensus whether or not to delete the item from the agenda.
- Public Comments: A thirty minute time period will be provided for discussion of items NOT on the Agenda. There is a three (3) minute

time limit for all speakers, unless an individual has written documentation that they are representing a group.

- Proclamations, awards and presentations
- Approval of the Consent Agenda

Prior to a vote on the motion to adopt the Consent Agenda, the Chair shall inquire if any Commissioner wishes any item to be withdrawn from the Consent Agenda. If any member of the Commission requests an item be pulled from the Consent Agenda and discussed separately, the Chair shall place the item at an appropriate place on the agenda for the current or a future meeting. If two Commissioners remove the same item from the agenda, the first Commissioner to indicate the removal will be the first to speak.

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

Public Hearings will not be scheduled on a “first come, first served” basis but rather the County Administrator shall schedule Public Hearings so that they can be conducted in the most expeditious and timely manner.

- The County Administrator shall schedule all general business items so that they may be acted on in the timeliest manner. A general business item may not last more than one hour unless the Board rules by consensus or passes a motion to extend the one hour limit.
- County Administrator Reports
- County Attorney Reports
- Commission Action/Reports
- Public Comments: Discussion of items NOT on the Agenda. There is a three (3) minute time limit for all speakers.
- Adjournment
- If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting, a record of the proceedings may be needed and, for such purposes, the

person will need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

**12. Quorum.** A quorum for the transaction of business by the Commission consists of three (3) Commissioners. Once a quorum has been established, a majority of Commissioners present at the meeting and eligible to vote shall be required to carry a motion, unless by statute, ordinance or other regulation, an extraordinary majority (4/5<sup>th</sup>) of the Commission is required for approval of an item (i.e., consideration of emergency ordinances, gas tax and other proposals requiring an extraordinary majority).

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

**14. Clerk of the Commission; Minutes.**

(a) The Clerk of the Court shall make correct minutes of the proceedings of each regular, special or emergency Commission meeting or workshop.

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

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

(a) If an individual refuses to relinquish the podium after being allowed to address the Commission, the Chair will inform the individual that his/her time to address the Commission has expired and the Chair will direct the individual to leave the podium.

(b) If an individual causes disruption in the Commission meeting site, the Chair will inform the individual causing the disruption to cease the disruptive activity.

(c) If the disruption fails to stop:

- (1) The Chair will inform the individual causing the disruption that his/her actions are contrary to the orderly function of the meeting and that the individual is to cease such action or the Sheriff's Deputy 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 may be subject to arrest.
- (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 Sheriff's Deputy to have you removed from this meeting site, and if deemed necessary to remove you from this building."

**16. Rules of Order and Debate.** Every Commission member desiring to speak shall address the Commission Chair and, upon recognition by the Chair, shall confine his/her comments to the question under debate.

- (a) The maker of a motion shall be entitled to the floor first for debate.
- (b) A member once recognized shall not be interrupted when speaking unless to call said member to order. The member shall then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said member shall be at liberty to proceed.
- (c) If the Commission Chair wishes to put forth or second a motion, s/he shall relinquish the chair to: (1) the Vice Chair; (2) the senior Commission member (if the Vice Chair is absent); or (3) another Commission member who has remained impartial; until the main motion on which the presiding officer spoke has been disposed.
- (d) The Commission shall follow simplified parliamentary procedures based on these rules and on Robert's Rules of Order Newly Revised so long as they do not conflict with ordinances, statutes, or these rules. Examples of motions made pursuant to these rules are attached as Exhibit A; definitions of Parliamentary Terms used by the Board are attached as Exhibit B.

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

- (a) In order to expedite business, the Chair may determine to call for the vote by voice. At the request of any Commissioner, the Clerk shall take a roll call vote. A roll call vote can be conducted by ballot or by voice. If by ballot, each member indicates his or her name and vote on the ballot. If by voice, the chair puts the question and the secretary calls the members' names alphabetically, except that the chair's vote is taken last. Each member responds "Yea" for an affirmative vote, "Nay" for a negative vote. The secretary repeats the name of each member and states his or her vote to ensure accuracy in recording.
- (b) When the Chair calls for a vote on a motion, every member, who was in the Commission chambers must give their vote, unless the member has publicly stated that s/he is abstaining from voting due to a conflict of interest, pursuant to Section 112.3143 or Section 286.012, Florida Statutes, or other Florida law.
- (c) The passage of any motion, policy or resolution shall require the affirmative vote of at least a majority of the membership of the Commissioners who are present and eligible to vote. In case of a tie in votes on any proposal, the proposal shall be considered to have failed and the requested item shall be deemed as denied.
- (d) Any Commissioner shall have the right to express dissent from or protests against any ordinance, resolution or policy of the Commission, and to have the reason 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 failed.

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

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

- (a) Commission action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- (b) All ordinances shall be introduced in writing, and scheduled for public hearing after advertisement.
- (c) Emergency Ordinances. By vote of one more than simple majority, the Commission may without notice or hearing adopt an emergency ordinance. The emergency ordinance shall contain a declaration describing the emergency, and shall be passed in accordance with Section 125.66(3), Florida Statutes.

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

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

Before a motion has been called for a vote, its proposer may change or withdraw it without the Commission's permission, and any member or the Chair may request that the maker withdraw it. Once the motion has received a second and has been called for a vote, the Commission must vote on the motion.

**22. 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 who voted on the prevailing side, during a meeting, except when a motion on some other subject is pending.

**Rescinding Action Previously Taken.** Commission action may be rescinded by a majority vote if the motion to reconsider is made by a Commissioner who voted on the prevailing side. After a motion to reconsider has been adopted by a majority vote, any

Commissioner may, at the next regular Commission meeting, move to rescind action previously taken. Land use and other items requiring notice and a public hearing shall not be rescinded without re-notice and public hearing of the item being considered for rescission.

### **SECTION III. GENERAL PROVISIONS**

**23. 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.

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

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

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

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

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

Based upon these Rules of Procedure, the gavel will be relinquished in the following order:

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

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

- (f) Declare the meeting adjourned when the Commission so votes, or at any time in the event of an emergency affecting the safety of those present;
- (g) When time constraints dictate, the Chair is authorized to approve authorizations to advertise for public hearings.
- (h) Invoke rules of procedure and parliamentary decorum consistent with the Rules of Procedure necessary for the orderly conduct of public business.

**26. Commission Appointments to Boards and Committees.** Advisory Boards and Committees will be appointed and operated pursuant to the rules attached as Exhibit C.

**27. Suspension and Construction of Rules.** Temporary suspension of these procedures shall permit the Commission to take some action that would otherwise be prevented by a procedural rules already adopted. These rules of procedure may be

amended or temporarily suspended at any Commission meeting with an affirmative vote of a majority of the Commission. These rules are for the efficient and orderly conduct of Commission business only; no violation of such rules shall invalidate any action of the Commission when approved by a majority vote required by law.



**Exhibit A**  
**EXAMPLES OF MOTIONS**

1. **Main Motion:**

“Mr. Chair/Madam Chair, I move....”

Requires a second – is debatable.

**SUBSIDIARY MOTIONS:**

2. **Amend:**

a. “Mr. Chair/Madam Chair, I move to amend the motion.”

OR

b. “Mr. Chair/Madam Chair, I move to strike the word(s) \_\_\_\_\_.”

“Mr. Chair/Madam Chair, I move to insert the word(s) \_\_\_\_\_ and strike the word(s) \_\_\_\_\_.”

Requires a second – majority vote necessary for approval.

3. **Refer:**

“Mr. Chair/Madam Chair, I move we refer the question to....”

Requires a second – majority vote necessary for passage – limited debate.

4. **Defer to a time certain (postpone):**

“Mr. Chair/Madam Chair, I move we postpone the question until (state a specific time).”

Requires a second – majority vote necessary for passage – not debatable.

5. **Limit Discussion or Debate:**

“Mr. Chair/Madam Chair, I move we limit debate (or discussion) to (state specific limit of time).

Requires a second – a vote of a majority of the members present shall be required to pass. The motion is not debatable.

6. **Call the Question:**

“Mr. Chair/Madam Chair, I call the question.” OR “I move to close discussion.”

A majority of the members present shall be required to pass. The motion is not debatable, but must be voted upon.

7. **Amend Something Previously Adopted:**

“Mr. Chair/Madam Chair, I move to amend the motion adopted at our last meeting by...”

Second is required – is debatable – a majority vote of the members present shall be required to pass. This motion may only be made by a person who was on the prevailing side of the original motion.

8. **Reconsider:**

“Mr. Chair/Madam Chair, I move we reconsider the ... (previously adopted motion).”

Second is required – majority vote necessary for passage – is debatable as to the reasons for reconsideration. This motion may only be made by a person who was on the prevailing side of the original motion.

9. **Rescind:**

“Mr. Chair/Madam Chair, I move to rescind the ....”

Second is required – majority vote with previous notice – discussion on motion allowed. This motion may only be made by a person who was on the prevailing side of the original motion.

## **INCIDENTAL MOTIONS**

### **1. Point of Order:**

“Mr. Chair/Madam Chair, Point of Order”

After recognition by the Chair, the member states his/her objection. There can be no discussion on the Point of Order. No vote, unless a motion arises out of the Point of Order.

### **2. Divide a Motion:**

“Mr. Chair/Madam Chair, I move to divide the motion so as to consider separately... (stating the issues to be considered).”

Second is required – majority vote necessary for passage – discussion shall be allowed on why it should be divided.

### **3. Consider by paragraph or seriatim:**

“Mr. Chair/Madam Chair, I move that the motion be considered by paragraph (or seriatim).”

Second is required – majority vote necessary for passage – discussion shall be brief on the necessity for the action.

### **4. Withdrawing a Motion:**

“Mr. Chair/Madam Chair, I withdraw the motion.”

The maker of a motion or the person who seconded the motion may withdraw their motion or second at any time before the motion has been called for a vote.

### **5. Appeal the decision (of the Chair):**

“I appeal the decision of the Chair.”

Second is required – a majority or tie vote upholds the Chair’s decision – debate on motion to appeal is allowed with the Chair speaking first and last.

## **PRIVILEGED MOTIONS:**

### **1. Adjourn:**

“Mr. Chair/Madam Chair, I move to adjourn.”

Requires a second – majority vote necessary for passage – there can be no discussion.

### **2. Motions of Privilege:**

“I rise to a question of privilege affecting the meeting.”

OR “I rise to a question of personal privilege.”

The Chair will then request that the member state his/her question or point of privilege. There can be no discussion on the question.

### **3. Recess:**

“Mr. Chair/Madam Chair, I move to recess until ... (state exact limit of recess).”

Second is required – majority vote necessary for passage – there can be no discussion on the motion. The Chair may call for a recess, when necessary.



**Exhibit B**  
**DEFINITION OF PARLIAMENTARY TERMS**

**Adhere:** to be attached to and dependent on; pending amendments adhere to the motion to which they are applied.

**Ad-hoc Committee:** a special committee chosen to do a particular task of work only.

**Adjourn:** to officially terminate a meeting.

**Adjourned Meeting:** a meeting that is a continuation at a later specified time of an earlier regular or special meeting. The continuation is always a part of the earlier meeting.

**Adopt:** to approve by vote; to pass by whatever vote required for the motion.

**Affirmative Vote:** the “aye” or “yes” vote supporting a motion as stated.

**Agenda:** the official list of items of business planned for consideration during a meeting.

**Approval of Minutes:** Formal acceptance of the record of a meeting thus making the record the official minutes of the Board.

**Chair:** the Flagler County Chair, or in his/her absence, the Vice-Chair or other Board member elected to preside.

**Common Parliamentary Law:** The body of rules and principles that is applied by the courts in deciding litigation involving the procedure of any organization. It does not include statutory law or particular rules adopted by any organization or board.

**Convene:** to open a meeting.

**Debate:** formal discussion of a motion under the rules of parliamentary law. (More often in these rules referred to as discussion.)

**Defer:** to not take action by either referring it to a committee; County Administrator or County Attorney for further action.

**Delegation of Authority:** authority given by the Board in certain matters to act for the Commission that is lawful and capable of being delegated.

**Demand:** an assertion of a parliamentary right by a member of the Commission.

**Dilatory Motions or Tactics:** misuse of procedures or motions that are out of order or would delay or prevent progress in a meeting.

**Discretionary Duty:** a duty that usually cannot be delegated to another because of the special intelligence, skill, or ability of the person chosen to perform the duty.

**Ex-officio:** a person who is assigned to a board or committee by virtue of the office they hold.

**Floor (as in “have the floor”):** when a member receives formal recognition from the Chair, s/he “has the floor” and is the only member entitled to make a motion or to speak.

**General Consent:** an informal method of disposing of routine motions by assuming unanimous approval unless objection is raised. Method: Are there any objections? Hearing none, the motion has passed.

**Germane Amendment:** an amendment relating directly to the motion to which it is applied.

**Hearing:** a meeting of the Commission for the purpose of listening to the views of an individual or of a particular group on a particular subject.

**Hostile Amendment:** an amendment that is opposed to the spirit or purpose of the motion to which it is applied.

**In Order:** permissible and right from a parliamentary standpoint, at the particular time.

**Invariable in Wording:** when a motion can be worded only one way and therefore is not subject to amendment, it is said to be invariable in wording.

**Majority Vote:** more than half of the number of legal votes cast for a motion.

**Minutes:** the legal record of the action of the Board (or any body) that has been approved by vote of the body.

**Motion:** a proposal submitted to the Board for its consideration and decision; it is introduced by the words, “I move....”

**Objection:** the formal expression of opposition to a proposed action.

**Order of Business:** the adopted order in which the business is presented to the meeting of the Board.

**Out of Order:** not correct, from a parliamentary standpoint, at the particular time.

**Parliamentary Authority:** the code of procedure adopted by the Board as its parliamentary guide and governing in all parliamentary situations not otherwise provided for in the Board's rules or Florida Statutes.

**Pending Motion:** sometimes referred to as Pending Question. Any motion that has been proposed and stated by the Chair for the Board's consideration and is awaiting decision by vote.

**Precedence:** the rank or priority governing the motion.

**Precedent:** a course of action that may serve as a guide or rule for future similar situations.

**Proposal or Proposition:** a statement of a motion of any kind for consideration and action.

**Quorum:** the number of persons that must be present at a meeting of the Board to enable it to act legally on business.

**Recognition:** acknowledgement by the Chair, giving a member sole right to speak.

**Reconsider:** to review again a matter previously disposed of, and to vote on it again. Can be made at the same meeting day or at a future meeting.

**Request:** a statement to the Chair asking a question or some "right."

**Rescind:** to nullify or cancel a previous action.

**Resolution:** a formal motion, usually in writing, and introduced by the word "resolved," that is presented to the Board for a decision.

**Resolution of Thanks:** a formal resolution given to a person(s) for a special service(s) from the Board.

**Restricted Discussion:** discussion on certain motions in which discussion is restricted to a few specified points.

**Roll Call Vote:** a recorded vote taken by calling the roll of the Board.

**Ruling:** a pronouncement of the Chair that relates to the procedure of the Board.

**Second:** after a motion has been proposed, the statement "I second the motion" by another member who thus indicates his/her willingness to have the motion considered.

**Seriatim:** consideration by sections or paragraphs.

**Standing Committees or Boards:** committees or boards that have a fixed term and perform any work in its field assigned to it by the County or the Commissioners.

**Statute:** a law passed by the Legislature.

**Tie Vote:** a vote in which the affirmative and negative vote are equal on a motion. A motion receiving a tie vote is deemed denied, since a majority vote is required to take action.

**Unanimous Consent:** deciding a routine motion without voting on it. If anyone objects, a vote must be taken.

**Unfinished Business:** any business that is postponed definitely to a time certain.

**Voice Vote:** a vote taken by asking for the “ayes” and “nays”. A person voting “aye” shall be in favor and a person voting “nay” shall be opposed. :”Aye” may never be used to vote in opposition.



## EXHIBIT C

### **FLAGLER COUNTY ADVISORY BOARDS, COMMITTEES AND COUNCILS**

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

1. Airport Advisory Board
2. Contractor Review Board
3. Daytona North Service District Advisory Council
4. Economic Development Commission
5. Emergency Medical Services Advisory Board
6. Future Committee
7. Housing Task Force/Affordable Housing Advisory Committee
8. Human Services Allocation Committee
9. Industrial Development Authority (IDA)
10. Land Acquisition Selection Advisory Committee (Environmentally Sensitive Lands)
11. Land Development Code Rewrite Committee
12. Library Board of Trustees
13. Long Range Planning/Land Development Review Board
14. Parks and Recreation Advisory Board
15. Planning Board
16. Princess Place Preserve Citizens Support Organization
17. Public Safety Coordinating Council
18. Tourist Development Council

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

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

These boards, committees or councils were either established by state law, County ordinance, resolution, Board of County Commissioners recommendation or a combination of state and local law. This section contains a general set of rules which shall be applicable to all boards, committees or councils, that currently exist and any that may be subsequently created,

followed by a brief summary of the boards, committees or councils and their enabling legislation. A general application form (Attachment 1) must be completed for any person desiring to be appointed to any Board of County Commissioners' board, committee or council.

**GENERAL RULES FOR CITIZEN BOARDS,  
COMMITTEES AND COUNCILS  
APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS**

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

1. Comply with Florida Statutes Chapter 286, "The Sunshine Law." The Sunshine Law requirements include, but are not limited to:
  - a. Meetings of boards, committees and councils must be open to the public;
  - b. Reasonable notice of such meetings must be given; and
  - c. Minutes of the meeting must be taken.
2. Comply with Florida Statutes Chapter 119, "The Public Records Act."
3. Comply with Florida Statutes Chapter 112 (public officers and employees) as required by that Chapter.
4. Comply with the Flagler County Employment policies pertaining to prohibiting discrimination, sexual harassment, and workplace violence.
5. Each member shall be an elector of Flagler County unless otherwise waived by the Board of County Commissioners. Additional considerations would include whether or not the applicant is a property owner, resident, a United States citizen or specializes in a field pertinent to the goals of the advisory board.
6. Members shall be appointed in accordance with established Board of County Commission policies and procedures related to the establishment of and appointment of boards, committees and councils.
7. Members may be removed without notice and without assignment of cause by a majority vote of the County Commission.
8. Unless otherwise determined by the board, members of each board, committee or council shall annually elect a chair and vice-chair from among the members and may create and fill other offices as the Board deems needed. Exception to above

statement: on the Tourist Development Council where the statute mandates that the Chairman of the Board of County Commissioners shall serve as the chair of the TDC.

9. Each board, committee or council shall create whatever subcommittees it deems needed to carry out the purposes of the board.
10. The chair of the board, committee or council shall appoint the membership of each subcommittee as required by the board.
11. The County Administrator shall appoint a County employee to serve as secretary of the board, committee or council, recorder and custodian of all board, committee or council records.
12. Members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the County Commission, in accordance with Florida law.
13. The County Commission shall appropriate funds to permit each board, committee or council to perform its prescribed function.
14. If any member fails to attend three (3) successive unexcused, or 5 of 12 regularly scheduled meetings that have been noticed, the position shall be declared vacant and a replacement determined under customary Board appointment policy.
15. Bylaws, outlining the purpose and intent of the advisory board or committee, membership criteria, officers and their duties, and meeting guidelines including information on a quorum, attendance, agenda development and rules of procedure, shall be adopted by each board, committee or council. A template is provided as Attachment 2.
16. If any specific provision herein conflicts with a specific provision in the County Code or Florida Statutes, the County Code or Florida Statutes shall govern. Florida Statutes govern over the County Code in case of any conflict between them.

## SUMMARY OF BOARDS, COMMITTEES, AND COUNCILS APPOINTED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

### AIRPORT ADVISORY BOARD

Established by the Board of County Commissioners, 1989

**Function:** To assist and make recommendations to the Board of County Commissioners on matters pertaining to the Flagler County Airport.

**Membership:** Consists of 5 regular members and one alternate with an interest in aviation, appointed by the Board of County Commissioners.

**Terms:** Appointed for 3 year terms.

Meetings held at 4 p.m. on the 2<sup>nd</sup> Thursday of the month at the Flagler County Airport.

### CONTRACTOR REVIEW BOARD

Flagler County Code (Ordinance 2007-10)

Adopted by Flagler County (July 23, 2007)

**Function:** The Contractor Review Board will assist in the proper administration of this Ordinance. The Board shall have the power and authority to discipline authorized or Certified contractors as set forth in Section 8-15 of this Ordinance.

**Membership:** The Contractor Review Board shall consist of ten (10) members who are residents and registered voters of Flagler County. The members shall not be elected officials or employees of Flagler County or its municipalities. Members shall serve without compensation. The members of the Contractor Review Board shall include:

- a. A licensed general, building, or residential contractor;
- b. A licensed roofing contractor;
- c. A licensed electrical contractor;
- d. A licensed plumbing contractor;
- e. A licensed mechanical or air conditioning contractor;
- f. A licensed swimming pool/spa contractor;
- g. Three (3) consumer members;

h. A licensed engineer or architect;

In the event it is not possible to obtain a member in one of the licensed categories specified herein, any other state licensed contractor may serve as a substitute, provided there are no duplicate trade holders on the Board.

In the event of a vacancy, removal or resignation of a member, the Building Official shall make a recommendation to the Board of County Commissioners, for a replacement.

**Terms:** Appointment of a member to the Flagler County Contractor Review Board shall be for a term of four (4) years, except that the initial term for a licensed mechanical or air conditioning contractor; a licensed swimming pool/spa contractor; and two of the consumer members shall be for two years to provide staggered terms. Upon expiration of initial terms, any member may be reappointed to serve one additional four (4) year term.

Meetings are held at 5 p.m. on the 3<sup>rd</sup> Wednesday of the month in the Board Chambers at the Government Services Building.

**DAYTONA NORTH SERVICE DISTRICT ADVISORY COUNCIL**  
**Flagler County Code Section 28-63**

**Function:** To assist and make recommendations to the Board of County Commissioners on all matters pertaining to Daytona North.

**Membership:** Consists of 5 members appointed by the Board of County Commissioners. Must be registered voters and must reside in Daytona North.

**Terms:** No member may serve more than 2 full and consecutive 2 year terms. Terms of office from January through December of the year appointed.

Meetings are held at 7 p.m. on the 1<sup>st</sup> Thursday of the month in the Board Chambers at the Government Services Building.

**ECONOMIC DEVELOPMENT COMMISSION**  
**Established by the Board of County Commissioners, April 1990**  
**Flagler County Code Section 2-92-93**

**Function:** To coordinate, as an advisory board, the private and public economic development activities taking place within the County.

**Membership:** Consists of not more than 23 members appointed by the Board of County Commissioners and represent the Daytona North Service District Advisory Council, Business at Large, Industry, Banking, Enterprise Flagler, Cities of Palm Coast, Flagler Beach, Bunnell, Beverly Beach and Marineland, Airport Advisory Board, Agriculture, Flagler County School Board, Industrial Development Authority, Daytona Beach College, Association of Realtors, Flagler County Chamber of Commerce, Flagler County/Palm Coast Homebuilders Association, Dunes Community Development District, Industrial Development Authority, Handicapped Category, 2 Minority Community Representatives and the Chairman of the Flagler County Board of County Commissioners or his designee.

**Terms:** Members shall serve on an annual basis or such period as specified by the Board of County Commissioners.

Meetings are held at 9 a.m. on the 1<sup>st</sup> Wednesday of the month in the First Floor Conference Room at the Government Services Building.

**EMERGENCY MEDICAL SERVICES ADVISORY BOARD**  
**Flagler County Code, Section 19-162**  
**(Pursuant to Section 401.25(6), Florida Statutes)**

**Function:** The advisory board shall hold a public hearing for the purpose of considering all pending applications for certificate of public convenience and necessity and make a finding and determination to be forwarded to the Board of County Commissioners for the granting or denial of certificates.

**Membership:** Consists of 10 members appointed by the Board of County Commissioners consisting of: Director of Nursing, Medical Director, EMS Division Chief, County Medical Director, EMT-Paramedic, Lay Person, EMT (non-fire), Palm Coast Fire/Rescue, Flagler County Fire Service & EMT, Flagler County Operations Chief, and Service Provider (private sector).

**Terms: NA**

Meetings held in the Emergency Operations Center 6 times per year (January, March, May, July, September, November) at 9:30 a.m. on the 2<sup>nd</sup> Monday of the month.

**FLAGLER COUNTY FUTURE COMMITTEE**  
**Appointed October 22, 2007**

**Function:** To help steer the visioning process for the Comprehensive Plan Update.

**Membership:** Consists of 16 members representing the municipalities, School Board, County Commission, Long Range Planning Board or Planning Board and other various interests – Business/Commerce, Development, Environment, Neighborhood/Homeowners Association, Utilities, and 2 Citizens-at-Large.

Meetings are held at 4:30 to 6:30 on Wednesday evenings, as needed, at the Government Services Building.

**HOUSING TASK FORCE / AFFORDABLE HOUSING ADVISORY COMMITTEE**  
**Flagler County Code Section 16-77; and Section 420.9076, Florida Statutes**

**Function:** To make recommendations to the Board of County Commissioners regarding specific initiatives to encourage or facilitate affordable housing in Flagler County. Now acting as the local affordable housing advisory committee pursuant to Section 420.9076, Florida Statutes, Section 16-77 of the Flagler County Code and the State Housing Initiatives Partnership (SHIP) Procedures Manual.

**Membership:** Consists of 12 members – One citizen/residential home building industry, One citizen/Banking/Mortgage Industry, One citizen/Labor Industry, One citizen/Low Income Advocate, One citizen/For-Profit, One citizen/Not-for-Profit, One citizen/Real Estate Professional, One citizen/Local Planning Agency, and One citizen/Resident of Local Jurisdiction, three citizen-at-large and one alternate

**Terms:** Members serve 2 year terms.

Meetings are held at 8:30 a.m. the 2<sup>nd</sup> Tuesday of the month in the OMB Conference Room at the Government Services Building.

**HUMAN SERVICES ALLOCATION COMMITTEE**  
**Established by the Board of County Commissioners, March 1989**  
**(Pursuant to Title XXIX (Public Health), Florida Statutes)**

**Function:** To review and evaluate requests for funding as submitted by human services organizations whose programs provide needed services to Flagler County residents; to make recommendations to the Board of County Commissioners regarding allocation of public funds in the form of grants to those agencies.

**Membership:** Consists of 5 members. \*A special application provided by the Community Services Office must be completed.

**Terms:** Members serve 3 year terms

Meetings are held at the Community Services Building on an as needed basis.

**INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)**  
**Established by the Board of County Commissioners February 2007**  
**Resolution 2006-58 (Pursuant to Chapter 159, Florida Statutes)**

**Function:** The IDA will work with industry representatives interested in locating in Flagler County. The IDA will review and recommend to the Flagler County Commission programs to assist in funding of sites, site preparation and construction of facilities to entice clean industry in choosing Flagler County as the place to do business. The IDA will also make recommendations to the County Commission on tax exempt bonds for industrial development.

**Membership:** 7 Members made up of: Economic Development Professional, Local Commercial Banker, Local Commercial Real Estate Broker or Realtor, Real Estate Attorney, Real Estate Developer, Local Business Owner, Agricultural Representative (Rancher, Farmer, Landowner or Environmentalist).

**Terms:** Appointment terms will be staggered.

Meets the 3<sup>rd</sup> Tuesday of the month @ 4:30 p.m. at The Chamber of Commerce

**LAND ACQUISITION SELECTION ADVISORY COMMITTEE**  
**Flagler County Code Section 2-77**

**Function:** Serves as an advisory board to the Board of County Commissioners on issues involving the acquisition and management of environmentally sensitive lands, recreation and water recharge areas.

**Membership:** 7 members appointed by the Board of County Commissioners.

**Terms:** No limit to terms of office.

Meetings are held at 5:30 p.m. the 2<sup>nd</sup> Monday of the month in the Growth Management Conference Room at the Government Services Building.

**LAND DEVELOPMENT CODE REWRITE COMMITTEE**  
**Established by the Board of County Commissioners, March 20, 2006**

**Function:** To assist with the Land Development Code rewrite.

**Membership:** One appointment by each Board of County Commissioner.

**Terms:** NA

Meets the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month from 4:00 p.m.-6:00 p.m. in the 1<sup>st</sup> Floor Conference Room at the Government Services Building.

**LIBRARY BOARD OF TRUSTEES**  
**Flagler County Code Section 25-2**

**Function:** To establish policies regarding the delivery of public library services and to report to the Board of County Commissioners and citizens of the County at least once a year regarding the status, progress, and needs of the library in regard to the provision of these services.

**Membership:** Consists of 7 members appointed by the Board of County Commissioners.

**Terms:** 3 year terms.

Meetings are held bi-monthly (January, March, May, July, September, November) on the 1<sup>st</sup> Wednesday of the month at 4:30 p.m. at the Library.

**LONG RANGE PLANNING AND LAND DEVELOPMENT REVIEW BOARD**  
**Flagler County Land Development Code, Appendix C, Section 2.03**

**Function:** Created in accordance with the Land Development Code to recommend long range planning and land development policies to the Board of County Commissioners.

**Membership:** Consists of 13 members, with experience or interest in planning and zoning preferred. When possible, should consist of a neighborhood activist; 3 agricultural interests (farmer, timber/sod, cattle); realtor; 2 environmentalists; homebuilder; engineer; developer; businessman; attorney; citizen-at-large.

**Terms:** Appointed for 2 year terms.

Meetings are held on an as need basis, typically at 6:30 p.m. the 3<sup>rd</sup> Thursday of the month in the 1<sup>st</sup> Floor Conference Room at the Government Services Building.

**PARKS AND RECREATION ADVISORY BOARD**  
**Established by the Board of County Commissioners, 1987**

**Function:** To make recommendations to the Board of County Commissioners on matters pertaining to County parks, recreational programs, and facilities.

**Membership:** Consists of 7 members loosely representative of different areas of the County. (Reduced from 8 to 7 members at the August 7, 2006 Board of County Commission meeting).

**Terms:** Appointed for 2 year terms.

Meetings are held at 6:30 p.m. 4<sup>th</sup> Wednesday of the month at the Parks and Recreation Office.

**PLANNING BOARD**  
**Flagler County Land Development Code, Appendix C, Section 2.04.01**

**Function:** To review and make recommendations to the Board of County Commissioners regarding development plans submitted under the County Land Development Code.

**Membership:** Consists of 7 members preferably with experience or interest in the field of land use regulation.

**Terms:** Appointed for 3 year terms.

Meetings are held at 7:00 p.m. the 2<sup>nd</sup> Tuesday of the month in the Board Chambers at the Government Services Building.

**PRINCESS PLACE PRESERVE CITIZENS SUPPORT ORGANIZATION**  
**Established by Resolution 2004-41**  
***Approved by the Board of County Commissioners at its 3-22-04 meeting***

**Function:** To conduct programs, foster activities, raise funds, and make expenditures to facilitate and enhance the preservation and interpretation of the Princess Place Preserve, under the direction of and with priorities set by the Board through the Flagler County Parks and Recreation Department and the Parks Administrator.

**Membership:** Consists of 9 members.

**Terms:** Appointed for 3 year terms.

Meetings are held at 9:30 a.m. the last Friday of each month at the Island House.

**PUBLIC SAFETY COORDINATING COUNCIL**  
**Pursuant to Section 951.26, Florida Statutes**  
***Created by the Board of County Commissioners at its 02-19-07 meeting***

**Function:**

- Assessing the population status of all detention or correctional facilities owned or contracted by the County.
- Formulating recommendations to ensure that the capacities of such facilities are not exceeded.
- Council recommendations shall also include an assessment of the availability of pretrial intervention or probation programs, work-release programs, substance abuse programs, gain-time schedules, applicable bail bond schedules, and the confinement status of the inmates housed within each facility owned or contracted by the County.
- The council may also develop a local public safety plan for future construction needs, but the plan must cover a five year period. The plan may be submitted for consideration to the local planning agency for the County. If it does so, it must be submitted at least 120 days before the adoption of, or amendment to, the comprehensive plan pursuant to Part II of Chapter 163.

**Membership:**

1. The chairperson of the Board of County Commissioners or another County Commissioner designee, shall serve as the chairperson of the council until the council elects a chairperson from the membership of the council.
2. The state attorney or his designee. (no term limit)
3. The public defender or his designee. (no term limit)
4. The chief circuit judge or his designee. (no term limit)
5. The chief County judge or his designee. (no term limit)
6. The chief correctional officer. (no term limit)
7. The sheriff or his designee. (no term limit)
8. The state probation circuit administrator or his designee. (4 year term)
9. The director of any County probation or pretrial intervention program. (4 year term)
10. The director of a local substance abuse treatment program or his designee. (4 year term)
11. Representatives from County and state jobs programs and other community groups who work with offenders and victims, appointed by the chairperson of the Board of County Commissioners. (4 year terms)
12. At large members.
13. Representing area homeless programs.
14. Representing consumers of substance abuse services.
15. Representing consumers of mental health services.
16. Representing family member of consumer of mental health services.
17. Representing director of community mental health provider.
18. Representing family member of consumer of substance abuse services.

19. Representing police chief or designee from local police chief's association.
20. Representing direction of detention facility.

**Terms:** Varied.

The council meets at the call of the chairperson and all meetings of the council, as well as its records, books, documents, and papers, are open and available to the public in accordance with Section 119.07 and 286.011, Florida Statutes.

**TOURIST DEVELOPMENT COUNCIL**  
**Flagler County Code Section 19-49**  
**(Pursuant to Section 125.0104, Florida Statutes)**

**Function:** To recommend to the Board of County Commissioners expenditures of tourist development tax monies and to generally review and make recommendations on other aspects of tourism in the County.

**Membership:** Consists of 9 members – Chairman of the Board of County Commissioners, 2 elected municipal officials (1 from the most populous municipality in the County), 3 owners or operators of business subject to tourist development tax, and 3 involved in tourist industry.

**Terms:** Appointed for 4 year terms.

Meetings are held at 9:00 a.m. on the 3<sup>rd</sup> Wednesday of the month in the Board Chambers at the Government Services Building.



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

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

Home mailing address: \_\_\_\_\_  
\_\_\_\_\_

Home physical address: \_\_\_\_\_  
\_\_\_\_\_

County of residence: \_\_\_\_\_ Home phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Voter Registration #: \_\_\_\_\_

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

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

Business address: \_\_\_\_\_

Business phone: \_\_\_\_\_ Position: \_\_\_\_\_

Professional organizations: \_\_\_\_\_  
\_\_\_\_\_

**ATTACHMENT 1**

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

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

BOARD, COMMITTEE OR COUNCIL	DATES SERVED
_____	_____
_____	_____
_____	_____

**PLEASE LIST ANY BOARD, COMMITTEE OR COUNCIL FOR WHICH YOU WOULD LIKE TO BE CONSIDERED:**

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

***Additional information may be attached to this form.***

**BYLAWS OF THE  
FLAGLER COUNTY  
ADVISORY COMMITTEE NAME HERE**

**PART I: PURPOSE & INTENT**

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

**PART II: MEMBERSHIP**

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

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

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

**PART III: OFFICERS**

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

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

A. Chairman

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

B. Vice-Chairman

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

**PART IV: MEETINGS**

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

**ATTACHMENT 2**

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

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

**Section 9. NOTICE OF INABILITY TO ATTEND MEETING.** Each member of the Committee that will not be able to attend a scheduled meeting shall, at the earliest possible opportunity, advise the County staff liaison. The County staff liaison shall notify the Chairman in the event that projected absences will produce a lack of a quorum. If any appointed member of the Committee fails to attend three (3) unexcused consecutive, regularly scheduled meetings or five (5) of twelve (12) regular or special meetings or workshops of the Committee, the County staff liaison shall notify the County Administrator, who shall take those steps necessary to fill the vacancy.

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

**Section 11. PROCEEDING.**

A. The order of business, unless otherwise adopted by the members present, at all regular meetings shall be as follows:

- (1) Roll call and Pledge of Allegiance
- (2) Approval of minutes of previous meetings
- (3) Agendaed items
- (4) Adjournment

B. Minutes will be taken and maintained by County staff. Copies of all minutes will be sent to each Flagler County Commissioner and the County Administrator.

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

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

**Section 14. AMENDMENTS.** These Bylaws may be amended at any meeting of the Committee, only to the extent consistent with County resolution and provided that said notice of said proposed amendment is given to each member in writing at least five (5) business days prior to said meeting and the action is ratified by the Board of County Commissioners

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

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

**Section 17. THESE BYLAWS SHALL BECOME EFFECTIVE IMMEDIATELY UPON RATIFICATION BY THE BOARD OF COUNTY COMMISSIONERS.**

These Bylaws adopted this \_\_\_\_ day of \_\_\_\_\_, 200**X**.

\_\_\_\_\_  
**Name**, Chairman

ATTEST:

\_\_\_\_\_  
**Name**, Recording Secretary

APPROVED AS TO FORM:

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

Ratified by the Board of County Commissioners: \_\_\_\_\_