

Board of County Commissioners Leon County, Florida

Policy No. 01-05

Title:	Rules of Procedure for Meetings of the Leon County Board of County Commissioners
Date Adopted:	June 16, 2020
Effective Date:	June 16, 2020
Reference:	<i>Robert's Rules of Order Revised</i>
Policy Superseded:	Policy No. 92-11, "Citizen Inquiry Processing" adopted September 8, 1992; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners" adopted May 29, 2001; revised September 17, 2002; revised January 13, 2004; revised December 14, 2004; revised March 28, 2006; revised January 9, 2007; revised December 8, 2009; revised March 13, 2012

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 01-05 "Rules of Procedure for Meetings of Leon County Board of County Commissioners" amended on March 13, 2012, is hereby further amended, and a revised policy is hereby adopted in its place, to wit:

It is the policy of the Leon County Board of County Commissioners that these Rules of Procedure shall govern all meetings of the Board of County Commissioners. The members of the Board, County Administrator, County Attorney, staff, and the public shall adhere to these rules.

I. Rules of Parliamentary Procedure.

The Leon County Board of County Commissioners, otherwise known as the Board, shall determine its own procedures, rules, and order of business, so long as they do not conflict with any provision of law that applies to the Board. In promulgating the procedures, rules, and order of business, the Board shall follow simplified parliamentary procedures and be guided by *Robert's Rules of Order Revised*. No action taken by the Board shall be deemed void or invalid because of a failure to adhere to *Robert's Rules of Order Revised*.

II. Open to the Public.

- A. Meetings Open to Public. All meetings of the Board shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, Florida Statutes.

- B. Exempt Meetings. The exception to the opening meeting requirement shall be those meetings statutorily exempt, such as executive collective bargaining sessions, Section 447.605(1), F.S., meetings regarding risk management claims, Section 768.28(16)(c), F.S., and litigation meetings pursuant to Section 286.011(8) Florida Statutes. The Board shall comply with all statutory requirements for exempt meetings.
- C. Seating Capacity. Due to the need to comply with seating capacity requirements of the Fire Code, there may be occasions when entrance by the public to the Commission Chambers or other meeting rooms shall be limited. When the seating capacity in Commission Chambers or other meeting room has been met, the County shall endeavor to accommodate overflow seating elsewhere in the meeting vicinity.
- D. Accessibility. All Board meetings will be conducted in a publicly accessible building.
- E. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in Commission Chambers or other meeting rooms. Other signs, placards and banners shall not disrupt meetings or interfere with others' visual rights.

III. Quorum.

- A. Quorum. A majority, meaning more than half, of the entire Board shall constitute a quorum.
- B. Remaining in Chambers. During a Board meeting, Commissioners should remain in the Commission Chambers or other meeting room at all times unless an emergency or illness occurs. Commissioners present in the meeting should not absent themselves for a particular item.
- C. Participation by Absent Commissioner. Upon the determination by a majority of the Commissioners present in the Commission Chambers or other meeting room and voting, that extraordinary circumstances exist to justify the absence of any Commissioner from said meeting, and assuming a quorum of the Board is otherwise present, the Board may allow the participation of the physically absent Commissioner. The decision of the Board shall take place before the subject meeting and shall be based upon the facts and circumstances of each request. The physically absent Commissioner may not vote on any motion authorizing such participation. The physically absent Commissioner must take all steps necessary to provide an interactive communication between the meeting location and the location of the physically absent Commissioner, and at a minimum must provide interactive voice communication, but should also endeavor to provide interactive video communication whenever possible. In instances in which the physically absent Commissioner participates in the meeting, this Commissioner shall also be allowed to cast his/her vote, but only to the extent that the physically absent Commissioner's vote does not break a tie vote of those Commissioner present in Commissioner Chambers or other meeting room and voting.

- D. Conflict of Interest. Any Commissioner who announces a conflict of interest on a particular matter pursuant to Section 112.3143 or Section 286.012, Florida Statutes, and refrains from voting or otherwise participating in the proceedings related to that matter, shall be deemed present for the purpose of constituting a quorum.
- E. Loss of Quorum. In the event that quorum is lost after a meeting has commenced because a Commissioner leaves the Commission Chambers or other meeting room temporarily, or a Commissioner is required to depart a Board meeting prior to adjournment that causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, other than adjournment.
- F. No Quorum. If the Board is unable to constitute a quorum within 30 minutes after the hour appointed for the meeting the Chair, the Vice Chair, or in their absence, another Commissioner, in order of seniority, shall adjourn the meeting. The Clerk shall record in the minutes the names of the members present and their action at such meeting.

IV. Presiding Officer.

- A. Chair. The Presiding Officer is the Chair of the Board. The Chair presides at all meetings. The Chair's responsibilities shall include, but not be solely limited to:
 - 1. Open the meeting at the appointed time and call the meeting to order, having ascertained that a quorum is present.
 - 2. Announce the business to come before the Board, in accordance with the prescribed order of business.
 - 3. Recognize all Commissioners, the County Administrator, and the County Attorney, who seek the floor under correct procedure. All questions and comments are to be directed through the Chair and restated by him or her, and he or she declares all votes. The Chair shall repeat every motion and state every question coming before the Board and announce the decision of the Board on all matters coming before it.
 - 4. Preserve decorum and order, and in case of disturbance or disorderly conduct in the Commission Chambers or other meeting room, may cause the same to be cleared or cause any disruptive individual to be removed.
 - 5. Call to order any Commissioner who violates any of these rules and, when presiding, decide questions of order, subject to a majority vote on a motion to appeal.
 - 6. Expedite business in every way compatible with the rights of the Commissioners.
 - 7. The Presiding Officer is required to remain objective. For the Chair to make a motion, the gavel must be relinquished. The gavel shall be relinquished in the following order:

- (a) to the Vice Chair;
- (b) to other Commissioners based upon seniority.

The Presiding Officer who relinquishes the chair should not return to it until the pending main question has been disposed of, since he or she has shown himself or herself to be partisan about the particular item. The Presiding Officer may otherwise second a motion and engage in debate and shall not be deprived of any of the rights and privileges of a Commissioner by reason of being the Presiding Officer.

- 8. Declare the Board meeting adjourned when all agenda items have been introduced and disposed of by the Board, or at any time in the event of an emergency affecting the safety of those present.
- B. Vice Chair. 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 is available and able to resume the responsibilities of the Presiding Officer.

V. Order of Business.

- A. Official Agenda. There shall be an official agenda for every Board meeting, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings shall be conducted in accordance with the official agenda.
- B. Agenda Form; Availability; Support Information. The agenda shall be prepared by the County Administrator in appropriate form approved by the Board. The County Administrator shall make available to the Commissioners a copy of the agenda before the meeting. All support information for agenda items shall be available no later than the morning of the business day before the meeting. If the support information is not available by the morning of the business day before the meeting, the agenda item shall be removed from the agenda and considered at a later meeting.
- C. Agenda Format for Regular Meeting. The agenda format for a regular Commission meeting shall be in substantially the form as set forth below:
 - 1. Call to Order, Invocation and Pledge of Allegiance
 - 2. Awards and Presentations
 - 3. Consent
 - 4. Consent Agenda Items Pulled for Discussion
 - 5. Citizens to be Heard on Non-Agendaed Items (first)
 - 6. General Business
 - 7. Scheduled Public Hearings, 6:00 p.m.
 - 8. Citizens to be Heard on Non-Agendaed Items (second)
 - 9. County Attorney
 - 10. County Administrator
 - 11. Discussion Items by Commissioners
 - 12. Adjourn

- D. Invocation Procedures. The following procedures are not intended and shall not be implemented or construed in any way, to affiliate the Board with, nor express the Board's preference for, any particular faith or religious denomination, and shall be utilized for the scheduling and offering of invocations at Board meetings.
1. The County Administrator, or designee, shall compile a list of religious congregations and assemblies in Leon County. The list shall be compiled from information reasonably available from a variety of sources, such as the Internet, and the local chamber of commerce. The list should be updated on an annual basis.
 2. Each Commissioner, on a rotational basis, shall offer the invocation or extend an invitation to a leader of a religious congregation or assembly on the list or otherwise choose a person to offer the invocation, making every reasonable effort to ensure that individuals from a variety of faiths and beliefs are scheduled.
 3. Should the individual scheduled to offer the invocation not be present at the meeting, the invocation may be offered pursuant to the Chair's invitation.
 4. The invocation should be limited to not more than 3 minutes.
 5. Invocations shall be nonsectarian and shall avoid advancing one faith or belief.
 6. Participation in the invocation by persons in attendance at meetings is voluntary.
- E. Consent Agenda. All items in the portion of the agenda designated as "Consent" may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Administrator, or the County Attorney may withdraw an item from the consent agenda, provided that such request is made in writing 24 hours (excluding holidays) before the subject meeting, and it shall then be voted on individually.
- F. Citizens to be Heard on Non-Agendaed Items (first). On the portion of the agenda designated as the first "Citizens to be Heard on Non-Agendaed Items" (3-minute limit; non-discussion by the Board), there shall be no debate and no action by the Board.
- G. General Business. General business items are items of a general nature that require Board direction or pertain to Board policy.

- H. Scheduled Public Hearings, 6:00 p.m. Prior to placing a matter on the agenda that requires a public hearing, the consent of the Board is required pursuant to Section V, Subsection L. (Placing Items on Agenda) of this policy. Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular Board meetings, public hearings shall be heard at 6:00 p.m., or as soon thereafter as is possible. This time designation is intended to indicate that an item will not be addressed prior to the listed time. Individual speakers are encouraged to adhere to a three (3) minute time limit when speaking on issues scheduled for public hearing. The Chair has the discretion to either extend or reduce time limits, based on the number of speakers.
- I. Citizens to be Heard on Non-Agendaed Items (second). On the portion of the agenda designated near the end of the meeting as the “Citizens to be Heard on Non-Agendaed Items” (3-minute limit), there may be debate by the Board, but the Board shall take no policy action except to agenda the topic for a later date or by a unanimous vote of the Commissioners present and eligible to vote.
- J. Discussion Items by Commissioners. On the portion of the agenda designated as “Discussion Items by Commissioners,” no assignments shall be given to the County Administrator or County Attorney except by the affirmative vote of a majority of the Commissioners present and eligible to vote. The Board shall take no policy action without an agenda item unless the policy action is taken by a unanimous vote of the Commissioners present and eligible to vote. The remarks of each Commissioner during his or her “discussions items” time shall be limited to no more than three (3) minutes, unless the Chair extends the time.
- K. Departure from Order of Business. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the Commissioners present and eligible to vote.
- L. Placing Items on Agenda. With the consent of the majority Commissioners present and eligible to vote, matters may be placed on the agenda by any Commissioner. When a Commissioner wishes to place a matter on the agenda, the Commissioner shall raise the matter at a regular Board meeting and seek the Board’s consent for inclusion of the matter on the next available regular agenda. A Commissioner may not unilaterally add a matter to an agenda without the Board’s prior approval.

The Administrator and County Attorney may place an item on the agenda at any time for Board consideration.

Prior to placing a matter on the agenda that requires a public hearing, the consent of the Board is required. A request to schedule the public hearing shall be placed on the Consent Agenda for consideration by the Board. Upon the Board’s approval of the request to schedule a public hearing, the public hearing shall then be scheduled for inclusion on the next available regular agenda. In addition, the Commission may direct the scheduling of a matter that requires a public hearing by a majority vote. This rule of procedure does not apply to zoning and site and development plan approvals, which are placed on the agenda by staff pursuant to County Code and general law.

- M. Additions, Deletions, or Corrections to Agenda. Deletions or corrections to the agenda may be considered by the Board and adopted by the passage of a single motion. Non-agendaed matters shall be confined to items that are informational only.

“Add On” agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the Board only in exigent circumstances, for issues that are time critical or cost sensitive to the County. For such matters, the Chair, County Administrator and County Attorney will be consulted in advance of the meeting to approve the “Add On” agenda item. If the “Add On” agenda item is approved, the Agenda Coordinator will modify and reprint the agenda table of contents for redistribution to all persons who received the initial agendas. Furthermore, the County’s web site will be updated to reflect the new agenda. For matters of extreme emergency, a special Board meeting may be called by the Chair upon adequate notice being provided under Section 286.011, Florida Statutes.

- N. Announcing Agenda Items. The Chair shall announce each item on the agenda. The County Administrator or County Attorney shall then present the item to the Board.

VI. **Parliamentarian.**

The County Attorney shall act as parliamentarian and shall advise and assist the 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 *Robert’s Rules of Order Revised* for guidance on all rulings.

VII. **Rules of Debate.**

- A. Decorum.
1. Every Commissioner desiring to speak will address the Chair, and once recognized by the Chair, confine discussion to the question under debate, avoiding all personalities and indecorous language.
 2. Commissioners shall refrain from: attacking a Commissioner’s motives; speaking adversely on a prior motion not pending; speaking while the Chair or other Commissioners are speaking; speaking against their own motions; and disturbing the Board.
 3. A Commissioner once recognized cannot be interrupted when speaking unless the Commissioner is being called to order. The Commissioner is required to then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said Commissioner shall be at liberty to proceed.
 4. A Commissioner will be deemed to have yielded the floor when he or she has finished speaking. A Commissioner may claim the floor only when recognized by the Chair.

- B. Motions.
1. A motion and a second to the motion is to precede any action on an agenda item unless there are speakers to be heard on the agenda item.
 2. All motions shall be made and seconded before debate.
 3. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except: to adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided. These motions shall have preference in the order in which they are listed.
 4. Any Commissioner may move to close debate and call the question on the motion being considered which shall be nondebatable. A successful vote on the motion to close debate will end discussion of the item.
 5. If the Chair wishes to put forth a motion, he or she shall relinquish the gavel to the Vice Chair until the main motion, on which he or she spoke, has been disposed. The Chair may second any main motion made by another Commissioner.
 6. The following motions are not debatable: to adjourn; to lay on the table; to take from the table; to call the question.
- C. Motions to Amend. An amendment to a motion must be germane, that is, the amendment must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A Commissioner may amend the main motion in either of the following two ways:
1. By Consent of the Commissioners. The Chair, or another Commissioner through the Chair, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.
 2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If an amendment fails, the motion shall be the motion as it was before the amendment was presented.

VIII. Voting.

- A. Voice Vote. Unless otherwise directed by the Chair, all votes shall be taken by voice.
- B. Tabulating the Vote. The Chair shall tabulate the votes and announce the results. Upon any roll call, there shall be no discussion by any Commissioner prior to voting, and each Commissioner shall vote “yes” or “no.”

- C. Voting. Every Commissioner who is in the Commission Chambers or other meeting room when the question is put must give his or her vote, unless the Commissioner has publicly stated that he or she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. If any Commissioner declines to vote “yes” or “no” by voice, his or her silence shall be counted as an “yes” vote.
- D. Absent for Vote; Changing Vote. Any Commissioner momentarily absent for a vote on a particular item may record his or her vote, and any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the Commissioners who voted on the item.
- E. Voting Conflict. No Commissioner shall vote on an item when the Commissioner has a voting conflict of interest as specified in Section 112.3143 or Section 286.011, Florida Statutes. A Commissioner abstaining from voting due to a conflict shall announce the conflict prior to discussion on the matter. Within fifteen (15) days following that Board meeting, the Commissioner shall file with the Clerk a Form 8B “Memorandum of Voting Conflict” which describes the nature of the interest in the item. Each Form 8B shall be received by the Clerk and incorporated into the meeting minutes as an exhibit.
- F. Majority Vote; Extraordinary Vote; Tie Vote. The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of a majority of the Commissioners present and eligible to vote unless an affirmative vote of more than a majority vote of the Commissioners present and eligible to vote is required by this policy or law. If a vote greater than a majority is required by the Florida Statutes or this policy, the parliamentarian will identify the basis for the voting requirement and the number of affirmative votes required. In the case of a tie in votes on any item, the item fails.

IX. Citizen Input: Addressing the Board of County Commissioners.

- A. Citizen Input. The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of County government and encourages citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.
- B. Non-Agendaed Inquiries.

At regularly scheduled meetings, the Board provides two comment periods for citizens to speak on non-agendaed items. These public comment periods are denoted on the agenda as “Citizens to be Heard on Non-Agendaed Items.” The remarks of each citizen at the initial comment period shall be limited to no more than three (3) minutes, unless the Chair extends the time.

Any citizen who did not speak during the first citizen comment period shall have the opportunity to speak during the second comment period. The remarks of each citizen at the second comment period shall be limited to no more than three (3) minutes. The Chair has the discretion to either extend or reduce time limits, based on the number of speakers.

- C. Citizen Input on a Matter Pending Before the Board. Each citizen who addresses the Board on an agenda item pending before the Board shall complete an input card and submit the card to the Chair. The remarks of each citizen shall be limited to no more than three (3) minutes. The Chair has the discretion to either extend or reduce the time limits, based on the number of speakers.
- D. Citizen Input at Workshops. Citizen input at Board workshops is not permitted unless an individual is called upon by the Chair. In such case, each person who addresses the Board shall complete an input card and submit the card to the Chair. The remarks of each speaker shall be limited to no more than three (3) minutes. The Chair has the discretion to either extend or reduce the time limits, based on the number of speakers. The Board itself may also vote to allow public input on an item during the Board workshop.
- E. Addressing the Board.
 - 1. When the citizen's name is called, the citizen shall step up to the speaker's lectern and shall give the following information in an audible tone of voice for the minutes:
 - (a) name;
 - (b) place of residence or business address;
 - (c) if requested by the Chair, the citizen may be required to state whether the citizen speaks for a group or a third party, if the citizen represents an organization, whether the view expressed by the citizen represents an established policy or position approved by the organization, and whether the citizen is being compensated by the organization.
 - 2. All remarks shall be addressed to the Board as a body and not to any Commissioner specifically.
 - 3. No citizen, other than a Commissioner, and the citizen having the floor, may be permitted to enter into any discussion, either directly or through a Commissioner, without permission of the Chair. No question may be asked except through the Chair.
 - 4. Speakers should make their comments concise and to the point and present any data or evidence they wish the Board to consider. No citizen may speak more than once on the same subject unless specifically granted permission by the Chair.

F. Decorum.

1. Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Board, or disturb any person having the floor. No person shall refuse to obey the orders of the Chair or the Board. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Board shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Board is granted by a majority vote of the Commissioners present and eligible to vote.
2. If the Chair or the Board declares an individual out of order, he or she will be requested to relinquish the podium. If the person does not do so, he or she is subject to removal from the Commission Chambers or other meeting room and may be arrested by the Sheriff subject to Section 810.08(1), Florida Statutes.
3. Any person who becomes disruptive or interferes with the orderly business of the Board may be removed from the Commission Chambers or other meeting room for the remainder of the meeting.

X. Adjournment.

No meeting should be permitted to continue beyond 11:00 p.m. without the approval of a majority of the Board. A new time limit must be established before taking a vote to extend the meeting. In the event that a meeting has not been closed or continued by a majority vote of the Board prior to 11:00 p.m., the items not acted on are to be continued to 9:00 a.m. on the following day, unless state law requires taking up the items at a different time, or the Board, by a majority vote of Commissioners present and eligible to vote, determines otherwise.

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