# Board of County Commissioners
## Leon County, Florida

**Policy No. 01-05**

| | |
|---|---|
| Title: | Rules of Procedure for Meetings of the Leon County Board of County Commissioners |
| Date Adopted: | December 14, 2004 |
| Effective Date: | December 15, 2004 |
| Reference: | Robert's Rules of Order Revised |
| Policy Superseded: | Policy No. 92-11, "Citizen Inquiry Processing," adopted September 8, 1992; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised September 17, 2002; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised January 13, 2004 |

---

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a revised Policy No. 01-05 is hereby adopted. It is the policy of the Leon County Board of County Commissioners that these Rules of Procedure shall govern all official meetings of the Board of County Commissioners. The members of the Board, County Administrator, County Attorney, staff, and the public shall adhere to these rules, to wit:

**I. Governing Rules.**

Except as may be provided by these rules or by law, questions of order, the methods of organization and the conduct of business of the Board shall be governed by *Robert's Rules of Order Revised* in all cases in which they are applicable.

**II. Open to the Public.**

A. Meetings Open to Public. All meetings of the Leon County Board of County Commissioners shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, Florida Statutes.

B. Exempt Meetings. The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions, Section 447.605(1), F.S., meetings regarding risk management claims, Section 768.28(15), F.S., and litigation meetings

pursuant to Section 286.011(8) F.S. The Board shall follow all statutory requirements for exempt meetings.

C. Seating Capacity. Due to the need to comply with seating capacity requirements of the Fire Code, there may be occasions when entrance by the public to the Commission Chambers or other meeting rooms shall be limited.

D. Accessibility. All meetings of the Commission will be conducted in a publicly accessible building.

E. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in County Commission meeting rooms. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

**III. Quorum.**

A. Quorum. A majority of the entire Board shall constitute a quorum. No ordinance, resolution, policy, or motion shall be adopted by the Board without the affirmative vote of the majority of the members present or, if required by the Florida Statutes, an extraordinary majority vote of the members present.

B. Remaining in Chambers. During a Board meeting, Commissioners should remain in the Chambers at all times unless an emergency or illness should occur. Commissioners present in the meeting should not absent themselves for a particular item.

C. Conflict of Interest. Any member of the Commission who announces a conflict of interest on a particular matter pursuant to Section 112.3143 or Section 286.012, Florida Statutes, and decides to refrain from voting or otherwise participating in the proceedings related to that matter, shall be deemed present for the purpose of constituting a quorum.

D. Loss of Quorum. In the event that a Commissioner is required to depart a Board meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, other than adjournment.

E. No Quorum. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Commission, or upon a meeting having commenced with a

quorum, which quorum shall have been lost, the Chair or the Vice Chair, or in their absence, another Commissioner, in order of seniority, shall adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

## IV. Presiding Officer.

A. Chairman. The Presiding Officer is the Chairman of the Leon County Board of County Commissioners. The Chairman presides at all meetings of the Board. The Chairman's responsibilities shall include, but not be solely limited to:

1. Open the meeting at the appointed time and call the meeting to order, having ascertained that a quorum is present.

2. Announce the business to come before the Board, in accordance with the prescribed order of business.

3. Recognize all Commissioners, the County Administrator, and the County Attorney, who seek the floor under correct procedure. All questions and comments are to be directed through the Chairman and restated by him or her, and he or she declares all votes. The Chairman shall repeat every motion and state every question coming before the Commission, and announce the decision of the Commission on all matters coming before it.

4. Preserve decorum and order, and in case of disturbance or disorderly conduct in the Commission Chambers, may cause the same to be cleared or cause any disruptive individual to be removed.

5. Call to order any member of the Board who violates any of these procedures and, when presiding, decide questions of order, subject to a majority vote on a motion to appeal.

6. Expedite business in every way compatible with the rights of the members.

7. Remain objective. For the Chairman to make a motion, the gavel must be relinquished. Based upon these Rules & Procedures, the gavel shall be relinquished in the following order:

   (a) to the Vice Chair;
   (b) to other Commissioners based upon seniority.

The "Rule Against Chair's Participation in Debate" states that the presiding officer who relinquishes the chair should not return to it until the pending main question has been disposed of, since he or she has shown himself or herself to be partisan as far as that particular matter is concerned.

8. Declare the meeting adjourned when the Board so votes, or at any time in the event of an emergency affecting the safety of those present.

B. Vice Chairman. In the absence of the Chairman or in the event of the Chairman's inability to serve by reason of illness or accident, the Vice Chairman shall perform the duties and functions of the Chairman until the Chairman's return to the County or recovery and resumption of duty.

## V. Order of Business.

A. Official Agenda. There shall be an official agenda for every meeting of the Commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the Commission shall be conducted in accordance with the official agenda.

B. Agenda Form; Availability; Support Information. The agenda shall be prepared by the County Administrator in appropriate form approved by the Commission. The County Administrator shall make available to the Commissioners a copy of the agenda before the meeting. All support information for agenda items shall be available no later than the morning of the business day before the regular meeting. If the support information is not available, the agenda item shall be removed from the agenda and considered at a later meeting.

C. Agenda Format for Regular Meeting. The agenda format for a regular Commission meeting shall be in substantially the form as set forth below:

1. Call to Order, Invocation and Pledge of Allegiance
2. Awards and Presentations
3. Consent
4. Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)
5. General Business
6. Scheduled Public Hearings, 6:00 p.m.
7. County Attorney

8. County Administrator
9. Citizens to be Heard on Non-Agendaed Items
10. Discussion Items by Commissioners
11. Adjourn

D. Consent Agenda. On the portion of the agenda designated as "Consent," all items contained therein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Administrator, or the County Attorney may withdraw an item from the consent agenda, provided that such request is made in writing 24 hours (excluding holidays) before the subject meeting, and it shall then be voted on individually.

E. Citizens to be Heard on Non-Agendaed Items (first). On the portion of the agenda designated as the first "Citizens to be Heard on Non-Agendaed Items" (3-minute limit; non-discussion by Commission), there shall be no debate and no action by the Commission.

F. General Business. General business items are items of a general nature that require Board direction or pertain to Board policy.

G. Scheduled Public Hearings, 6:00 p.m. **Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required pursuant to Section V, Subsection K (Placing Items on Agenda) of this policy.** Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular Board meetings, public hearings shall be heard at 6:00 p.m., or as soon thereafter as is possible. This time designation is intended to indicate that an item will not be addressed prior to the listed time. Individual speakers are encouraged to adhere to a six (6) minute time limit when speaking on issues scheduled for public hearing. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.

H. Citizens to be Heard on Non-Agendaed Items (second). On the portion of the agenda designated near the end of the meeting as the "Citizens to be Heard on Non-Agendaed Items" (6-minute limit), there may be debate by the Commission, but the Commission shall take no policy action except to agenda the topic for a later date or by a unanimous vote of the Board.

I. Discussion Items by Commissioners. On the portion of the agenda designated at "Discussion Items by Commissioners," no assignments shall be given to the County

Administrator or County Attorney without the express approval of the majority of the Board. The Board shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the Board. The remarks of each commissioner during his or her "discussions items" time shall be limited to no more than three (3) minutes, unless the Chairman extends the time.

J. Departure from Order of Business. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission present at the meeting.

K. Placing Items on Agenda. With the consent of the Commission as a whole, matters may be placed on the agenda by any member of the Commission, the Administrator, or the County Attorney. When a Commissioner wishes to place a matter on the agenda, the Commissioner shall raise the matter at a regular Commission meeting, and seek the Commission's consent for inclusion of the matter on the next available regular agenda. A Commissioner may not **unilaterally** add a matter to an agenda without the Commission's **prior** approval. **Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required. A request to schedule the public hearing shall be placed on the Consent Agenda for consideration by the Commission. Upon the Commission's approval of the request to schedule a public hearing, the public hearing shall then be scheduled for inclusion on the next available regular agenda. In addition, the Commission may direct the scheduling of a matter that requires a public hearing by a majority vote.**

L. Additions, Deletions, or Corrections to Agenda. Deletions or corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only.

"Add On" agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the Commission only in exigent circumstances, for issues that are time critical or cost sensitive to the County. For such matters, the Chairman, County Administrator and County Attorney should be consulted in advance of the meeting to approve of the "Add On" agenda item. If the "Add On" agenda is approved, the Agenda Coordinator should modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas. Furthermore, the County's web site should be updated to reflect the new agenda. For matters of extreme emergency, a special meeting of the Commission may be called by the Chairman upon adequate notice being provided under Section 286.011, Florida Statutes.

M. Announcing Agenda Items. The Chairman shall announce each item on the agenda. The County Administrator or County Attorney shall then present the item to the Board.

## VI. Parliamentarian.

The County Attorney shall act as parliamentarian and shall advise and assist the Chairman in matters of parliamentary law. In the absence of a Rule of Procedure as provided for by these Rules, the parliamentarian shall refer to *Robert's Rules of Order Revised* on all rulings.

## VII. Rules of Debate.

A. Decorum.

1. Every Commissioner desiring to speak should address the Chairman, and upon said recognition by the Chairman, should confine discussion to the question under debate, avoiding all personalities and indecorous language.

2. Commissioners shall refrain from: attacking a member's motives; speaking adversely on a prior motion not pending; speaking while the Chairman or other Board members are speaking; speaking against their own motions; and disturbing the Board.

3. A member once recognized should not be interrupted when speaking unless said member is being called to order. The member should then cease speaking until the question of order is determined, without debate, by the Chairman. If in order, said member shall be at liberty to proceed.

4. A member shall be deemed to have yielded the floor when he or she has finished speaking. A member may claim the floor only when recognized by the Chairman.

B. Motions.

1. A motion and a second to the motion is to precede any action on an agenda matter unless there are speakers to be heard on the agenda matter.
2. All motions shall be made and seconded before debate.

3. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to: adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned.

4. Any Commissioner may move to close debate and call the question on the motion being considered which shall be nondebatable. A successful vote on the motion to close debate will end discussion of the item. The Commissioner moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.

5. If the Chairman wishes to put forth or second a motion, he or she shall relinquish the Chair to the Vice Chairman until the main motion, on which he or she spoke, has been disposed.

6. The following motions are not debatable: to adjourn; to lay on the table; to take from the table; to call the question.

C. Motions to Amend. An amendment to a motion must be germane, that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A Commissioner may amend the main motion in either of the following two ways:

1. By Consent of the Members. The Chairman, or another Commissioner through the Chairman, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.

2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

**VIII. Voting.**

A. Voice Vote. Unless otherwise directed by the Chairman, all votes shall be taken by voice.

B. Tabulating the Vote. The Chairman shall tabulate the votes and announce the results. Upon any roll call, there shall be no discussion by any Commissioner prior to voting, and each Commissioner shall vote "aye" or "nay."

C. Voting. Every member who was in the Commission Chambers when the question was put must give his or her vote, unless the member has publicly stated that he or she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. If any Commissioner declines to vote "aye" or "nay" by voice, his or her silence shall be counted as an "aye" vote.

D. Absent for Vote; Changing Vote. Any Commissioner momentarily absent for a vote on a particular item may record his or her vote, and any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the Commissioners who voted thereon.

E. Voting Conflict. No Commissioner shall vote on a matter when the Commissioner has a voting conflict of interest as specified in Section 112.3143 or Section 286.011, Florida Statutes. A Commissioner abstaining from voting due to a conflict shall announce the conflict prior to discussion on the matter. Within fifteen (15) days following that Commission meeting, the Commissioner shall file with the Clerk a Form 8B "Memorandum of Voting Conflict" which describes the nature of the interest in the matter. Form 8B shall be received by the Clerk and incorporated into the meeting minutes as an exhibit.

F. Majority Vote; Extraordinary Majority Vote; Tie Vote. The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of at least the majority of the members of the Commission who are present and eligible to vote. If an extraordinary majority vote is required by the Florida Statutes, this shall require the affirmative vote of an extraordinary majority of the members of the Commission who are present and eligible to vote. In the case of a tie in votes on any proposal, the proposal fails.

## IX. Citizen Input: Addressing the Board of County Commissioners.

A. Citizen Input. The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of County government and

encourage citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.

B. Non-Agendaed Inquiries.

1. At regularly scheduled County Commission meetings, the Board provides two comment periods for citizens to speak on non-agendaed items. These public comment periods are denoted on the agenda as "Citizens to be Heard on Non-Agendaed Items." The remarks of each speaker at the initial comment period shall be limited to no more than three (3) minutes, unless the Chairman extends the time. Any citizen who did not speak during the first citizen comment period shall have the opportunity to speak during the second comment period. The remarks of each speaker at the second comment period shall be limited to no more than six (6) minutes. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.

2. Any citizens who have non-agendaed inquiries at regularly scheduled County Commission meetings will be directed to prepare a Citizen Inquiry Form to gain all the necessary information.

3. The matter will then be addressed by staff in the ensuing days, and the County Administrator or County Attorney shall report back to the Board of County Commissioners by written memorandum.

4. If the inquiry is unable to be addressed or resolved by staff, an appropriate agenda item will be prepared by the County Administrator or County Attorney if a change in policy, procedures, or ordinances is required and recommended by staff in order to address the general subject matter of the inquiry.

5. This procedure shall not be used if "appeal" mechanisms already exist to address the inquiry.

C. Citizen Input on a Matter Pending Before the Commission. Each person who addresses the Commission on an agenda item pending before the Commission shall complete a citizen's input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than six (6)

minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers.

D. Public Input at Workshops. Time shall be allotted at the beginning of Commission Workshops for public comments. Each person who addresses the Commission shall complete a citizen's input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than six (6) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers.

E. Addressing the Commission.

1. When the person's name is called, the person shall step up to the speaker's lectern and shall give the following information in a audible tone of voice for the minutes:

   (a) name;

   (b) place of residence or business address;

   (c) if requested by the Chairman, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.

2. All remarks shall be addressed to the Commission as a body and not to any member thereof.

3. 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 Chairman. No question may be asked except through the Chairman.

4. Speakers should make their 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 specifically granted permission by the Chairman.

F. Decorum.

1. Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Commission, or disturb any person having the floor. No person shall refuse to obey the orders of the Chairman or the Commission. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chairman and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chairman, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.

2. If the Chairman or the Commission declares an individual out of order, he or she will be requested to relinquish the podium. If the person does not do so, he or she is subject to removal from the Commission Chambers or other meeting room and may be arrested by the Sheriff subject to Section 810.08(1), Florida Statutes.

3. Any person who becomes disruptive or interferes with the orderly business of the Commission may be removed from the Commission Chambers or other meeting room for the remainder of the meeting.

## X. Adjournment.

No meeting should be permitted to continue beyond 11:00 P.M. without the approval of a majority of the Commission. A new time limit must be established before taking a Commission vote to extend the meeting. In the event that a meeting has not been closed or continued by Commission vote prior to 11:00 P.M., the items not acted on are to be continued to 9:00 a.m. on the following day, unless state law requires hearing at a different time, or unless the Commission, by a majority vote of members present, determines otherwise.

I:\WpDocs\D017\P001\00007604.DOC
F90-00176