

Add-On Agenda Item for May 21, 2020

GENERAL BUSINESS

10. **ADDED** - Parliamentary Procedure Issue
(County Attorney)

Leon County Board of County Commissioners

Agenda Item #10

May 21, 2020

To: Honorable Chairman and Members of the Board

From: Chasity H. O'Steen, County Attorney



Title: Parliamentary Procedure Issue

Review and Approval:	Vincent S. Long, County Administrator Chasity H. O'Steen, County Attorney
Lead Staff/ Project Team:	Chasity H. O'Steen, County Attorney

Statement of Issue:

Questions have been raised regarding the validity of the vote taken at the May 12, 2020 meeting to proceed with the consideration large scale comprehensive plan amendments while the Commission is holding virtual meetings. This item provides information regarding the parliamentary procedures at issue and affords the Commission an opportunity to rectify the procedural issue that occurred at the May 12, 2020 meeting and provide clear direction regarding whether the Commission desires to proceed with the transmittal hearing scheduled to be held on May 26, 2020. This item also provides an opportunity to determine whether the Board desires for staff to bring proposed Policy modifications back to the Board for consideration.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

- Option #1: Rescind the vote to not consider large-scale comprehensive plan amendments while the Commission is holding virtual meetings previously taken at the April 28, 2020 Commission meeting.
- Option #2: Direct the County Attorney and the County Administrator to bring back proposed modifications to Board Policy No. 01-05 for Board consideration.

Report and Discussion

Background:

At the April 28, 2020 Commission meeting, the Commission voted to not consider large scale comprehensive plan amendments while the Commission is holding virtual meetings. At the May 12, 2020 meeting, during the “Discussion Items by Commissioners” portion of the agenda, a motion was made to reconsider the Commission’s previous vote. After a second and debate, the motion at the May 12, 2020 meeting passed by a majority (4-3) vote. A question has been posed about whether the proper motion was made at the May 12, 2020 meeting and, if not, the legal implications.

A transmittal hearing on a large scale comprehensive plan amendment is scheduled to be held on May 26, 2020. Given the temporal proximity with the transmittal hearing, questions that have been posed by constituents, and the need for the Board to be made aware of the procedural issues raised, this item is being included as an “Add On” agenda item after consultation with, and the approval of, the Chairman and County Administrator in compliance with Article V, section M. of Board Policy No. 01-05.

Analysis:

The Commission has adopted Board Policy No. 01-05 (Attachment #1) as the “Rules of Procedure [that] govern all official meetings of the Board of County Commissioners.”

Article 1 of Board Policy No. 01-05 (Policy) provides that, “[e]xcept 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.” (emphasis in original)

Motion to Reconsider

Robert’s Rules of Order Newly Revised 11th Edition (Robert’s Rules), section 37, enables a majority in an assembly, within a limited time and without notice, to bring back for further consideration a motion that has already been voted upon. This motion can only be made by a member who voted with the prevailing side. As applied to the Commission, this motion can only be made on the same day the vote to be reconsidered was taken. This motion must be seconded at the time the motion is made and can be made by any Commissioner. This motion is debatable and requires only a majority vote. If the motion to reconsider is successful, a subsequent motion related to the substance of the vote previously taken would be made. If the motion to reconsider is unsuccessful, no further action is taken on the matter.

Motion to Rescind

By contrast, pursuant to section 35 of *Robert’s Rules*, the motion to rescind is made to cancel or countermand a previous vote. Unlike a motion to reconsider, a motion to rescind can be made at any subsequent meeting. This motion may be made by any Commissioner, must be seconded, and is debatable. With respect to the votes necessary for a successful motion, a vote taken by the Commission at a previous meeting may be rescinded by a majority vote if notice of the motion is given at the previous meeting or in the call of the meeting at which the motion is to be made. If

previous notice of the motion is not provided, the vote “may be rescinded without notice by a two-thirds vote, or by a vote of a majority of the entire membership.”

According to *Robert’s Rules of Order Newly Revised In Brief, Fully Updated 2nd Edition*, “[i]f previous notice is not given of an intent to make one of these motions, so that members are not alerted ahead of time to the fact that the motion will be made adoption of the motion requires either a) a two-thirds vote, or b) the vote of a majority of the entire membership of the voting body, whichever of these is the smaller number at the time.” (emphases added and in original)

Bases for Determining A Voting Result

Section 44 of *Robert’s Rules* explains the bases for determining a voting result:

- When a properly moved a seconded motion requires a majority vote, majority means “more than half”, which means more than half of the votes cast by persons entitled to vote, excluding abstentions. For the Commission, this would require an affirmative vote of 4 of the 7 Commissioners, assuming all Commissioners are present and voting.
- A two-thirds vote means at least two thirds of the votes cast by persons entitled to vote, excluding abstentions. For the Commission, this would require an affirmative vote of 5 of the Commissioners, assuming all Commissioners are present and voting.
- A “majority of the entire membership” means a majority of the total number of those who are members of the voting body at the time of the vote. For the Commission, this would require an affirmative vote of 4 of the Commissioners, irrespective of a Commissioner was absent or abstaining from the vote.

As applied to this issue, the motion made at the May 12, 2020 meeting would have required a vote of two-thirds of the Commission (5 in favor) or a vote of a majority of the entire Commission (4 in favor). Therefore, the 4-3 vote at the May 12, 2020 meeting would have met the voting requirements for a successful motion if the Commissioner had made the proper motion, i.e., a motion to rescind.

As explained below, however, the Policy itself is dispositive, and *Robert’s Rules* are not applicable and do not govern in this issue.

Dispositive Provision

Article V, section J. of Policy No. 01-05, entitled “Discussion Items by Commissioners”, provides, in part, that “The Board shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the Board.” Section 1 of the Policy provides that its provisions take precedence over *Robert’s Rules*. Accordingly, as applied to this issue, a unanimous vote of the Board would have been required for the motion made at the May 12, 2020 meeting, during the “Discussion Items by Commissioners” portion of the agenda, to pass. Had the Commission waived the Policy at the May 12, 2020 meeting prior to taking up the matter at issue, the action would have been proper.

Conclusion

The Commission and staff have received inquiries from constituents regarding whether the motion at issue was proper and, if not, the legal implications. After review, the County Attorney's Office has determined that the form of the motion was not proper. More importantly, a unanimous vote of the Commission would have been required for a successful vote based upon Article V., section J. of the Policy.

Based upon the analysis above, staff recommends that the Commission act to rectify the procedural issue that occurred at the May 12, 2020 meeting and provide clear direction regarding whether the Commission desires to proceed with the transmittal hearing scheduled to be held on May 26, 2020. This item has been added to the agenda in compliance with Article V, section M. of the Policy. Since the Commission has been provided notice that this item will be raised at the meeting, consistent with section 35 of *Robert's Rules*, only a majority vote of the Commission would be required to rescind the vote taken at the April 28, 2020 meeting not to consider large scale comprehensive plan amendments while the Commission is holding virtual meetings.

Board Policy No. 01-05 has not been revised since March 13, 2012, and this item also provides an opportunity to determine whether the Board desires for staff to bring proposed modifications to the Policy back to the Board for consideration.

Options:

1. Rescind the vote to not consider large scale comprehensive plan amendments while the Commission is holding virtual meetings previously taken at the April 28, 2020 Commission meeting
2. Direct the County Attorney and the County Administrator to bring back proposed modifications to Board Policy No. 01-05 for Board consideration
3. Do not rescind the vote to not consider large scale comprehensive plan amendments while the Commission is holding virtual meetings previously taken at the April 28, 2020 Commission meeting
4. Board direction.

Recommendation:

Options #1 and 2

Attachment:

1. Board Policy No. 01-05, effective March 13, 2012

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: March 13, 2012

Effective Date: March 13, 2012

Reference: Robert's Rules of Order Revised

Policy Superseded: Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised December 8, 2009; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised January 9, 2007; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised March 28, 2006; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised December 14, 2004; 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; Policy No. 92-11, "Citizen Inquiry Processing," adopted September 8, 1992

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.

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- 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. Participation by Absent Commissioner: Upon the determination by a majority of the Board of County Commissioners present in the Commission Chambers and voting, that extraordinary circumstances exist to justify the absence of any County Commissioner from said meeting, and assuming a quorum of the Board of County Commissioners is otherwise present, the Board may allow the participation of the physically absent County Commissioner. The physically absent Commissioner may not vote on any motion authorizing such participation. The physically absent County Commissioner must take all steps necessary to provide an interactive communication between the County Commission meeting location and the location of the physically absent County Commissioner, and at a minimum must provide interactive voice communication, but should also endeavor to provide interactive video communication whenever possible. In instances in which the physically absent County Commissioner participates in the meeting, this Commissioner shall also be allowed to cast his/her vote, but only to the extent that the physically active County Commissioner's vote does not break a tie vote of those Commissioner present in Commissioner Chambers and voting. The decision of the Board of County Commissioners shall take place before the subject meeting, preferably at a prior meeting, and shall be based upon the facts and circumstances of each such request.

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- D. 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.
- E. 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.
- F. 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.

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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

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- D. Invocation procedures. The following procedures are not intended, and shall not be implemented or construed in any way, to affiliate the Board with, nor express the Board's preference for, any particular faith or religious denomination, and shall be utilized for the scheduling and offering of invocations at Board meetings.
1. The County Administrator, or designee, shall compile a list of religious congregations and assemblies in Leon County. The list shall be compiled from information reasonably available from a variety of sources, such as the telephone book, Internet, and the local chamber of commerce. The list should be updated on an annual basis.
 2. Each Commissioner, on a rotational basis, shall offer the invocation or extend an invitation either to a leader of a religious congregation or assembly on the list or otherwise choose a person to offer the invocation, making every reasonable effort to ensure that individuals from a variety of faiths and beliefs are scheduled.
 3. Should the individual scheduled to offer the invocation not be present at the meeting, the invocation may be offered pursuant to the Chairman's invitation.
 4. The invocation should be limited to not more than 3 minutes.
 5. Invocations shall be nonsectarian and shall avoid advancing one faith or belief.
 6. Participation in the invocation by persons in attendance at Board meetings is voluntary.
- E. 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.
- F. 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.
- G. General Business. General business items are items of a general nature that require Board direction or pertain to Board policy.

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- H. 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 three (3) 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.
- I. 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” (3-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.
- J. 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.
- K. 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.
- L. 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. This rule of procedure does not apply to zoning and site and development plan approvals, which are placed on the agenda by staff pursuant to County Code and general law.

- M. 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.

- N. 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.

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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 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. The Chairman may second any main motion made by another Commissioner.
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.

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- 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.

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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 three (3) 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 three (3) 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. Citizen input at Commission Workshops is not permitted unless an individual is called upon by the Chairman. In such case, 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 three (3) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers. The Commission itself may also vote to allow public input on a particular matter.
- 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 an 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.

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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.