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RULES OF PROCEDURE
BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY

1.01 Governing Rules. Except as may be provided in the charter or by these rules, or by questions of order, the methods of organization and the conduct of business of the Board of County Commissioners (Commission) shall be governed by the procedures set forth herein.

1.02 Introduction. The purpose of these rules is to provide for the smooth and orderly functioning of the business of the Commission and to provide a basis for resolving questions of procedure when they arise.

1.03 Definitions. As used herein, the following terms shall be defined as follows: Commission or Board shall mean the Charlotte County Board of County Commissioners; member or Commissioner shall mean the individual elected or appointed to the Board of County Commissioners; County Administrator shall mean the person appointed by the Commission in a full time or interim capacity or his or her designee; County Attorney shall mean the person appointed by the Commission in a full time or interim capacity or his or her designee; the Clerk shall mean the person elected or appointed to the position of the Clerk of the Circuit Court or his or her designee.

1.04 Regular Meetings.

A. ~~The Commission shall hold regular meetings on the second and fourth Tuesdays of each month; and when the day fixed for any such regular meeting falls on a day designated by law as a legal holiday, such meeting may be canceled at the discretion of the Commission. Regular meetings shall commence at 9:00 a.m. Regular meetings may be otherwise postponed or canceled by resolution or motion adopted at a regular or special meeting by a majority of the Commission members present. All regular meetings shall be held in the County Administration Center or such place or time as may be approved by resolution or motion adopted at a regular or special meeting by a majority of the Commission members present and shall be open to the public and all news media.~~

B. Meetings held for the public hearings for land use items shall be held at 2:00 p.m. on the second Tuesday of every month.

1.05 Special Meetings, Emergency Meetings, Workshops.

A. Special Meetings. A special meeting of the Commission may be called by the Chair or by a majority of the Commission members present at a meeting of the Commission. Whenever a special meeting is called, written and verbal notice shall be given by the Administrator to each member of the Commission, the Clerk, the County Attorney, any persons entitled, as a matter of law, to written or verbal notice, and the press, stating the date, hour and place of the meeting and the purpose(s) for which the meeting is called. Twenty-four hours must elapse between the time the meeting is noticed and the time the meeting is to be held. The minutes of the special meeting shall show the manner and method of notice.

B. Emergency Meetings. An emergency meeting of the Commission may be called by the highest ranking officer of the Commission available. An emergency meeting of the Commission may be called only when the person(s) calling the meeting believes that an emergency exists which requires immediate consideration or action by the Commission. Whenever such emergency meeting is called, person(s) calling the meeting and the County Administrator shall make a good faith attempt to notify each member of the Commission, the Clerk, the County Attorney, any person entitled to notice as a matter of law, and the press, stating the date, hour and place of the meeting, the nature of the emergency and the purposes for which the meeting is being called. If possible, this notice shall be in writing. No other business shall be transacted at the meeting, and the minutes of each emergency meeting shall show the nature of the emergency and the manner and method of notice.

C. Workshop Meetings. The Chair, or Vice Chair in the absence of the Chair, may call a workshop meeting to discuss items of special importance or complexity to the Commission. The purpose of a workshop meeting is to allow staff to make presentations and to allow questions by the Commission. Public comment will be at the direction of the Commission but will be no more than three minutes for each person unless the Commission wishes to extend the time limit. An agenda of the order of business at the workshop meeting shall be prepared by the County Administrator and made available to the public at least four days before the workshop meeting. Official action may be taken upon any of the items discussed at the workshop meeting and any of the items of official business that require immediate consideration and decision by the Commission.

1.06 Quorum.

A. A majority of the whole number of members of the Commission shall constitute a quorum. Any member of the Commission who announces a conflict of interest on a particular matter and a decision 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. The Commission may entertain motions for continuances and may in its discretion grant such motions upon a showing of good cause. Lack of a full Commission for public hearings on land use items shall not be deemed good cause.

B. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Commission, the Chair or the Vice Chair, or in their absence, the Administrator may adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

1.07 Meeting Attendees. All meetings of the Commission shall be open to the public. Promptly at the hour set for each meeting, the members of the Commission, the County Attorney, the County Administrator, and the Clerk to the Commission shall take their regular station in the Commission chamber, and the business of the Commission shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

1.08 Call to Order. The Chair shall take the chair at the hour appointed for the meeting and shall call the Commission to order immediately. In the absence of the Chair and Vice Chair, the ~~Administrator shall then determine whether a quorum is present and~~ in that event shall call for the election of a temporary chair. Upon the arrival of the Chair or the Vice Chair, the temporary chair shall relinquish the chair upon the conclusion of the business immediately before the Commission.

1.09 Chair Presiding Officer, Duties.

A. The Commission shall select a Chair and Vice Chair at the second regular meeting following the first Monday in November of every year. The Chair of the Commission shall preside at all meetings at which the Chair is present. In the absence of the Chair, the Vice Chair shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the Commission. The Chair 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. A majority vote of the members present shall govern and conclusively determine all

questions of order not otherwise covered. The Chair may vote on all questions, the Chair's name being called last when a roll call is requested. In the absence of the Chair or in the event of the Chair's inability to serve by reason of illness or accident, the Vice Chair shall perform the duties and functions of the Chair until the Chair's return to the County or recovery and resumption of duty.

B. The Chair, or Vice Chair in the absence of the Chair, is authorized to sign any documents approved by the Commission.

C. The Chair shall have the authority to assign honorary or administrative duties to other members of the Commission with the members' consent.

1.10 Parliamentarian. The County Attorney shall act as parliamentarian and shall advise and assist the Chair in matters of parliamentary law. In the absence of a Rule of Procedure as provided for by these Rules, the Parliamentarian shall refer to Roberts Rules of Order on all rulings.

1.11 Agenda.

A. 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. A portion of the agenda shall be designated as a consent agenda, and all items contained therein may be voted on with one motion; except that any Commissioner may withdraw an item from the consent agenda, and it shall be voted on individually.~~

C. 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.

D. 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.

E. The agenda shall be prepared by the Administrator in appropriate form approved by the Commission. The Administrator shall make available to the Commissioners a copy of the regular agenda four days before the meeting. All support information for

agenda items shall be available by the morning of the pre-agenda meetings, but, if no pre-agenda meeting is held, support information for the agenda items shall be available no later than the morning of the day before the regular meeting. If the support information is not available, the agenda item may be removed from the agenda and considered at a later meeting. Matters may be placed on the agenda by any member of the Commission, the Administrator, the County Attorney and the Clerk. Only a member of the Commission and the County Administrator may place a citizen on the official agenda.

F. A copy of each resolution or non-emergency ordinance shall be furnished to the office of the members of the Commission not later than four calendar days before a vote may be called on the resolution or ordinance. The provisions of this rule shall be deemed waived unless asserted by a Commissioner before the Commission takes action on the resolution or ordinance in question.

1.12 Citizen's Input: Addressing Commission, Manner, Time. Each person who addresses the Commission on an agenda item shall complete a citizen's input card and submit the card to the Receptionist or to the Chair. 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. and, if requested by any Commissioner, the person may be required

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- to state place of residence; and
 - 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.

C. All remarks shall be limited to no more than three minutes unless the Commission extends the time and shall be addressed to the Commission as a body and not to any member thereof. Any person addressing the Commission during a public hearing shall limit remarks to five minutes unless the Commission extends the time. No person, other than members of the Commission

and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the presiding officer. No question shall be asked a member of the Commission except through the presiding officer.

D. No person who has addressed the Commission during any given Citizens Input on agenda items shall be allowed to make additional comments on the agenda items except with the permission of the Commission. Citizens may make additional comments on specific items being heard during a public hearing.

E. For those matters in which citizen's input is heard by the Commission, the Chair shall close the citizen's input portion of the meeting upon the conclusion of the last speaker's comments. No additional citizen's input shall be allowed, except in specific response to questions by members of the Commission or if an extension of time for public comment is approved by the Commission.

F. Any person making slanderous remarks or who becomes boisterous while addressing the Commission shall be barred from making any additional comments during the meeting by the presiding officer, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.

Any person who becomes disruptive or interferes with the business of the Commission may be removed from the audience for the remainder of the meeting.

G. Any person shall be entitled to submit written comments for consideration by the Commission. Written comments submitted may be considered and entered into the record of the meeting.

1.13 Clerk, Minutes. The Clerk shall sit or appoint a deputy clerk as Clerk of the Commission. The Clerk shall certify all ordinances and resolutions adopted by the Commission. The Clerk shall duplicate the minutes and all resolutions and ordinances and shall furnish copies to persons desiring them at the prescribed rates.

1.14 Reading Minutes. Unless a reading of the minutes of a meeting is required by a majority of the Commission, such minutes, when approved by the Commission and signed by the Chair and the Clerk, shall be considered approved without reading.

1.15 The Record.

A. Automatically included in the record. The following documents shall automatically be included in the records of the Commission:

1. Agenda packet or staff report;
2. Any documents, exhibits, diagrams, petitions, letters or other materials presented to the Commission in support of, or in opposition to, an item to be considered by them shall be entered into the record, unless clearly inadmissible and irrelevant. The Commission may accept wholly or partially inadmissible items into the record, provided that members of the Commission shall not consider those items, or parts thereof, which are inadmissible. In the event the Commission has any questions as to the relevancy and admissibility of any item placed into the record, the Commission may request an opinion from the County Attorney's Office.

B. Custodian. The Clerk of the Circuit Court shall be custodian of the record.

C. Correction of errors in the record. In the event the Commission determines that there was an error, either of commission or omission regarding the placement of an item into the record, any member of the Commission may move to correct such errors, and such act of correction shall be done upon a majority vote of the members of the Commission present.

~~D. Exhibits. Unless an oversized exhibit is absolutely essential, documentary paper or photographic exhibits shall not exceed 24 inches by 36 inches and, if mounted on a backboard, shall be removable therefrom.~~

E. Substitution of copies of exhibits. A person submitting an exhibit for the Board's consideration in support of, or in opposition to a pending matter, must file the original thereof with the Clerk. The Commission may approve substitution of a copy or duplicate thereof after viewing the original and the copy or duplicate. In the case of a written document, the person may furnish the Clerk with an exact duplicate and, upon verification thereof, the Clerk may return the original to said person. Alternatively, the Clerk may, in the Clerk's discretion, and at the expense of the person requesting the return of the original, make or arrange for the making of a copy of the exhibit after which the original may be returned to the person requesting it.

1.16 Method of Voting.

A. General: The vote upon any ordinance, resolution, motion or other matter may be voice vote, providing that the Chair or any other member of the Commission may require a roll call vote to be taken. Upon every roll call vote, the names of the Commissioners shall be called alphabetically by surname, except that the names shall be rotated after each roll call vote, so that the Commissioner who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the presiding officer shall always cast his or her vote last. Upon relinquishing the chair, the Chair shall vote in alphabetical order with the other Commissioners. The Clerk shall call the roll, tabulate the votes and announce the results.

B. Voting.

1. Voting. Unless otherwise provided by law, ordinance or statute, when the Commission has finished discussion and is ready to vote a question, the Chair shall call for the vote, and there shall be no further discussion by any member voting. Each member shall vote aye or nay, and silence shall be considered an "aye" vote. When a matter is brought up for a vote on a motion to approve it and said motion fails, the status quo ante shall be maintained, and the matter shall be considered denied. Such a vote shall not preclude a subsequent motion at the same meeting to approve with modifications to the motion.

After any vote, any member may give a brief statement to explain his or her vote, and such explanation should ~~be consistent with the vote registered.~~ A member shall have the privilege of filing with the Clerk a written explanation of his or her vote which shall become part of the record of the proceeding.

2. Roll call. Upon any roll call, there shall be no discussion by any member prior to voting, and each Commissioner shall vote yes or no.

3. Vote change. Any Commissioner momentarily absent for a vote on a particular item may record his or her vote, or 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.

4. Abstention.

a. No Commissioner may abstain from voting on any matter before the Commission upon which official action is to

be taken unless there is or appears to be a possible conflict of interest under the provisions of applicable laws. In such cases, said Commissioner shall comply with the disclosure requirements of state law.

b. If a Commissioner has a conflict with an item appearing on the consent portion of the Commission's agenda, that Commissioner does not have to pull the item for the purpose of abstention if prior to the vote on the consent agenda the Commissioner:

(1) publicly discloses the nature of interest in the matter from which the Commissioner is abstaining, and

(2) notifies the Clerk of the conflict.

c. The Commissioner must supply the Clerk with a completed Memorandum of Voting Conflict form within 15 days after the vote occurs.

1.17 Rules of Debate.

A. As to the Chair. The Chair may second any motion, or, after relinquishing the Chair, may make any motion. The Chair shall not resume the Chair until after the Commission has acted upon the matter under consideration.

~~B. Getting the floor, improper references to be avoided. Every member desiring to speak for any purpose shall address the Chair and, upon recognition, shall confine discussion to the question under debate.~~

C. Interruption. A member once recognized shall not be interrupted when speaking unless it is to call that member to order. If a member while speaking is called to order, the member shall cease speaking until the question of order is determined by the Chair; and, if in order, the member shall be permitted to proceed. Any member may appeal to the Commission from the decision of the Chair upon a question of order, whereupon without debate the Chair shall submit to the Commission the question, "Shall the decision of the chair be sustained?" and the Commission shall decide by a majority vote of those present at the meeting.

D. Privilege of closing debate. Any Commissioner may move to close debate and call the question on the motion being considered which shall be non-debatable. By request of a

Commissioner, members of the Commission shall be polled to decide whether debate may be reopened.

E. Renewal. Once the period for reconsideration of any ordinance, resolution, decision or motion has expired, then neither the same ordinance, resolution, decision or motion nor its repeal may be brought for discussion before the Commission for a period of six months.

F. Reconsideration. An action of the Commission may be reconsidered only at the same meeting at which the action was taken or at the next regular meeting. A motion to reconsider may be made only by a member who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A Commissioner who was absent at the time the vote was taken shall be deemed on the prevailing side. Adoption of a motion to reconsider shall rescind the action reconsidered.

Upon a finding by a majority of the Commission at any time that there is reason to believe that a previous vote of the Commission was based upon erroneous information, the matter may be brought up for reconsideration.

G. Tie votes. Whenever action cannot be taken because the vote of the Commissioners has resulted in a tie, the proposed ordinance, resolution or motion that produced the tie vote shall fail.

1.18. Adjournment. A motion to adjourn shall always be in order and decided without debate, except that the motion shall ~~contain a time to hear the balance of the agenda if same has not been completed.~~

1.19 Ordinances, Resolutions, Motions, Contracts

A. Preparation of ordinances. The County Attorney, when requested by at least three Commissioners, shall prepare ordinances which shall be delivered to the Administrator for inclusion in the agenda.

Copies of all proposed ordinances or resolutions shall be furnished to each Commissioner and shall be made available to all interested persons at the normal copying cost.

B. Approval of documents by County Attorney. All ordinances, resolutions and contract documents, before presentation to the Commission, shall have been reduced to writing and shall have been approved as to form by the County Attorney.

C. Passage or approval of ordinances. Any action of the Commission which provides for a new law or a penalty to be imposed shall be by ordinance. Ordinances may be introduced and adopted by title and shall be read by title only by the Chair before consideration by the Commission. The adoption of all ordinances shall require the affirmative vote of a majority of the total membership of the Board. Ordinances must be sponsored by a member or members of the Commission, except that either the Administrator, Clerk or the County Attorney may present ordinances, resolutions and other matters, of an administrative nature, to the Commission for consideration, and any Commissioner may assume sponsorship thereof by moving that such ordinance, resolution or other matter be adopted in accordance with law; otherwise, they shall not be considered.

D. When action to be taken by motion, resolution or ordinance. All actions of the Commission may be taken by motion, resolution or ordinance. Approval of purely administrative matters may be accomplished by resolution or motion duly adopted and recorded in the minutes of the meeting. No resolution or motion shall be adopted by the Commission without the affirmative vote of the majority of all the members present.

E. Emergency ordinances. The Commission at any regular, special or emergency meeting may enact or amend any ordinance with a waiver of notice requirement by a vote of four members of the Commission declaring that an emergency exists and that the immediate enactment of such ordinance is necessary.

1.20 Committees.

A. Whenever the Commission deems it necessary or desirable that the Commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, or departments, agencies or officials of the County government, the Commission may nominate members of the Commission to represent the Commission at such meetings, conferences or other occasions, with the consent of the nominated member. Such representative shall have no power to act for or on behalf of the Commission or to make any commitment or binding obligation on behalf of the Commission or the County. Such representatives may report to the Commission with regard to such meeting, conference or other occasion.

B. The Commission may establish special committees of the Commission and/or citizens as specific needs arise. The Commission shall make nominations to such committees with the

consent of the nominated person. Any special committees may be abolished by the Commission when its continued existence no longer is necessary.

1.21 Evaluations of Commission's Appointees' Performance. The Commission shall annually evaluate the performance of the County Attorney and the County Administrator. The Chair may designate a time for the review of the Commission's appointees; however, if no time is designated, the evaluation shall take place in June of each year. The Chair shall distribute evaluation forms, if any, and request input from each Commissioner. Each Commissioner shall forward the completed evaluation to the Chair. The Chair shall take the evaluations of all Commissioners and develop a composite evaluation, averaging the numerical scores of each Commissioner. The composite evaluation shall be placed on the Commission's agenda within three weeks by the Chair. The agenda package for the Commission shall include the composite evaluation and the evaluation of each Commissioner. The Commission shall review the composite evaluation and adopt it by majority vote of the members present. The Chair may make recommendations on tenure, salary and other matters related to the appointees.

1.22 Suspension of the Rules. Any of the Rules of Order adopted by this Commission may be temporarily suspended for the meeting in session by a majority of those Commissioners present at said meeting.

1.23 Effect of These Rules of Procedure. In any instance where the procedure established by these Rules of Procedure is in conflict with state law, county ordinance or court order, or has ~~the effect of violating any applicable law, ordinance or ruling, or~~ order of a court or administrative agency, or rights thereunder, the procedures established hereunder shall be inoperative to the extent of such conflict or violation.

1.24 Publication. Upon adoption of these Rules of Procedure and any amendment hereof, the County Administrator shall cause same to be published in a form suitable for distribution to the public. Copies shall be provided by the County Administrator to all persons who request them at the standard charge. Copies shall be available for review by the public at all meetings of the Commission.

1.25 Effective Day. These rules shall become effective upon adoption by the Board of County Commissioners.