

# Board of County Commissioners

## Leon County, Florida

### Policy No. 03-15

Title: Board-Appointed Advisory Committees

Date Adopted: October 11, 2011

Effective Date: October 11, 2011

Reference:

- Florida Statute Chap. 112, Part III, Code of Ethics for Public Officers and Employees
- Florida Statute Chap 119, Public Records
- Florida Statute §286.011, Government-in-the-Sunshine Law
- Leon County Board of County Commissioners (LCBCC) Policy No. 03-05, Code of Ethics

Policy Superseded: Policy No. 00-5, "Volunteer Boards and Committees;" Policy No. 97-9, "Voting Conflicts on Boards, Committees, Councils, and Authorities"; Policy No. 03-15, Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution, adopted September 23, 2003; Policy No. 03-15, revised April 12, 2011

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It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a revised policy entitled "Board-Appointed Advisory Committees" be hereby adopted, to wit:

## POLICY

### 1) **Authority, Purpose, Intent, and Scope**

- a) Authority: to the extent the Policy delegates any authority, it is so delegated to the County Administrator.
- b) Purpose: to establish a policy and procedure to govern the establishment, appointment, function, operation, and dissolution of all Advisory Committees appointed by the Board.
- c) Intent:
  - i) to efficiently manage the resources available to Leon County by assuring that all Advisory Committees function in the most fiscally responsible manner and, when no longer needed, are dissolved as soon as practicable;
  - ii) to assure that all Advisory Committees appointed by the Board comply with all applicable Government-in-the-Sunshine, Public Records, and Code of Ethics Laws; and
  - iii) to assure that all citizens, who volunteer their time to serve on an Advisory Committee, are protected from unknowingly committing an unlawful act by appointing them only to appropriate committees and providing them with a thorough Orientation.
- d) Scope: governs all Board-appointed Advisory Committees in existence on the Effective Date of the Policy and to any Board-appointed Advisory Committees thereafter established; and shall not apply to any committees or groups appointed by, or under the delegation of, the County Administrator under his/her executive powers, duties, or responsibilities as provided under the Administrative Code of Leon County, as may be amended from time to time, or any other executive power provided under any other statute, ordinance, or rule promulgated by federal, state, or local law.

### 2) **Definitions**

The following terms, when used in the Policy in their capitalized form, shall be defined as follows:

- a) Ad Hoc Advisory Committee. an Advisory Committee established for a specific task or objective, and dissolved after the completion of the task or achievement of the objective.
- b) Advisory Committee: any board, Committee, or group previously or hereafter established by the Board to provide input, advice, and/or recommendations regarding matters to be brought before the Board for approval, and which is identified in its Enabling Resolution as either a Decision Making Committee or a Focus Group.
- c) Applicant: a person who is interested in serving on an Advisory Committee and who is required to submit an Application, completed in accordance with the Policy.
- d) Applicant Pool: the group of Applicants eligible for appointment to an Advisory Committee.

- e) Application: the form to be completed and submitted by those persons interested in serving on an Advisory Committee, other than those persons whose public positions are specifically identified by statute, code, rule, policy, or other state, federal, or local law as a required member of the Advisory Committee as identified in such law. For example, the Chairman of the Board of County Commissioners, the Secretary of the Department of Transportation, or the President of Florida State University, provided, however, that persons who are identified in such laws only through their occupation, for example a building contractor or a real estate broker, are not exempt from the application process.
- f) Board: the Leon County Board of County Commissioners.
- g) Commissioner: a member of the Leon County Board of County Commissioners.
- h) County: Leon County, Florida.
- i) Decision Making Committee: an Advisory Committee intended to become part of the Board's decision-making process by virtue of direction in its Enabling Resolution to provide to the Board recommendations regarding matters to be considered for Board approval. A Decision Making Committee conducts its meetings under the direction of a Chairperson, with Staff acting only in a role of facilitator; operates under Bylaws approved by the County Administrator and the County Attorney; considers alternatives and narrows or eliminates options for Board consideration; and conducts a vote to either make its final recommendations to the Board as directed in its Bylaws, or make a final binding decision without returning to the Board, based on authority delegated by statute, code, rule, policy, or other state, federal, or local law - because of the voting requirement strongly discourages the appointment of Stakeholders as members.
- j) Enabling Resolution: the Resolution adopted by the Board, pursuant to the procedures set forth herein, which authorizes the creation of an Advisory Committee and which establishes the Advisory Committee as either a Decision Making Committee or a Focus Group.
- k) Focus Group: an Advisory Committee *not* intended to become part of the Board's decision-making process, but rather is intended, by virtue of its Enabling Resolution, to merely provide a fact-finding source of community input and technical resources for use by Staff in developing a Staff recommendation regarding a matter to be considered for Board approval. A Focus Group conducts its meetings under the direction of Staff, provides collective input to Staff through individual comments of the Focus Group members, has no need for Bylaws, takes no vote as a group and, therefore, appointment of Stakeholders as members does not present a conflict of interest.
- l) Lobbying: influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication, or an attempt to obtain the goodwill of a member of the Board, a member of a quasi-judicial board, a member of an Advisory Committee, a County Commission aide, the County Administrator, the County Attorney, the Assistant County Administrator, a Department/Division Director, the Director of Purchasing, the Chief Building Inspector, or other employees who have binding administrative authority.
- m) Lobbyist: any of the following persons:

- i) any natural person who, for compensation, seeks, or sought during the preceding twelve months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency;
  - ii) any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of Lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity for the purpose of Lobbying on behalf of that other person or governmental entity; or
  - iii) a person who registers with the Clerk of the Court as a Lobbyist pursuant to Section 8 of Board Policy No. 03-05, Code of Ethics.
- n) Model Bylaws: the Board-approved Bylaws template which includes the provisions applicable to every Decision Making Committee, and which is used as the basis for drafting the Bylaws to govern the function and operation of a Decision Making Committee.
- o) Model Rules of Procedure: the Board-approved Rules of Procedure template which includes the provisions applicable to every Focus Group and which is used as the basis for drafting the Rules of Procedures to govern the function and operation of a Focus Group.
- p) Orientation: the Board-approved publication intended to educate Applicants, Board members, and Staff about the applicability of the Government-In-The-Sunshine Laws, Code of Ethics Laws, and Public Records Laws to Advisory Committees.
- q) Staff: any individual(s) employed by the Leon County Board of County Commissioners.
- r) Staff Support Person: the member of Staff assigned by the County Administrator to assist an Advisory Committee in carrying out the Board direction as set forth in the Enabling Resolution.
- s) Stakeholder: an Applicant that would be potentially subject to an unusually high number of voting conflicts under Florida Statute §112.3143, including any of the following persons:
- i) a person to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established;
  - ii) a person with a relative to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established; for purposes of this subsection, the term “relative” includes any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law;
  - iii) a person with a business associate to whom would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established;

- iv) a person who is retained by any principal to whom he or she knows would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established; or
- v) a person who is retained by any parent organization or subsidiary of a corporate principal, other than an agency as defined in Florida Statute §112.312(2), to which he or she knows would inure a special private gain or loss by virtue of Board action taken on a matter for which an Advisory Committee was established.
- t) Standing Advisory Committee. an Advisory Committee with a continued existence, and established to carry out its assigned tasks or objectives on an ongoing basis.

### 3) Establishment of Advisory Committees

Any and all Advisory Committees to be formed on or after the Effective Date of the Policy shall be established only as follows:

- a) Who May Request: an Advisory Committee may be established only upon the request of any member of the Board, the County Administrator, or the County Attorney.
- b) How Request is Made: a request to establish an Advisory Committee shall be made only as directed by the Board.
- c) Enabling Resolution: upon Board approval to establish an Advisory Committee, the County Administrator, or designee, shall, as soon as reasonably possible, coordinate an agenda item for the Board's adoption of the Enabling Resolution establishing the approved Advisory Committee; the Enabling Resolution shall, to the extent possible, be based on the information provided in the Committee Request Form and shall include, but not be limited to, the following:
  - i) identification of the Advisory Committee as either a Decision Making Committee or a Focus Group;
  - ii) a statement of the purpose, function, goals, and responsibilities of the Advisory Committee;
  - iii) the configuration of the membership of the Advisory Committee which, unless precluded by state, federal, or local law, shall be determined by the Board, at its discretion;
  - iv) a statement indicating whether the members of the Advisory Committee shall be subject to full and public disclosure of financial interests;
  - v) identification of the Staff assigned to assist the Advisory Committee, as needed; and
  - vi) identification of a date, or an occurrence of an event, after which the Advisory Committee will dissolve unless otherwise continued with Board approval prior to the date of dissolution.

- d) When Appointments are Made: upon Board adoption of an Enabling Resolution establishing the Committee, the County Administrator shall, as soon as reasonably possible, coordinate a Board agenda item for the appointment of the selected Applicants to the approved Advisory Committee in accordance with Section 6) herein.

#### 4) **Responsible Departments**

- a) County Administrator, or designee, shall be responsible for the implementation and compliance of the Policy, and shall be charged with the following responsibilities to be carried out in accordance with the Policy:
  - i) developing and implementing the application process;
  - ii) developing and implementing a process for the selection and appointment of members to Advisory Committees;
  - iii) developing and implementing an Orientation program;
  - iv) assuring that all Advisory Committees are properly functioning and operating; and
  - v) developing and implementing a centralized custodial system for retaining minutes, Rules of Procedure, and Bylaws of Advisory Committees.
- b) County Attorney: shall be responsible for providing any legal guidance necessary for the County Administrator to carry out his/her responsibilities under the Policy.

#### 5) **Application Process for Advisory Committees**

- a) Application Form
  - i) The County Administrator shall develop and maintain an Application in a form to be approved by the Board.
  - ii) The Application shall include, but not be limited to:
    - (1) an inquiry sufficient to establish the Applicant's experience, qualifications, and interests for the purpose of determining for which Advisory Committees the Applicant would be best suited;
    - (2) an inquiry sufficient to establish whether the Applicant would be a potential Stakeholder on any Advisory Committee or would otherwise be subject to an unusually high number of voting conflicts on any Advisory Committee;

- (3) an inquiry sufficient to establish whether the Applicant, if appointed to an Advisory Committee, would be subject to the requirements of the Code of Ethics for “doing business with one’s agency” under Florida Statutes §112.313(3) and Leon County Board of County Commissioners Policy No. 03-05 §6(II) and/or having a “conflicting employment or contractual relationship” under Florida Statutes §112.313(7) and Leon County Board of County Commissioners Policy No. 03-05 §6(VI);
  - (4) an inquiry sufficient to establish whether the Applicant is a Lobbyist;
  - (5) an inquiry sufficient to confirm that the Applicant has completed Orientation, provided on the County’s Citizen Committees website: [www.leoncountyfl.gov/bcc/committees/list](http://www.leoncountyfl.gov/bcc/committees/list);
  - (6) an inquiry sufficient to confirm that the Applicant is a resident of Leon County;
  - (7) an inquiry sufficient to confirm that the Applicant, if appointed, will not be serving on more than one Standing Advisory Committee (there shall be no such prohibition against serving on more than one Ad Hoc Advisory Committee); and
  - (8) a notice to the Applicant, set off in bold typeface in a font size slightly larger than the surrounding text, which will inform the Applicant of his/her obligation, if appointed to an Advisory Committee, to follow the applicable Sunshine Laws, Code of Ethics, and Public Records Laws, and of the consequences of violating the applicable law including criminal penalties, civil fines, and the voiding of any subsequent Board action.
- b) Preliminary Application Review
- i) the County Administrator, or designee, shall review all Applications for completeness:
    - (1) confirmation that the Applicant has completed all applicable sections of the Application;
    - (2) confirmation that the Applicant is a resident of Leon County; and
    - (3) confirmation that the Applicant is not currently serving on any other County Advisory Committee
  - ii) in the event that any Application is found to be incomplete, or that any Applicant is found not to be a resident of Leon County, the Applicant shall be notified of such deficiency in the Application.
  - iii) Upon approval of the Applicant, the Application will be maintained, on file, for a period of two years.

**6) Appointment of Members to Advisory Committees**

- a) Assignment of Staff Support Person: each Advisory Committee shall have a Staff Support Person assigned by either the County Administrator or appropriate agency;
- b) Review of Applications: In the event of a need for appointments of members to an Advisory Committee, the County Administrator, or designee, shall work with the Staff Support Person to collectively review the Applications;
- c) Appointment of Members by Individual Commissioners: upon review of the Applications, in accordance with Section 6)b) herein, the County Administrator, or designee, shall coordinate the selection of Applicants as follows:
  - i) the list of Applicants available and eligible for selection, together with the required Application in accordance with Section 6)b) herein, shall be provided to each Commissioner;
  - ii) the matter shall be placed, as soon as reasonably possible, on the Board's agenda for appointment of each selection to the Advisory Committee; and
  - iii) selections shall be made from the list of Applicants, provided by the County Administrator, or designee, in accordance with the Policy.
- d) Appointment of Members by Full Board: the selection of Applicants by the Full Board, in accordance with Section 6)c) herein, shall be approved by a majority vote of the Board.
  - i) the list of Applicants available and eligible for selection, together with the required Application in accordance with Section 6)b) herein, shall be provided to each Commissioner;
  - ii) the matter shall be placed, as soon as reasonably possible, on the Board's agenda for appointment by the Board of each selection to the Advisory Committee; and
  - iii) selections shall be made from the list of Applicants, provided by the County Administrator or designee in accordance with the Policy.
- e) Limitation on Reappointment of Members. a current member of an Advisory Committee may be reappointed at the expiration of their term provided, however, that no member may serve more than three consecutive terms.

**7) Orientation**

- a) Preliminary Matters: the Staff Support Person shall be responsible to assure that, prior to any participation by a newly appointed Advisory Committee member, the member has completed Orientation.

- b) Availability to Applicants: the County Administrator shall assure that the Orientation publication is made available to all Applicants in an easily accessible manner; available at the County's Citizens Committees website: [www.leoncountyfl.gov/bcc/committees/list](http://www.leoncountyfl.gov/bcc/committees/list).
- c) Updates and Revisions to Orientation: the County Administrator, in conjunction with the County Attorney, or their designees, shall be responsible for updating and revising the Orientation, as necessary, to reflect any changes in the applicable laws.

#### 8) Focus Groups - Function and Operation

- a) Model Rules of Procedure: the County Administrator, in conjunction with the County Attorney, or their designees, shall develop and maintain the Rules of Procedure, which shall include an attendance requirement and shall govern the function and operation of a Focus Group.
- b) Staff Responsibility: upon the adoption of an Enabling Resolution identifying the Advisory Committee as a Focus Group, the Staff Support Person shall be responsible for the following:
  - i) drafting Rules of Procedure, to include an attendance requirement, for the Focus Group, using the Model Rules of Procedure as a basis;
  - ii) at or before the first meeting, providing a copy of the Rules of Procedure to all members of the Focus Group and to the Rules of Procedure custodian, as designated by the County Administrator;
  - iii) coordinating and providing Staff assistance, as necessary, for the meetings of the Focus Group;
  - iv) conducting, on behalf of the Board, each meeting of the Focus Group;
  - v) assuring that all members of the Focus Group have completed Orientation before being allowed to participate in any meeting of the Focus Group;
  - vi) assuring that the Focus Group functions and operates in accordance with the Rules of Procedure for the Focus Group and the Enabling Resolution;
  - vii) notifying the County Administrator and/or the County Attorney, as soon as reasonably possible, of any violations of any law applicable to the Focus Group and any other problems encountered with the function and operation of the Focus Group;
  - viii) preparing an agenda item, as necessary, to advise the Board of the collective input from the individual members of the Focus Group with regard to the matter for which the Focus Group was established; and
  - ix) assuring that the Focus Group is dissolved in accordance with Section 10) herein.

**9) Decision Making Committees - Function and Operation**

- a) Model Bylaws: the County Administrator or designee, in conjunction with the County Attorney, or their designees, shall develop and maintain Bylaws, which shall govern the function and operation of a Decision Making Committee to include, but not be limited to, attendance requirements and procedures for replacement of members when appropriate.
- b) Staff Responsibility: upon the adoption of an Enabling Resolution identifying the Advisory Committee as a Decision Making Committee, the Staff Support Person shall be responsible for the following:
  - i) using the Model Bylaws as a basis, and assuring that the Bylaws are approved by the Decision Making Committee, the Bylaws for the Decision Making Committee shall not deviate from the provisions of the Model Bylaws unless such deviations are approved by the County Attorney;
  - ii) at or before the first meeting, providing a copy of the Model Bylaws template to all members of the Decision Making Committee;
  - iii) coordinating and providing Staff assistance, as necessary, for the meetings of the Decision Making Committee;
  - iv) assuring that all members of the Decision Making Committee have completed Orientation before being allowed to participate in any meeting of the Decision Making Committee;
  - v) assuring that reasonable notice to the public is given for each meeting of the Decision Making Committee;
  - vi) assuring that, at the first meeting of the Decision Making Committee, a Chairperson is elected and that the Bylaws are reviewed and the Decision Making Committee finalizes language;
  - vii) assuring that a copy of the adopted Bylaws is provided to the Bylaws custodian as designated by the County Administrator;
  - viii) assuring that minutes of each meeting of the Decision Making Committee are prepared as soon as reasonably possible after each meeting, and copies of such minutes are provided to the minutes custodian as designated by the County Administrator;
  - ix) assuring that the Decision Making Committee functions and operates in accordance with the Bylaws for the Decision Making Committee and the Enabling Resolution;
  - x) notifying the County Administrator and the County Attorney as soon as reasonably possible of any violations of any law applicable to the Decision Making Committee and of any other problems encountered with the function and operation of the Decision Making Committee.

- xi) preparing an agenda item, as necessary, to advise the Board of the recommendations of the Decision Making Committee with regard to the matter for which the Decision Making Committee was established; and
- xii) assuring that the Decision Making Committee is dissolved in accordance with Section 10) herein.

#### 10) Dissolution of Advisory Committees

The Advisory Committee shall be dissolved only as follows:

- a) No later than thirty (30) days prior to the date, or the occurrence of the event, after which the Advisory Committee is to be dissolved, as directed in the Enabling Resolution.
  - i) The Staff Support Person shall inform the County Administrator, or designee, by e-mail or written memorandum, as to whether the Advisory Committee will require additional time in which to accomplish the goals and directives set forth in the Enabling Resolution.
  - ii) In the event additional time is required, the Staff Support Person will be responsible for preparing an agenda item seeking the Board's approval for additional time.
  - iii) If additional time is not required, the Staff Support Person shall, upon the completion of the goals and directives in the Enabling Resolution, notify the County Administrator, or designee, by submitting a Committee Dissolution Form, of such completion, and the Advisory Committee shall thereupon be dissolved.
- b) The County Administrator, or designee, shall conduct biennial reviews of the Advisory Committees' purpose and function.
  - i) The County Administrator, or designee, will be responsible for preparing an agenda item that provides the status of focus groups and decision-making committees, created at the sole discretion of the Board, and provide staff recommendations regarding whether the committee's purpose and function continues to support the Board's intended goals.
  - ii) If the Board determines a Committee is no longer needed, the County Administrator, or designee, will submit a Committee Dissolution Form, and the Advisory Committee shall thereupon be dissolved, as soon as practicable.

*Revised 10/11/2011*