



AFFORDABLE HOUSING ADVISORY COMMITTEE

MEETING DATE: January 13, 2021

TO: The Leon County Affordable Housing Advisory Committee

FROM: Shington Lamy, Director of Human Services and Community Partnerships
Matthew G. Wyman, Housing Services Manager

SUBJECT: County Attorney's Office Presentation

Statement of Issue

This item provides a brief overview of the presentation that will be made by the County Attorney's Office (CAO) relevant to members of Leon County Citizen Committees.

Background

Leon County government believes that county government makes better decisions and operates more effectively when it engages its citizens and community partners. The Affordable Housing Advisory Committee (AHAC) is a Decision-Making Citizen Committee established by Section 420.9076, Florida Statutes, Chapter 8, Article V, Section 8-156 of the Leon County Code of Laws, Amended Enabling Resolution No. 20-34 adopted on September 29, 2020 and Board Policy No. 03-15 Board-Appointed Citizen Committees. Board Policy No. 03-15 (Attachment #1) requires that all Citizen Committees appointed by the Board comply with all applicable Government-in-the-Sunshine, Public Records, and Code of Ethics Laws.

Analysis

During the January 13, 2021 AHAC meeting, CAO staff will make a presentation (Attachment #2) on Florida's Government-in-the-Sunshine Law, Florida's Public Records Law, State Code of Ethics for Public Officers, and the Leon County Code of Ethics. Members will have the opportunity to ask pertinent questions and discuss concerns.

Attachments:

1. Board Policy No. 03-15 Board-Appointed Citizen Committees
2. County Attorney AHAC Presentation

Board of County Commissioners

Leon County, Florida

Policy No. 03-15

Title: Board-Appointed Citizen Committees

Date Adopted: February 13, 2018

Effective Date: February 13, 2018

Reference:

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

Policy Superseded: Policy No. 97-9, "Voting Conflicts on Boards, Committees, Councils, and Authorities"; Policy No. 00-5, "Volunteer Boards and Committees"; Policy No. 03-15, Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution, adopted September 23, 2003; Policy No. 03-15 "Board-Appointed Advisory Committees" revised April 12, 2011; revised October 11, 2011

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 03-15, "Board-Appointed Advisory Committees" amended on October 11, 2011, is hereby further amended and a revised policy entitled "Board-Appointed Citizen Committees" is adopted in its place, to wit:

POLICY

1) Intent and Purpose; Scope

- a) Intent and Purpose: to establish a policy and procedure to govern the process and the manner in which Board appointments are made to Citizen Committees, to govern the restrictions and limitations on appointments, and to assure that all Citizen Committees appointed by the Board comply with all applicable Government-in-the-Sunshine, Public Records, and Code of Ethics Laws.
- b) Scope: governs all Board-appointed Citizen Committees in existence on the Effective Date of the Policy and to any Board-appointed Citizen Committees thereafter established;

2) Definitions

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

- a) Ad Hoc Citizen Committee: a Citizen Committee established for a specific task or objective, and dissolved after the completion of the task or achievement of the objective. May be a Decision Making Committee or a Focus Group.
- b) Applicant: a person who is interested in serving on a Citizen Committee and who is required to submit an Application, completed in accordance with this Policy.
- c) Application: the form to be completed and submitted by those persons interested in serving on a Citizen Committee, other than those persons whose public positions are specifically identified by statute, code, rule, policy, or other state, federal, or local law as a required member of the Citizen Committee as identified in such law.
- d) Board: the Leon County Board of County Commissioners.
- e) Bylaws: a document governing the function and operation of a Decision Making Committee.
- f) Citizen Committee: any committee or other group to which the Board makes citizen appointments including but not limited to boards, councils, authorities, task forces, commissions, and workgroups.
- g) Commissioner: a member of the Leon County Board of County Commissioners.
- h) County: Leon County, Florida.
- i) Decision Making Committee: a Citizen Committee that provides recommendations regarding matters to be considered for Board approval and is intended to become part of the Board's decision-making process or otherwise makes decisions independent of the Board in accordance with its governing documents.

Policy No. 03-15
Board-Appointed Citizen Committees

- j) Enabling Resolution: the Resolution adopted by the Board which authorizes the creation of a Citizen Committee and which establishes the Citizen Committee as either a Decision Making Committee or a Focus Group.
- k) Focus Group: a Citizen Committee *not* intended to become part of the Board's decision-making process, but rather is intended, by virtue of its Enabling Resolution, to merely provide a fact-finding source of community input and technical resources for use by Staff in developing a Staff recommendation regarding a matter to be considered for Board approval.
- l) Orientation: the publication intended to educate Applicants about the applicability of the Government-In-The-Sunshine Laws, Code of Ethics Laws, and Public Records Laws to Citizen Committees.
- m) Rules of Procedure: a document governing the function and operation of a Focus Group.
- n) Staff: any individual(s) employed by the Leon County Board of County Commissioners.
- o) Staff Support Person: the member of Staff assigned by the County Administrator to assist a Citizen Committee in carrying out the Board direction as set forth in the Enabling Resolution.

3) Responsibilities

- a) County Administrator, or designee, shall be responsible for the implementation and compliance of the Policy, and shall be charged with the following responsibilities to be carried out in accordance with the Policy:
 - i) developing and implementing the application process;
 - ii) developing and implementing a process for the selection and appointment of members to Citizen Committees;
 - iii) developing and implementing an Orientation program;
 - iv) approving and executing the Bylaws or amended Bylaws for the Decision Making Committees and Rules of Procedure for the Focus Groups in a form approved by the County Attorney;
 - v) developing and implementing a custodial system for retaining minutes, Rules of Procedure, and Bylaws of Citizen Committees;
- b) County Attorney: shall be responsible for providing any legal guidance necessary for the County Administrator to carry out his/her responsibilities under the Policy.

4) Eligibility

- a) Applicant shall fully complete the application.
- b) Applicant must complete the Applicant Orientation for Membership on Citizen Committees.

Policy No. 03-15
Board-Appointed Citizen Committees

- c) Applicant must be at least 18 years old and a Leon County resident unless otherwise prohibited by Federal, State or Local law.
- d) Applicant may be appointed to only one Citizen Committee at a time, except for those serving or applying to serve on Ad Hoc Committees.
- e) Limitation on Reappointment of Members: a current member of a Citizen Committee may be reappointed at the expiration of their term provided, however, that no member may serve more than **three** full consecutive terms, unless such limitation is otherwise prohibited or provided by Federal, State, local law or the Decision Making Committee's Bylaws.

5) Application Process for Citizen Committees

- a) Application Form: The County Administrator shall develop and maintain an Application in a form to be approved by County Attorney.
- b) Preliminary Application Review:
 - i) the County Administrator, or designee, shall review all Applications for completeness.
 - ii) in the event that any Application is found to be incomplete, or that any Applicant is found to not reside in Leon County, the Applicant shall be notified of such deficiency in the Application.
 - iii) upon approval of the eligibility of the Applicant, the Application will be maintained, on file, for a period of two years.

6) Appointment of Members to Citizen Committees

- a) Appointment of Members to Citizen Committees by Individual Commissioners: upon review of the Applications, the County Administrator, or designee, shall coordinate the selection of Applicants as follows:
 - i) the list of Applicants available and eligible for selection, together with the required Application shall be provided to each Commissioner;
 - ii) selections shall be made by the individual Commissioners from the list of Applicants, provided by the County Administrator, or designee, and staff shall prepare a Consent Agenda Item to ratify the selections at a Board meeting; and place the matter, as soon as reasonably possible, on the Board's agenda for appointment of each selected Applicant to the Citizen Committee.
- b) Appointment of Members to Citizen Committees by full Board: the selection of Applicants by the Full Board shall be approved by a majority vote of the Board, and selection of the Applicants shall be as follows:
 - i) the list of Applicants available and eligible for selection, together with the required Application shall be provided to each Commissioner;

Policy No. 03-15
Board-Appointed Citizen Committees

- ii) selections shall be made from the list of Applicants, provided by the County Administrator, or designee, to the full Board in a General Business Agenda Item; and shall be placed, as soon as reasonably possible, on the Board's agenda for appointment by the full Board of each selected Applicant to the Citizen Committee;

7) Orientation

- a) Availability to Applicants: the County Administrator shall assure that the Orientation is made available to all Applicants in an easily accessible manner; and made available on the County's Citizens Committees' website.
- b) Updates and Revisions to Orientation: the County Administrator, in conjunction with the County Attorney, or their designees, shall be responsible for updating and revising the Orientation, as necessary, to reflect any changes in the applicable laws.

8) Board-Established Focus Groups - Function and Operation

- a) Rules of Procedure: the County Administrator, in conjunction with the County Attorney, or their designees, shall develop, maintain and amend as needed, the Rules of Procedure, which shall govern the function and operation of a Board-Established Focus Group.
- b) Staff Support Person: each Citizen Committee shall have a Staff Support Person assigned by either the County Administrator or appropriate agency;
- c) Staff Responsibility: upon the adoption of an Enabling Resolution identifying the Citizen Committee as a Focus Group, the Staff Support Person shall be responsible for the following:
 - i) assuring that all members of the Focus Group, after having completed the Orientation, understand the Public Records Law and Code of Ethics - Standard of Conduct before being allowed to participate in any meeting of the Focus Group;
 - ii) coordinating and providing Staff assistance, as necessary, for the meetings of the Focus Group; and conducting each meeting of the Focus Group;
 - iii) at or before the first meeting, providing a copy of the Rules of Procedure to all members of the Focus Group and to the Rules of Procedure custodian, as designated by the County Administrator;
 - iv) assuring that the Focus Group functions and operates in accordance with the Rules of Procedure for the Focus Group and the Enabling Resolution;
 - v) reviewing Citizen Committees' purpose and function to ensure the Citizen Committee is meeting the Board's intended goals; and
 - vi) notifying the County Administrator and/or the County Attorney, as soon as reasonably possible, of any violations of any law applicable to the Focus Group and any other problems encountered with the function and operation of the Focus Group.

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

- a) **Bylaws and Amendments to Bylaws:** the County Administrator in conjunction with the County Attorney, or their designees, shall develop, maintain and amend as needed, Bylaws, which shall govern the function and operation of a Board-established Decision Making Committee. Unless otherwise prohibited or Federal, State or local law, Bylaws and amendments to bylaws must be approved by the County Administrator and County Attorney and, if required in the Citizen Committee's governing documents, by the Board.
- b) **Staff Support Person:** each Citizen Committee shall have a Staff Support Person assigned by the County Administrator or designee.
- c) **Staff Responsibility:** upon the adoption of an Enabling Resolution identifying the Citizen Committee as a Decision Making Committee, the Staff Support Person shall be responsible for the following:
 - i) assuring that all members of the Decision Making Committee after having completed Orientation, understand the Public Records Law, the Sunshine Law and the Code of Ethics, before being allowed to participate in any meeting of the Decision Making Committee;
 - ii) coordinating and providing Staff assistance, as necessary, for the meetings of the Decision Making Committee; and conduct each meeting of the Decision Making Committee;
 - iii) assuring that reasonable notice to the public is given for each meeting of the Decision Making Committee;
 - iv) assuring that, at the first meeting of the Decision Making Committee, a Chairperson is elected and that the Bylaws are provided to each member and a copy of the adopted Bylaws is provided to the Bylaws custodian as designated by the County Administrator;
 - v) assuring that minutes of each meeting of the Decision Making Committee are prepared, per Statute 286.011 Government-in- the-Sunshine Law, as soon as reasonably possible after each meeting, and ensuring that copies of such minutes are retained in a secure area. Staff Support Person shall be considered the minutes custodian for the Decision Making Committee;
 - vi) assuring that the Decision Making Committee functions and operates in accordance with the Bylaws for the Decision Making Committee and the Enabling Resolution;
 - vii) reviewing Citizen Committees' purpose and function to ensure the Citizen Committee is meeting the Board's intended goals;
 - viii) preparing an agenda item, as necessary, to advise the Board of the recommendations of the Decision Making Committee with regard to the matter for which the Decision Making Committee was established; and

Policy No. 03-15
Board-Appointed Citizen Committees

- ix) notifying the County Administrator and the County Attorney as soon as reasonably possible of any violations of any law applicable to the Decision Making Committee and of any other problems encountered with the function and operation of the Decision Making Committee.

10) Dissolution of Citizen Committees

- a) The Citizen Committee shall be dissolved only as directed by the Board.


Revised 2/13/18



1

AHAC

- ✓ **Created by the BCC in 2008**
- ✓ **AHAC is a decision making citizen committee**
- ✓ **Members of AHAC are subject to:**
 - ✓ Florida's Government-in-the-Sunshine Law
 - ✓ Florida's Public Records Law
 - ✓ State Code of Ethics for Public Officers
 - ✓ Leon County Code of Ethics

 *People Focused, Performance Driven.*

2

Sunshine Law

Florida's Government-in-the-Sunshine Law (Article I, Section 24(b), Florida Constitution, and Section 286.011(1), Florida Statutes) applies to all meetings of AHAC

- AHAC meetings must be open and accessible to the public at all times
- Reasonable notice of the meetings must be provided to the public
- Minutes of the meetings must be taken, recorded, and open to the public for inspection



People Focused. Performance Driven.

3

- The Sunshine Law applies to AHAC meetings, whether structured or casual, where there are at least two AHAC members present and AHAC business is discussed.
- Also, under the Sunshine Law, AHAC members must not engage in private discussions with one another about AHAC business. This would include discussions via telephone, e-mail, text messages, or postings on social media.



People Focused. Performance Driven.

4

Penalties for Violations

- The penalties for violating the Sunshine Law can be severe!
- For example, Section 286.011(3)(a), F. S., provides that any public officer who violates any provision of the Sunshine Law is guilty of a non-criminal infraction, punishable by fine not exceeding \$500.
- Also, Section 286.011(3)(b), F.S., states that any member of a public body subject to the Sunshine Law who knowingly violates the Sunshine Law is guilty of a misdemeanor of the second degree. A person convicted of a second degree misdemeanor may be sentenced to a term of imprisonment not to exceed 60 days and/or fined up to \$500.
- In addition, a violation of the Sunshine Law by an advisory committee such as AHAC can nullify subsequent BCC decisions.



People Focused, Performance Driven.

5

Ethics

- The state “Code of Ethics” for public officers and employees is extensive, and is set forth in Chapter 112, Part III, Florida Statutes
- Contains standards of conduct applicable to “public officers” (which, by definition, includes members of an advisory body such as AHAC)



People Focused, Performance Driven.

6

State Code of Ethics

Examples of standards of conduct addressed in the State Code of Ethics:

- Contains restrictions on solicitation or acceptance of gifts
- Contains restrictions on doing business with one's agency
- Contains prohibition against unauthorized compensation
- Contains restrictions on conflicting employment or contractual relationships
- Contains prohibition on misuse of public position
- Contains prohibition on voting on a measure that would inure to a public officer's special gain or loss



People Focused, Performance Driven.

7

Leon County Code of Ethics

- Leon County also has a Code of Ethics
- Latest version of the Leon County Code of Ethics is Ordinance No. 2020-23
- The Leon County Code of Ethics prescribes standards of conduct for members of the BCC, employees, and members of boards and committees created by the BCC, such as AHAC



People Focused, Performance Driven.

8

Leon County Code of Ethics

- Prohibits the solicitation or acceptance of things of value, such as a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, action, or judgment of a member of AHAC would be influenced by same
- Prohibits the solicitation or acceptance of compensation, payment, favor, service, or thing of value from a lobbyist, when the AHAC member knows, or should know, that it was given to influence a vote or recommendation favorable to the lobbyist



People Focused. Performance Driven.

9

Leon County Code of Ethics

- Prohibits a member of AHAC from knowingly and intentionally using, or attempting to use, his or her public position to secure a special privilege or benefit for himself, herself, or others
- Prohibits a member of AHAC from disclosing, or using, information not available to the general public and gained by reason of his or her public position for his or her personal gain or benefit, or the personal gain or benefit of another person or business entity
- Prohibits workplace harassment

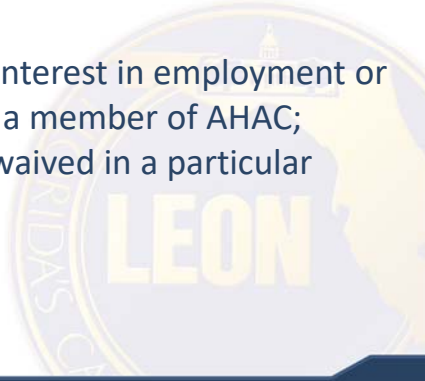



People Focused. Performance Driven.

10

Leon County Code of Ethics

- Prohibits a member of AHAC from doing business with the County; however, this may be waived in a particular instance by the BCC
- Also prohibits a conflict of interest in employment or contractual relationship by a member of AHAC; however, this may also be waived in a particular instance by the BCC



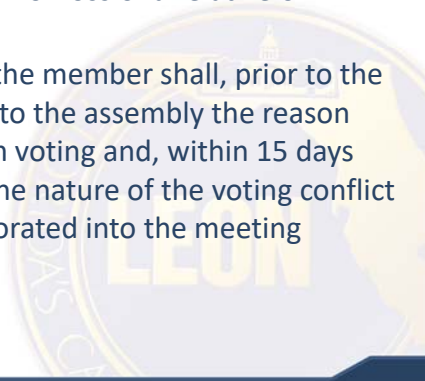
 *People Focused, Performance Driven.*


11

Leon County Code of Ethics

Voting Conflicts

- AHAC members must not vote in an official capacity upon any measure which would inure to the member's special private gain or loss, or to the special gain or loss of a relative or business associate
- In the case of a voting conflict, the member shall, prior to the vote being taken, publicly state to the assembly the reason why he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of the voting conflict in a memorandum to be incorporated into the meeting minutes




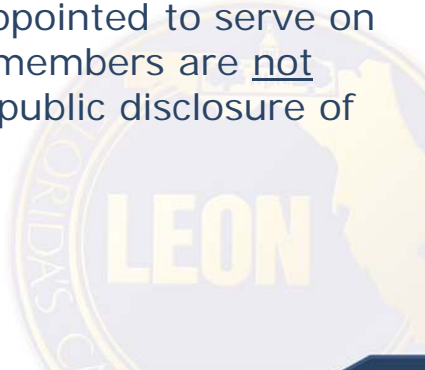
 *People Focused, Performance Driven.*

12

Financial Disclosure

Question: Are AHAC Members Required to File a Financial Disclosure Form?

No. With the exception of the one County Commissioner who is appointed to serve on AHAC, the other AHAC members are not required to file full and public disclosure of financial interests.



People Focused, Performance Driven.

13



Thank You!

14