

**BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA**

Ordinance No.: 2002-004

Title: Rules of Procedure for Meetings of the Gadsden County Board
County Commissioners

Date Adopted: 12/17/02

Effective Date: 1/1/03

Reference: RULES OF PROCEDURE

Policy Superseded: NONE

WHEREAS it shall be the policy of the Board of County Commissioners of Gadsden County, Florida that a new policy entitled "Rules of Procedure for Meetings of the Gadsden County Board of County Commissioners" is hereby adopted. It is the policy of the Gadsden 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 Manager, County Attorney, other staff, and the public shall adhere to these rules, to wit, now therefore it is ordained:

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 by the Board shall be governed by these rules as interpreted by the CHAIRMAN.

II. OPEN TO THE PUBLIC

1. Meetings Open to Public. All meetings of the Gadsden 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.
2. 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.

3. Seating Capacity. Due to the need to comply with seating capacity requirements of the Fire Code, there may be occasions where entrance by the public to the Commission Chambers or other meeting rooms shall be limited.
4. Accessibility. All meetings of the Commission will be conducted in a publicly accessible building.
5. 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.
6. Regular meetings. Shall be the first and third Tuesday of each month and notice shall be published in all three newspapers in Gadsden County, Chattahoochee, Quincy, and Greensboro. Emergency meetings and special meetings shall be noticed as provided by Florida Statutes and posted in all City Halls.

III. QUORUM

1. 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 Florida Statutes, an extraordinary majority vote of the members present.
2. 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.
3. 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, F.S., 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.
4. 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 a quorum, no further official action may be taken until or unless a quorum is restored, other than adjournment.
5. No Quorum. Should no quorum attend within 10 minutes after the hour appointed for the meeting of the Commission, or upon a meeting having commenced with a quorum, which quorums 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 Gadsden 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 Manager, 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 need not be relinquished. The "Rule Against Chair's Participation in Debate" is abolished.
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 Manager 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 ten (10) business days 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 shall be in substantially the form as set forth below or as long as these matters are on the Agenda in the order the Board desires:

1. Call to Order, Invocation and Pledge of Allegiance
2. Awards and Presentations
3. Consent
4. Citizens to be Heard on Non-Agenda Items (three minutes limit; non-discussion by Commission)
5. Scheduled Public Hearings, 6:00 p.m.
6. County Attorney
7. County Manager
8. Clerk of Court
9. Discussion Items by Commissioners
10. Adjournment

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 Manager, or the County Attorney may withdraw an item from the consent agenda and it shall then be voted on individually.

E. Citizens to be Heard on Non-Agenda Items (first). On the portion of the agenda designated as the first "Citizens to be Heard on Non-Agenda 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 of a general nature that require Board direction or pertain to Board policy as presented by the staff.

G. Scheduled Public Hearings, 6:00 p.m. 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. At the discretion of the Chairman, public comments may be limited in duration.

H. 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.

I. 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.

J. 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 Manager, or by the County Attorney.

K. Additions, Deletions, or Corrections to Agenda. Additions, 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.

L. Announcing Agenda Items. The Chairman shall announce each item on the agenda. The County Manager, County Attorney, or County Staff shall then present the item to the Board.

VI. PARLIAMENTARIAN

The County Attorney shall act as parliamentarian. 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 other 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 non-debatable. 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 need not 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:

D. 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.

E. 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 in 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, F.S. 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 reconsideration, 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, F.S. 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.

G. If a Commissioner Cannot Be Present on an Issue. The Commissioner can request it be tabled or removed from the agenda. If not tabled, as technology permits, a Commissioner can attend the meeting electronically and participate fully therein.

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 encourages 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-Agenda Inquiries.

1. At regularly scheduled County Commission meetings, the Board provided one comment period for citizens to speak on non-agenda items. This public comment period is denoted on the agenda as "Citizens to be Heard on Non-Agenda 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.

2. Any citizens who have non-agenda inquiries at regularly scheduled County Commission meetings will be directed to prepare Citizen Inquiry Form to gain the necessary information.
3. The matter will then be addressed by staff in the ensuing days, and the County Manager 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 Manager 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. At the discretion of the Chairman, the remarks of each speaker may be limited in duration.

D. Public Input at Workshops. Ten (10) minutes 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 three (3) minutes.

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.

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.
5. 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 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 member present.
6. 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.
7. 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.

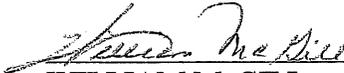
X. ADJOURNMENT

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 different time, or unless the Commission, by a majority vote of members present, determines otherwise.

ENACTED in open meeting the 17th Day of December, 2002 by a vote of 5 to 0.




WILLIAM MCGILL
CHAIRMAN


NICHOLAS THOMAS
Clerk of the Circuit Court