

Affordable Housing Advisory Committee

January 13, 2021
Leon County Agriculture Building – Auditorium
615 Paul Russell Road
Tallahassee-Leon County Joint AHAC Meeting – 10:00 a.m.

Agenda

- I. Call to Order
- II. Roll Call
- III. Approval of January 13, 2021 Agenda
- IV. Public Comments
- V. Old Business
 - None
- VI. New Business
 - Sunshine Laws presented by County Attorney’s Office (**TAB 1**)
 - Presentation of ByLaws; and Presentation of Tentative Meeting Schedule for Adoption (**TAB 2**)
 - Replacement election for Chairperson and Vice- Chairperson (**TAB 3**)
- VII. Adjournment



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.

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- 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.

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- 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;

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- 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

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- 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

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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



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- 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.



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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.



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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)



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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



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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



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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



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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


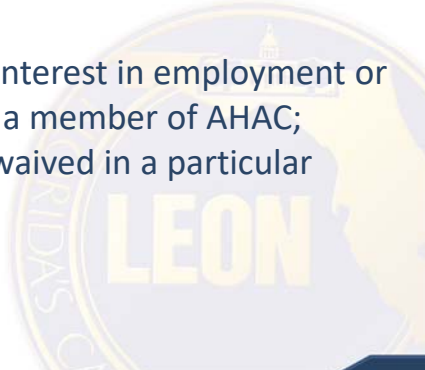


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Leon County Code of Ethics

- 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




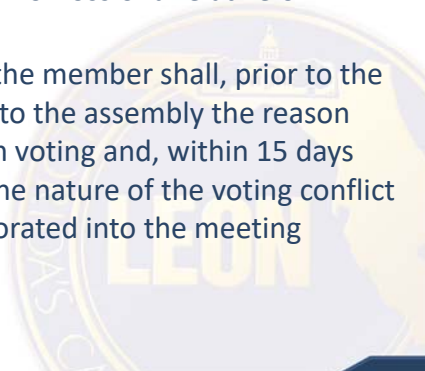
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Leon County Code of Ethics

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




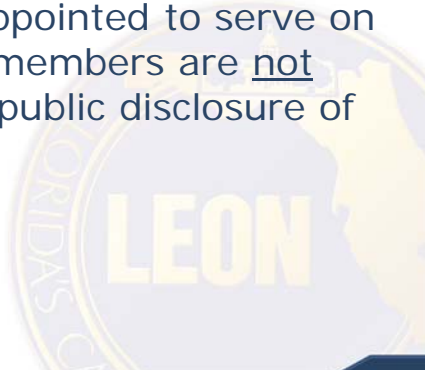
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Financial Disclosure

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.



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Thank You!

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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: Changes to Statutes, Bylaws and 2021 Meeting Schedule

Statement of Issue

This item introduces the requirements of Section 420.9076, Florida Statutes, as amended, the Leon County Affordable Housing Advisory Committee (AHAC) Bylaws, and presents a proposed meeting schedule for 2021 in preparation to produce the report of recommendations.

Background

The State Housing Initiatives Partnership (SHIP) is the primary funding source of the County's Housing Services programs. The SHIP Program provides funding to the County to support the preservation and growth of the affordable housing stock as established in the Board adopted Local Housing Assistance Plans (LHAP). Section 420.9076, Florida Statutes (Attachment #4), requires each jurisdiction that receives funding through the State Housing Initiatives Partnership (SHIP) to appoint an AHAC.

Pursuant to 420.9076(4) Fla. Stats., the Committee's primary responsibility is to review the established policies and procedures, ordinances, land development regulations, and comprehensive plan of Leon County, and to recommend specific actions or initiatives which encourage development of affordable housing while protecting the ability of property to appreciate in value. Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions. At a minimum, the Committee must submit a report of recommendations to the Board of County Commissioners in the areas set forth at Section 420.9076(4), Florida Statutes.

During the 2020 Legislative Session, the Florida Legislature adopted House Bill 1339 (Bill), which was approved by the Governor on June 9, 2020, to amend section 420.9076, Florida Statutes, relating to the AHAC. A summary of the effect of the Bill on the AHAC is as follows:

- Provides for the inclusion of one locally elected official (Commissioner Maddox) to the AHAC.
- Establishes mandatory biannual regional workshops on affordable housing best practices for locally elected officials (Commissioner) serving on the AHAC.

- Requires the AHAC to provide an annual, rather than triennial, report to the Board and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program.

Analysis

Proposed Bylaws

This item presents proposed amendments to the Committee bylaws (Attachment #1) which outlines the officers, terms, report of recommendations and the regional workshops required to be attended by the County Commissioner. The changes are necessary to comply with the changes made to Florida Statute and pursuant to Leon County Resolution 20-34 (Attachment #3) which was approved by the Board of County Commissioners on September 29, 2020. In summary, the following revisions to the bylaws are being proposed:

- The positions of Chair and Vice-Chair will be the only officers of the Committee and will each serve a one-year term commencing April 1 and ending March 31. County staff intends to place the election of officers on the Committee's March 3, 2021 meeting agenda.
- The Commissioner shall serve on the Committee for a term beginning on September 29, 2020 and expiring on December 31, 2022. Thereafter, the appointed County Commissioner shall serve on the Committee for a term of two (2) years.
- All other members serve on the Committee for a staggered term of three (3) years.
- Requires the AHAC to provide the report of recommendations to the Board and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program annually.
- Establishes that the Commissioner serving on the AHAC must attend biannual regional workshops.

Pursuant to the policies of the Board of County Commissioners, the amendments to the Committee's bylaws can only be approved by the County Administrator and County Attorney; **as a result, County staff requests that the Committee recommend that the County Administrator and County Attorney approve the amended AHAC bylaws.**

Proposed Meeting Schedule

This item presents the proposed AHAC meeting schedule for 2021. In preparation for the Committee to produce the required report, staff expects to coordinate multiple presentations to provide the Committee with the County's current policies and procedures, ordinances, land development regulations, and comprehensive plan in order to provide informative and thoughtful recommendations that will increase the inventory of affordable housing in the community.

Meaningful evaluation of the County's policies and procedures will take several meetings from March to July 2021. County staff intends to schedule presentations from the Planning Department, Department of Development Services & Environmental Management, and the Division of Housing. During the presentations, Committee members will have the opportunity to discuss current ordinances, plans, policies, procedures, and regulations and request staff to bring back proposed recommendations and analysis. The proposed recommendations would be presented to the Committee in July and finalized in September.

In September, a draft report will be presented to the Committee that includes the recommendations that were approved during the July meeting (October meeting if needed). This meeting may be scheduled to be held at 6 p.m. to provide the public greater opportunity to engage the Committee's review process.

On November 3, 2021, the proposed schedule includes a public hearing to be conducted by the AHAC to adopt the report of recommendations as required by Florida Statutes. The adopted AHAC report of recommendations would be presented to the Board of County Commissioners on December 14, 2021.

Staff requests that the AHAC approve the proposed meeting schedule (Attachment #5) and provide guidance to staff on information/presentations the members would like to see as part of the process to produce the report, evaluation, and recommendations process (e.g. the Land Development Code, procedures used by Development Support and Environmental Management, etc).

Recommended Actions:

1. Recommend that the County Administrator and County Attorney approve the amended AHAC bylaws (Attachment #1).
2. Approve the proposed meeting schedule (Attachment #5)
3. Provide guidance to staff on information/presentations the members would like to see as part of the process to produce the report, evaluation, and recommendations process.

Attachments:

1. Proposed Amended Bylaws
2. Current AHAC Bylaws
3. Enabling Resolution No. 20-34
4. Section 420.9076, Florida Statutes
5. AHAC Meeting Schedule and AHAC Report Timeline

BYLAWS OF THE LEON COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE

In order to govern its function and operation in a manner consistent with the Enabling Resolution No. 20-34 adopted by the Leon County Board of County Commissioners (hereinafter the “BOCC”) on September 29, 2020, the Leon County Affordable Housing Advisory Committee (hereinafter the “Committee”) hereby adopts as its Bylaws the following:

ARTICLE I. APPLICABLE FLORIDA LAWS AND BOCC POLICIES

Section 1.1 Public Records Law and E-Mails: Each member of the Committee shall comply with the Florida’s Public Records Law, Chapter 119, Florida Statutes, and BOCC Policy No. 96-4, “Policy on Public Records Law and E-Mail”, as may be amended from time to time, and each member of the Committee shall be provided a copy of BOCC Policy No. 96-4.

Section 1.2 Government in the Sunshine Law: Each member of the Committee shall comply with the Florida Government in the Sunshine Law, Chapter 286, Florida Statutes, as may be amended from time to time.

Section 1.3 Code of Ethics: The Committee shall comply with the following state laws and BOCC Policies with regard to the Florida Code of Ethics for Public Officers and Employees:

Clause 1.3.1 Each member of the Committee shall comply with Section 112.3143, Florida Statutes, “Voting Conflicts”, as may be amended from time to time, and shall be provided a copy of Section 112.3143, Florida Statutes.

Clause 1.3.2 Each member of the Committee shall abide by the Standards of Conduct set forth in Section 112.313, Florida Statutes, as may be amended from time to time, and shall be provided a copy of Section 112.313, Florida Statutes.

ARTICLE II. OFFICERS AND DUTIES

Section 2.1 Election: Upon adoption of these Bylaws, the Committee shall elect from among its members a Chairperson and a Vice-Chairperson, each of whom shall serve a term of one (1) year that shall commence on ~~October-April~~ 1 and expire ~~September~~ March 31-30.

Section 2.2 Duties: The Chairperson shall preside at all meetings. In the event of the Chairperson’s absence, or at the direction of the Chairperson, the Vice-Chairperson shall assume the powers and duties of the Chairperson.

Section 2.3 Replacement: In the event that either the Chairperson or the Vice-Chairperson is unable to complete their terms, the Committee shall, as soon as reasonably possible, elect a replacement from among its members.

ARTICLE III. TERM OF MEMBERS

Section 3.1 **Terms:** The duly appointed County Commissioner shall serve on the Committee for a term beginning on September 29, 2020 and expiring on December 31, 2022. Thereafter, the duly appointed County Commissioner shall serve on the Committee for a term of two (2) years. All other ~~Members~~ members serve on the Committee for a ~~staggered~~ terms of three (3) years. Vacancies are filled for the remainder of the unexpired term.

Section 3.2 **Reappointment:** A member may be reappointed at the expiration of their term provided, however, no member may serve more than three (3) full consecutive terms, or until the vacancy is filled with an appointment by the BOCC.

ARTICLE IV. MEETINGS

Section 4.1 **Regular Meetings:** The Committee shall hold regular meetings at a place and time agreeable to the members. In order to expedite meetings, the Chairperson may place time limits on discussion of agenda items.

Section 4.2 **Special Meetings:** The Chairperson may call a special meeting of the Committee to discuss any issue properly before the Committee. Such special meeting may be convened only after notification is given to each member of the Committee and after public notice is given no later than forty-eight (48) hours before the special meeting is scheduled to begin.

Section 4.3 **Public Participation:** Members of the public shall be given an opportunity to be heard on any proposition before the Committee.

Section 4.4 **Meeting Agendas:** The County Staff Support Person shall develop an agenda for each meeting of the Committee. Any member of the Committee may request that appropriate items be placed on the agenda.

Section 4.5 **Official Acts and Quorum:** Any and all official acts by the Committee shall require a majority vote of the members present. However, the Committee shall take no such action unless a quorum is present at the meeting. In order to constitute a quorum, there must be a majority of the Committee's current membership present at the meeting. The minutes of the meeting shall reflect the number of affirmative votes on a motion and shall specify the names of any members voting against the motion.

Section 4.6 **Meeting Minutes:** Minutes shall be taken at all regular and special meetings of the Committee. The County Staff Support Person shall prepare and maintain the minutes of each meeting.

Section 4.7 **Procedure:** Roberts' Rules of Order Revised shall guide the procedure of all meetings to the extent that they do not conflict with the Bylaws. In the event of a conflict or inconsistency between the Bylaws and Robert's Rules of Order, the Bylaws shall prevail. A failure to strictly adhere to the Roberts' Rules of Order shall not void any action taken by the Committee.

ARTICLE V. AMENDMENTS TO BYLAWS

Section 5.1 Amendments: The Bylaws may only be amended by the County Administrator in conjunction with the County Attorney per County Policy No. 03-15. At any regular or special meeting of the Committee, the Committee may recommend amendments to the Bylaws by a majority vote and request the County Administrator amend the Bylaws.

Section 5.2 Approval: The Amended Bylaws shall become effective upon the approval of the County Administrator and the County Attorney.

ARTICLE VI. ATTENDANCE AND REPLACEMENT OF MEMBERS

Section 6.1 Attendance at Meetings: Members shall provide notification of an absence, at least twenty-four (24) hours in advance of the meeting. In the event a member is absent from two of three successive regular meetings of the Committee, and the absences are unexcused, the member may be dismissed from the Committee. The Chairperson or the County Staff Support Person will advise the County Administrator, or designee, of the excessive absences and appropriate actions will be taken.

Section 6.2 Replacement of Members: In the event a vacancy occurs, a new member shall be appointed as soon as reasonably possible in accordance with the procedure for appointment of members to citizen committees contained in BOCC Policy No. 03-15.

ARTICLE VII. SPECIAL PROVISIONS

Section 7.1 Reporting to the BOCC and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program: The Committee shall be charged with the duties and responsibilities as provided in Section 420.9076, Florida Statutes, ~~and as that section may hereafter be amended from time to time. Triennially, the AHAC Committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan, and shall recommend specific actions or initiatives to encourage or facilitate affordable housing.~~ Subject to those requirements, at a minimum, the Committee shall submit an annual report to the Board and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program which includes recommendations on the specific actions or initiatives to encourage or facilitate affordable housing in the areas set forth at Section 420.9076(4), Florida Statutes. ~~The AHAC shall submit a written report of its findings to the Board.~~

~~Section 7.1~~ **Section 7.2 Biannual Regional Workshops:** The duly appointed County Commissioner, or a locally elected designee, must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program as provided in Section 420.531(2), Florida Statutes.

Approved As To Form and Content:

Leon County Administrator's Office:

Leon County Attorney's Office:

BY: _____
Vincent S. Long, County Administrator

BY: _____
Chasity H. O'Steen, County Attorney

Date: _____

Date: _____

BYLAWS OF THE LEON COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE

In order to govern its function and operation in a manner consistent with the Enabling Resolution No. R16-26 adopted by the Leon County Board of County Commissioners (hereinafter the "BOCC") on September 13, 2016, the Leon County Affordable Housing Advisory Committee (hereinafter the "Committee") hereby adopts as its Bylaws the following:

ARTICLE I. APPLICABLE FLORIDA LAWS AND BOCC POLICIES

Section 1.1 Public Records Law and E-Mails: Each member of the Committee shall comply with the Florida's Public Records Law, Chapter 119, Florida Statutes, and BOCC Policy No. 96-4, "Policy on Public Records Law and E-Mail", as may be amended from time to time, and each member of the Committee shall be provided a copy of BOCC Policy No. 96-4.

Section 1.2 Government in the Sunshine Law: Each member of the Committee shall comply with the Florida Government in the Sunshine Law, Chapter 286, Florida Statutes, as may be amended from time to time.

Section 1.3 Code of Ethics: The Committee shall comply with the following state laws and BOCC Policies with regard to the Florida Code of Ethics for Public Officers and Employees:

Clause 1.3.1 Each member of the Committee shall comply with Section 112.3143, Florida Statutes, "Voting Conflicts", as may be amended from time to time, and shall be provided a copy of Section 112.3143.

Clause 1.3.2 Each member of the Committee shall abide by the Standards of Conduct set forth in Section 112.313, Florida Statutes, as may be amended from time to time, and shall be provided a copy of Section 112.313, Florida Statutes.

ARTICLE II. OFFICERS AND DUTIES

Section 2.1 Election: Upon adoption of these Bylaws, the Committee shall elect from among its members a Chairperson and a Vice-Chairperson, each of whom shall serve a term of one (1) year that shall commence on October 1 and expire September 30.

Section 2.2 Duties: The Chairperson shall preside at all meetings. In the event of the Chairperson's absence, or at the direction of the Chairperson, the Vice-Chairperson shall assume the powers and duties of the Chairperson.

Section 2.3 Replacement: In the event that either the Chairperson or the Vice-Chairperson is unable to complete their terms, the Committee shall, as soon as reasonably possible, elect a replacement from among its members.

ARTICLE III. TERM OF MEMBERS

Section 3.1 **Terms:** Members serve on the Committee for a term of three (3) years. Vacancies are filled for the remainder of the unexpired term.

Section 3.2 **Reappointment:** A member may be reappointed at the expiration of their term provided, however, no member may serve more than three (3) full consecutive terms per County Policy 03-15.

ARTICLE IV. MEETINGS

Section 4.1 **Regular Meetings:** The Committee shall hold regular meetings at a place and time agreeable to the members. In order to expedite meetings, the Chairperson may place time limits on discussion of agenda items.

Section 4.2 **Special Meetings:** The Chairperson may call a special meeting of the Committee to discuss any issue properly before the Committee. Such special meeting may be convened only after notification is given to each member of the Committee and after public notice is given no later than forty-eight (48) hours before the special meeting is scheduled to begin.

Section 4.3 **Public Participation:** Members of the public shall be given an opportunity to be heard on any proposition before the Committee.

Section 4.4 **Meeting Agendas:** The County Staff Support Person shall develop an agenda for each meeting of the Committee. Any member of the Committee may request that appropriate items be placed on the agenda.

Section 4.5 **Official Acts and Quorum:** Any and all official acts by the Committee shall require a majority vote of the members present. However, the Committee shall take no such action unless a quorum is present at the meeting. In order to constitute a quorum, there must be a majority of the Committee's current membership present at the meeting. The minutes of the meeting shall reflect the number of affirmative votes on a motion and shall specify the names of any members voting against the motion.

Section 4.6 **Meeting Minutes:** Minutes shall be taken at all regular and special meetings of the Committee. The County Staff Support Person shall prepare and maintain the minutes of each meeting.

Section 4.7 **Procedure:** Roberts' Rules of Order Revised shall guide the procedure of all meetings to the extent that they do not conflict with the Bylaws. In the event of a conflict or inconsistency between the Bylaws and Robert's Rules of Order, the Bylaws shall prevail. A failure to strictly adhere to the Roberts' Rules of Order shall not void any action taken by the Committee.

**ARTICLE V.
AMENDMENTS TO BYLAWS**

Section 5.1 Amendments: The Bylaws may only be amended by the County Administrator in conjunction with the County Attorney per County Policy No. 03-15. At any regular or special meeting of the Committee, the Committee may recommend amendments to the Bylaws by a majority vote and request the County Administrator amend the Bylaws.

Section 5.2 Approval: The Amended Bylaws shall become effective upon the approval of the County Administrator and the County Attorney.

**ARTICLE VI.
ATTENDANCE AND REPLACEMENT OF MEMBERS**

Section 6.1 Attendance at Meetings: Members shall provide notification of an absence, at least twenty-four (24) hours in advance of the meeting. In the event a member is absent from two of three successive regular meetings of the Committee, and the absences are unexcused, the member may be dismissed from the Committee. The Chairperson or the County Staff Support Person will advise the County Administrator, or designee, of the excessive absences and appropriate actions will be taken.

Section 6.2 Replacement of Members: In the event a vacancy occurs, a new member shall be appointed as soon as reasonably possible in accordance with the procedure for appointment of members to citizen committees contained in BOCC Policy No. 03-15.

**ARTICLE VII.
SPECIAL PROVISIONS**

Section 7.1 Reporting to the BOCC: The Committee shall be charged with the duties and responsibilities as provided in Section 420.9076, Florida Statutes, and as that section may hereafter be amended from time to time. Triennially, the AHAC shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan, and shall recommend specific actions or initiatives to encourage or facilitate affordable housing. The AHAC shall submit a written report of its findings to the Board.

Approved As To Form and Content:


County Administrator's Office:

BY: 

Vincent S. Long
County Administrator

Date: 3/15/19

County Attorney's Office:

BY: 

Herbert W. A. Thiele
County Attorney

Date: 3/11/19

LEON COUNTY RESOLUTION NO. R20- 34

AN AMENDED AND RESTATED RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE KNOWN AS THE AFFORDABLE HOUSING ADVISORY COMMITTEE, WHICH SHALL OPERATE AND FUNCTION AS A DECISION MAKING COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in 2008, the Board of County Commissioners adopted Resolution No. 08-12 to establish the Affordable Housing Advisory Committee (“AHAC”) as an advisory committee pursuant to section 8-156 of the Code of Laws of Leon County, and section 420.9076, Florida Statutes; and

WHEREAS, in 2016, the Board of County Commissioners adopted Resolution No. 16-26 relating to the AHAC, which superseded Resolution No. 08-12; and

WHEREAS, during the 2020 Legislative Session, the Florida Legislature adopted House Bill 1339, which was signed into law by the Governor, which amended section 420.9076, Florida Statutes with regard to membership on the Affordable Housing Advisory Committee, reporting requirements, and other member obligations; and

WHEREAS, the Board desires to adopt an amended and restated resolution to comport with section 420.9076, Florida Statutes, as amended; and

WHEREAS, upon adoption, this Resolution shall supersede Resolution No. 16-26;

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Affordable Housing Advisory Committee.

1. The Leon County Board of County Commissioners (the “Board”) hereby ratifies and confirms the establishment of an advisory committee known as the Leon County Affordable Housing Advisory Committee (the “AHAC”), as set forth in section 8-156 of the Code of Laws of Leon County, and as provided for in section 420.9076, Florida Statutes. The purpose of AHAC is to promote affordable housing incentives and to make recommendations concerning same to the Board and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program.

2. The AHAC shall function and operate as a Decision Making Committee in accordance with Board Policy No. 03-15, Board-Appointed Citizen Committees, section 9, Board-Established Decision Making Committees Function and Operation, as may be amended from time to time.

3. The AHAC shall have as its goal the identification of incentives that are pertinent to affordable housing and to serve as an information resource to help improve affordable housing feasibility.

4. The AHAC shall be charged with the duties and responsibilities as provided in section 420.9076, Florida Statutes, and as that section may hereafter be amended from time to time. Annually, the AHAC shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan, and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to

amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, the AHAC shall submit an annual report to the Board and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program which includes recommendations on the implementation of affordable housing incentives in the following areas:

- (a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.
- (b) All allowable fee waivers provided for the development or construction of affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- (e) Affordable accessory residential units.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing

- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The AHAC's recommendations may also include other affordable housing incentives identified by the AHAC.

5. The AHAC membership shall be composed of at least 8 members but not more than 11 members. The AHAC shall consist of one duly appointed County Commissioner and one representative from at least six of the categories below:

- (a) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (c) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) A citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) A citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) A citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (h) A citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.

- (i) A citizen who resides within the jurisdiction of the local governing body making the appointments.
- (j) A citizen who represents employers within the jurisdiction.
- (k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

6. The duly appointed County Commissioner shall serve a term on the AHAC beginning on September 29, 2020 and expiring on December 31, 2022. Thereafter, the duly appointed County Commissioner shall be appointed to a two-year term on the AHAC. The terms of the AHAC membership presently appointed shall continue upon the effective date of this Resolution until the designated expiration dates of membership of March 31, 2023. Thereafter, the remaining AHAC membership shall be appointed to three-year staggered terms. In order to achieve staggered terms, beginning April 1, 2023, between 4 and 5 members shall be appointed to a term of 3 years and between 4 and 5 members shall be appointed to a term of 2 years. Vacancies may be filled at any time by the Board for the unexpired term of a member.

7. The duly appointed County Commissioner, or a locally elected designee, must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program as provided in section 420.531(2), Florida Statutes.

7. With the exception of the duly appointed County Commissioner, the members of the AHAC shall not be subject to full and public disclosure of financial interests.


8. The AHAC shall be assisted by staff from the Division of Housing Services.

Section 2. Effective Date.


This Resolution shall supersede Resolution No. 16-26 and shall have effect upon adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Leon County,
Florida, this 29th day of September, 2020.

LEON COUNTY, FLORIDA

By: 
Bryan Desloge, Chair
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

By: 



APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: Chasity H.
O'Steen

Digitally signed by Chasity H. O'Steen
DN: cn=Chasity H. O'Steen, o=Leon County
Board of County Commissioners, ou=County
Attorney's Office,
email=osteenc@leoncountyfl.gov, c=US
Date: 2020.10.05 17:12:34 -04'00'

The 2020 Florida Statutes

[Title XXX](#)
SOCIAL WELFARE

[Chapter 420](#)
HOUSING

[View Entire Chapter](#)

420.9076 Adoption of affordable housing incentive strategies; committees.—

(1) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program, including a municipality receiving program funds through the county, or an eligible municipality must, within 12 months after the original adoption of the local housing assistance plan, amend the plan to include local housing incentive strategies as defined in s. [420.9071\(16\)](#).

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee. The local action adopted pursuant to s. [420.9072](#) which creates the advisory committee and appoints the advisory committee members must name at least 8 but not more than 11 committee members and specify their terms. Effective October 1, 2020, the committee must consist of one locally elected official from each county or municipality participating in the State Housing Initiatives Partnership Program and one representative from at least six of the categories below:

- (a) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
 - (b) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
 - (c) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
 - (d) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
 - (e) A citizen who is actively engaged as a for-profit provider of affordable housing.
 - (f) A citizen who is actively engaged as a not-for-profit provider of affordable housing.
 - (g) A citizen who is actively engaged as a real estate professional in connection with affordable housing.
 - (h) A citizen who actively serves on the local planning agency pursuant to s. [163.3174](#). If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.
 - (i) A citizen who resides within the jurisdiction of the local governing body making the appointments.
 - (j) A citizen who represents employers within the jurisdiction.
 - (k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.
- (3) All meetings of the advisory committee are public meetings, and all committee records are public records. Staff, administrative, and facility support to the advisory committee shall be provided by the appointing county or eligible municipality.

(4) Annually, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit an annual report to the local governing body and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program which includes recommendations on the implementation of affordable housing incentives in the following areas:

- (a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. [163.3177\(6\)\(f\)3](#).
- (b) All allowable fee waivers provided for the development or construction of affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- (e) Affordable accessory residential units.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform an initial review but may elect to not perform the annual review.

Leon County Tentative AHAC Meeting Schedule

Wednesday, January 13, 2021	AHAC Orientation Workshop
Tuesday February 16, 2021	County & City AHAC Joint Meeting
Wednesday, March 3, 2021	Kick-off Review and Recommendations Process; Election of Officers
Wednesday, April 7, 2021	Presentations, Staff Reporting, and Discussion of issues
Wednesday, May 5, 2021	Presentations, Staff Reporting, and Discussion of issues
Wednesday, June 2, 2021	Presentations, Staff Reporting, and Discussion of issues
Wednesday, July 7, 2021	Formulate Recommendations and Discussion
Wednesday, September 1, 2021	Finalize Recommendations, Review Draft Report (Report Review Committee)
Wednesday, October 6, 2021	Finalize Recommendations & Report (If Needed)
Wednesday, November 3, 2021	AHAC Public Hearing and Adoption
Tuesday, December 14, 2021	Present the Report of Recommendations to the BOCC



AFFORDABLE HOUSING ADVISORY COMMITTEE

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: Elections for Chairperson & Vice-Chairperson

Statement of Issue

This item discusses the need to elect a new Chairperson & Vice-Chairperson of the Affordable Housing Advisory Committee (Committee) and provides guidance on the procedural options in conducting the election.

Background

In August 2019, the Committee elected Kyle Frost as Chairperson and Bruce Strouble as Vice-Chairperson, neither of whom are currently serving on the Committee in 2021.

Pursuant to Committee Bylaws, the Committee must elect a replacement Chairperson and Vice-Chairperson. Section 2.3 of the Bylaws of the Leon County Affordable Housing Advisory Committee (Bylaws) is as follows:

Section 2.3 In the event that either the Chairperson or the Vice-Chairperson is unable to complete their terms, the Committee shall, as soon as reasonably possible, elect a replacement from among its members.

Analysis

Provided that a quorum constituting a majority of the Committee's membership is present during its January 13th meeting, the Committee must procedurally follow Roberts' Rules of Order, Revised to hold an election for the positions of Chairperson and Vice-Chairperson. The Bylaws do not require nominations in preparation for an election nor do they specify a voting type. The following three subtopics provide staff guidance on conducting the necessary election.

Nominations

Although customary to nominate one or more candidates, Roberts' Rules of Order, Revised indicates nominations are not necessary when the election is by ballot or roll call, as each member may vote for any eligible person whether nominated or not. If nominations are not used, an election is not complete until one candidate receives the majority of the votes of members present which may require multiple casting of ballots.

If the body decides to conduct nominations, the following Roberts' Rules of Order, Revised and best practices are advised:

- The Chairperson or staff should verbally announce the opening and closing period for

“People Focused, Performance Driven”

- nominations. Provide ample opportunity to the Committee (offered 3 times) to nominate.
- Nominations need not be seconded.
 - Those nominated should accept the nomination prior to vote being conducted.

Staff Recommendation: Hold a nomination period to expedite the election process.

If the Committee agrees not to conduct nominations, staff will conduct an election by the voting type selected by majority of the quorum present.

Voting Types

Roberts' Rules of Order, Revised offers multiple voting types that could be used which are as follows:

- Ballot - Nominations are not necessary but suggested (This is the usual method in permanent groups, organizations or societies);
- Roll Call - Nominations are not necessary but suggested;
- Raising of Hands;
- By rising;
- By "yeas" and "nays"

The voting type must be decided by majority of the quorum present as Bylaws are silent as to the voting method. Due to the possibility of duplicate nominations, voting should be completed first for the position of Chairperson and then Vice-Chairperson.

Staff Recommendation: Committee direction.

Once nominations are completed and a vote by ballot is selected by the body, staff will immediately produce a ballot.

Election Effectiveness

An election takes effect immediately when the elect is:

- present and does not decline; or
- absent and has consented to candidacy.
- absent and has not consented to candidacy, but when notified of election, provided the candidate does not decline immediately.

After the election has taken effect and the officer or member has learned the fact, it is too late to reconsider the vote on the election. An officer-elect takes possession of office immediately to fill the position of Chairperson and Vice-Chairperson in the case of replacement as established in the Committee ByLaws.

Attachment

1. None