

City of Okeechobee



Handbook
for
Appointed
Boards & Committees

TABLE OF CONTENTS

INTRODUCTION.....	2
Boards	2
Committees	2
Task Force.....	2
Advisory Members.....	3
BOARD AND COMMITTEE APPOINTMENT GUIDELINES	3
Application.....	4
Financial Disclosure Forms	4
BOARDS & COMMITTEE LISTING.....	5
Planning Board	5
Board of Adjustments and Appeals	5
Design Review Board	6
Citizen Advisory Task Force	7
General Employees Retirement Fund Board of Trustees	7
Fire Fighters Retirement Fund Board of Trustees	7
Police Officers Retirement Fund Board of Trustees	7
Okeechobee Utility Authority Board of Directors.....	7
EXPECTATIONS FOR CHAIRPERSON AND VICE-CHAIR.....	8
Selection of a Chairperson and Vice-Chair.....	8
Responsibilities of the Chair and Vice-Chair.....	8
EXPECTATIONS FOR BOARD AND COMMITTEE MEMBERS	12
Attendance, Removal and Resignation	13
Responsibilities of the Board/Committee Member.....	13
Meeting Procedure	14
Motions	14
PUBLIC INPUT AND PARTICIPATION.....	16
OKEECHOBEE IN THE SUNSHINE.....	16
7	
CONFLICT OF INTEREST	17
Definitions.....	18
STEPS TO RESOLVE A CONFLICT OF INTEREST	19
Who Must File Form 8B.....	19
FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL AND OTHER LOCAL PUBLIC OFFICERS	20
<u>PENSION TRUSTEES ONLY</u>.....
Operating Rules & Procedures for: General <input type="checkbox"/> Police <input type="checkbox"/> Fire <input type="checkbox"/>	App. A
Duties & Responsibilities of the Board of Trustees.....	App. B

INTRODUCTION

The City Council appoints members of the community to Boards and Committees to act as advisors on a wide variety of topics and projects. These advisory bodies act in an advisory capacity to the City Council, the City Administrator or to departments of the City government. The tasks vary depending upon the type of organizations, but generally include reviewing long range plans and suggesting changes, modifications or additions to the plans. The advisory groups are not responsible for day-to-day operations of departments, operating policies of departments or the business decisions of the local government.

All City of Okeechobee Boards, Committees, and Task Forces serve at the pleasure of the City Council. Each of these entities was created for a different reason and has a different relationship with both the City Council and the City support staff. Each appointed body has a specific scope of authority as provided by City Ordinance and/or State Statute. Boards, Committees, and Task Forces may have administrative, managerial, quasi-judicial, investigatory, and/or advisory powers dependent upon the enabling legislation. These bodies do not set policy, but rather act as a collective citizen sounding board in the policy process.

The advisory bodies are an integral part of citizen participation in local government and an important asset to the City for proper growth and development and the long term stability of our City.

What does “quasi- judicial” mean?

When a governmental body (such as the Board of Adjustments and Appeals or the Code Enforcement Board) applies law to a particular set of facts or circumstances to reach a decision, the decision is “quasi-judicial” because the governmental body is taking an action similar to that taken by a judge. “Quasi” means nearly, almost, or *like*. Traditionally, “court like” procedures of government have come to be known as “quasi-judicial” because they are *like* those procedures used by courts.

Why does the Board of Adjustments and Code Enforcement Board conduct “quasi-judicial” proceedings?

The actions by the Board of Adjustments and Code Enforcement Board involve the application of law to a certain set of circumstances.

The Florida Supreme Court recognized that decisions of local government that apply law to specific circumstances such as zoning changes are judicial in nature. The Supreme Court decided these “quasi-judicial” decisions should be made in proceedings conducted with most of the same protections available to those persons who are presenting a case in court. These protections include the right to have all witnesses testify under oath, the right of opposing sides to ask questions of each other’s witnesses, and the right of each side to hear everything said to the decision maker.

Boards

Boards have more limited roles in most cases. Boards usually act in an advisory and/or investigatory capacity to the City Council. Boards are usually standing bodies, involved with ongoing subject areas.

Committees

Committees are usually temporary bodies organized according to a specific goal’s accomplishment. Committees usually act in an advisory and/or investigatory capacity.

Task Force

Task Forces are specific bodies designed to aid in accomplishing a specific goal, policy, or project. Task Forces are not usually standing bodies, unless the nature of the subject area dictates otherwise.

Advisory Members

In addition to regular Members of citizen's boards, the City Council may from time to time appoint onto any citizen board an advisory Member, and as may be required from time to time by federal, state or local legislation, ordinance or rule, which Member shall not be a voting Member of such board. The Member shall participate in all discussions, offer advice, or opinions.

BOARD AND COMMITTEE APPOINTMENT GUIDELINES

In general, citizens interested in serving on a Citizen Board/Committee should comply with the following guidelines:

1. All appointments require formal action of the City Council. Every Board/Committee serves in an advisory capacity to the City Council.
2. Unless otherwise stated by City Council, term of office on most Boards/Committees is three years for regular and alternate Members.
3. Appropriate recognition will be made of services when a term is completed and a Member leaves a Board/Committee.
4. A newly formed Board/Committee will be convened by the City Clerk, and each Board/Committee will elect a Chairperson and Vice Chairperson.
5. The size of the Board/Committee may vary from five to nine Members and is established for each Board/Committee by the City Council. Two alternate Members shall be appointed to each Board/Committee. Alternates shall attend all meetings and participate in discussions and deliberations to the point of voting. Should any permanent Member be absent, the Chair shall declare the alternate to be a voting Member for the duration of the meeting.
6. Positions are advertised at least three months to sunset. Applications for Membership will be kept on file for a period of four years. Applicants will be contacted to ensure their continued interest in serving on a City Board/Committee before submittal to the City Council for appointment.
7. City Boards/Committees will reflect, to the greatest extent possible, the community's ethnic, gender, and age composition. Where possible, Membership shall consist of any of the following: architect, engineer, surveyor, urban planner, landscape architect, general contractor, realtor, business person, and lay persons.
8. A staff representative will be assigned by the City Council or City Clerk to work with each Board/Committee to prepare agendas, keep minutes and provide assistance.
9. No Member or alternate Member of a Citizen Board/Committee shall be an employee of, or hold any elective position or office in, the government of the City.
10. The City Council may appoint any or all of the Members to serve jointly on the Planning Board and the Board of Adjustments.
11. Members shall be appointed from among persons in a position to represent the public interest, and shall be residents of the City or County. (*Refer to the boards' requirements as each may differ*).

12. Vacancies in any Board/Committee Membership shall be filled by appointment of the City Council for the unexpired term of the Member affected. It shall be the duty of the Chairperson of each Board/Committee to notify the Mayor, through the City Clerk's Office, within ten days after a vacancy shall occur among the Members or alternate Members.
13. Members of a Board/Committee may be removed from office by a majority vote of the City Council.
14. Terms of Board/Committee Members who are due to retire shall expire (sunset) on April 30 of each year. *(Refer to each board as the terms may differ).*
15. Members of Boards/Committees shall receive no salaries for service on the Board, but may receive actual and necessary expenses incurred in the performance of their duties, as may be set from time to time by the City Council.
16. Board/Committee meetings shall be held at least once a month. Special/Emergency meetings shall not be held without at least three days notice to each Member.
17. Each Board/Committee shall keep minutes of its proceedings showing the vote of each Member, or if absent or failing to vote (abstaining) indicating such fact.
18. These guidelines may be waived or changed at the discretion of the City Council.

Application

The City Clerk's office maintains a file of all interested citizens for Boards/Committees. A citizen interested in participating should complete an application and submit it to the City Clerk. As vacancies arise, applications will be provided to the City Council, who may require interviews of candidates. An applicant will be appointed by a majority vote of the City Council.

For further information, contact:

City Clerk's Office
55 SE 3rd Avenue
Okeechobee, FL 34974
863-763-3372 ext. 9814
E-mail: lgamiotea@cityofokeechobee.com
bjenkins@cityofokeechobee.com

Applications are also available on our website at: www.cityofokeechobee.com

Financial Disclosure Forms

All Board/Committee Members are required by State Law to complete and file with the County Supervisor of Elections, a Statement of Financial Interest Form 1 within 30 days of appointment/election. You may obtain a form from the City Clerk's Office or the Ethics Commission website, www.ethics.state.fl.us.

Thereafter, a form will be mailed to you by the County Supervisor of Elections, once a year to complete. The form must be completed annually and returned to that Office by the deadline. *If the annual form is not filed by September 1st, a fine of \$25 for each day late will be imposed by the State Ethics Commission, up to a maximum penalty of \$1,500.0. (§112.3145, Florida Statutes)*

Upon resignation from the Board/Committee, State Law requires that a Member complete and file a Statement of Financial Interest Form 1 (**FINAL**) within 60 days of the date of the resignation.

A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the Board/Committee, reprimand, or a civil penalty not exceeding \$10,000. (§112.317, Florida Statutes)

BOARDS & COMMITTEE LISTING

Planning Board

The Planning Board shall consist of seven Members and two alternates.

The Planning Board shall function as an advisory body making recommendations to the City Council, and shall have the following powers and duties:

1. The Planning Board is designated as the Local Planning Agency.
2. Hear applications for changes in the Comprehensive Plan and make recommendations to the City Council.
3. Hear petitions for zoning district boundary changes and make recommendations to the City Council.
4. Review and make recommendations to the City Council in preliminary subdivision plat submissions. Make recommendations to the City Council on acceptance of dedicated land. Make recommendations to the City Council of finding precedent to reversion of subdivided land to acreage.
5. Review recommendations by the Technical Review Committee for site plans to determine whether specific proposed developments conform with the requirements of the City's Land Development Regulations.
6. Hear applications for Temporary Use Permits as authorized in these regulations.
7. Perform other duties as the City Council may specifically assign, including:
 - a. To recommend to City Council principles, policies, regulations, promoting orderly City development.
 - b. To determine whether specific proposed developments conform to the requirements of the Comprehensive Plan and the Land Development Regulations.
 - c. To conduct such public hearings to gather information necessary for maintenance of the Comprehensive Plan and the Land Development Regulations.
 - d. To inform and advise the City Council on these and other matters as specifically assigned.

The City Attorney shall be legal counsel to the Board.

Board of Adjustments and Appeals

The composition of the Membership of the Board of Adjustments and Appeals shall adhere to the recommendations of the state building code when possible. The Planning Board Members have been appointed by the City Council to serve also as the Board of Adjustments and Appeals.

The Board of Adjustments and Appeals shall have the following powers and duties:

1. Hear and decide an appeal of an administrative decision when it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Land Development Regulations.
2. Hear and decide applications for a variance from the terms of the Land Development Regulations as will not be contrary to the public interest, where owing to unique physical conditions a literal enforcement of the provisions of the Land Development Regulations would result in unnecessary hardship. Self-created problems and economic hardship are not grounds for granting a variance.
3. Hear and decide only applications for a special exception use specifically listed under the zoning districts in these regulations. To decide such questions as are involved in determining whether a special exception use should be granted, and to grant a special exception use with such conditions and safeguards as are appropriate under these regulations. To deny a special exception use when not in the public interest or in harmony with the requirements of the Land Development Regulations.

The City Attorney shall be legal counsel to the Board.

Design Review Board

The Design Review Board shall consist of at least seven Members and two alternates. The Planning Board Members have been appointed by the City Council to serve as the Design Review Board.

The City Council may, by official action, assign the Design Review Board other tasks involving the beautification and aesthetic appearance of the City. Tasks may involve the preparation or review of a master action plan for the visual improvement of key areas in the urban landscape in the City, including recommendations. The action plan may include, but not be limited to, the following:

1. Graphic and written presentation showing the nature and extent of the proposed urban improvements.
2. Suggested priorities and time schedule for installation of proposed urban improvements.
3. Estimate of the construction and maintenance costs for each urban improvement.

The City Council may, by official action, assign the Design Review Board the task of reviewing the design of a proposed building or structure submitted for a building permit in the City. Within 15 days of the Council request for design review, the Board Chairperson shall call a public meeting of the Design Review Board and undertake the task.

The Design Review Board shall have the following powers and duties:

1. Encourage the use of the City Building Design Guidelines in the design of public, commercial and institutional buildings.
2. Make recommendations for changes and improvements to the City Building Design Guidelines.
3. Review architectural plans for buildings, structures and signs, submitted for issuance of a permit, after assignment of such task by the City Council.
4. Determine whether the exterior design of a building assigned to the Board for review complies with the intent of the building design guidelines, and would result in the construction of a building that is compatible with the urban landscape.

5. Make written recommendations to the City Council for changes in external appearance of the building or structure to make it compatible with the Building Design Guidelines and other quality buildings in the City.
6. Undertake the preparation of an action plan, or review of a plan prepared by others, for urban improvements, after assignment of such task by the City Council.

The City Attorney shall be legal counsel to the Board.

Citizen Advisory Task Force

The Citizen Advisory Task Force was established to provide input relative to the Community Development Block Grant (CDBG) program.

The Code Enforcement Board Members have been appointed by the City Council to serve in this capacity. The Task Force meets at its discretion and offers recommendations as it deems appropriate.

The City Attorney shall be legal counsel to the Board.

General Employees Retirement Fund Board of Trustees

This is a five Member Board which oversees the various affairs of the City's General Employees and all OUA employee's Pension Plan. This Board meets quarterly.

Members are appointed or elected to two year terms. One Member shall be a legal City resident appointed by the City Council. One Member is appointed by the OUA Board of Directors. One Member shall be a full-time employee of the City, participating in the fund and elected by the City fund Members. One Member shall be a full-time employee of the OUA, participating in the fund and elected by the OUA fund Members. The final Member is appointed by the other four Members.

Fire Fighters Retirement Fund Board of Trustees

This is a five Member Board which oversees the various affairs of the City of Okeechobee Fire Fighters Pension Plan. This Board meets quarterly.

Members are appointed or elected to two year terms. Two Members must be full-time Firefighters with the City and are elected by the fund Members, two Members are appointed by the City Council and must be legal residents of the City, and one Member is appointed by the other four Members.

Police Officers Retirement Fund Board of Trustees

This is a five Member Board which oversees the various affairs of the City of Okeechobee Police Officers Pension Plan. This board meets quarterly.

Members are appointed or elected to two year terms. Two Members must be full-time Police Officers with the City and are elected by the fund Members, two Members are appointed by the City Council and must be legal residents of the City, and one Member is appointed by the other four Members.

Okeechobee Utility Authority Board of Directors

The OUA was created on November 10, 1994 by an Interlocal Agreement between the City and County in an effort to create a regional approach to water supply, wastewater treatment and disposal. The authority board Members are appointed as follows: two regular Members and one alternate Member, all shall be residents of the City and appointed by the City Council; two regular Members and one alternate Member,

all shall be residents of the unincorporated areas of the County, but within the service area, and appointed by the Board of County Commissioners. The above Members select one Member and one alternate Member that are within the service area, and live in Glades County. Regular Members serve a term of three years; alternates serve for two year terms.

EXPECTATIONS FOR CHAIRPERSON AND VICE-CHAIR

Selection of a Chairperson and Vice-Chair

The Chairperson (Chair) of any Board/Committee is crucial to efficiently run meetings. The Chair and Vice-Chair are chosen by direct election of the voting Board/Committee Members in accordance with the legislation governing that Board/Committee. If the Chair is absent, the Vice-Chair usually presides. In the absence of Chair and Vice-Chair, the Board/Committee designates an acting chair if a quorum is present.

Responsibilities of the Chair and Vice-Chair

Chair and Vice-Chair of Boards/Committees have several important responsibilities, which are essential to the effectiveness of the respective group. These responsibilities include:

1. Should be knowledgeable about parliamentary procedure and the rules governing the public body. He/She should know more about parliamentary procedure than any other Member of the Board/Committee. During the meeting, the Chair should be fair, and impartial, tactful and courteous, all the while exhibiting common sense.
2. Conduct meetings in an efficient manner, focusing on the issues relevant to the functions and mission.
3. Should not allow Members to speak on an issue until there is a second. Also, the Chair should take special care to make sure that the Members know at all times what motion is being considered.
4. Regulate and facilitate discussion among board Members to ensure that all viewpoints are represented. Give each Member the opportunity to express ideas and/or concerns on issues that are being considered by the Board/Committee.
5. Ensure compliance with the "Government in the Sunshine" laws.
6. Assist in orienting new Board/Committee Members about the function, role and mission of the Board/Committee.
7. Robert's Rules of Order Newly Revised (RONR) outlines 14 general duties:
 - a. **Open the meeting** at the appointed time.
When the appointed time for the meeting to begin arrives, the Chair is seated, signals for quiet if necessary, raps the gavel once, and announces, "The meeting will come to order," or "The meeting will be in order."

Quorum. A majority of the Members of a Board/Committee shall constitute a quorum for the transaction of business. After opening ceremonies, this may be accomplished by the Secretary taking the roll. If there is not a quorum present within 15 minutes following the scheduled starting time of the Board/Committee meeting, the Chair can announce the absence of a quorum.

In the absence of a quorum, RONR lists only four actions that are in order:

- i. Fix the Time to Which to Adjourn (set and adjourned meeting). If the public body has the authority to set an adjourned meeting under state and/or local law, care must be observed so that proper notice is given to the public.
- ii. Adjourn. If the Members present choose to adjourn, the next meeting will be the next regularly scheduled meeting, unless a special meeting is called in the interim.
- iii. Recess. The public body may choose to take a short recess and wait for the Member(s) to arrive to achieve a quorum.
- iv. Take Measures to Obtain a Quorum. Alternatively, Members present may choose to take action to obtain a quorum, such as to contact Members or even to pick them up and bring them to the meeting.

Members sometimes want to go ahead with discussion of items of business, even though they will discuss the item again when a quorum is present at the current or subsequent meeting. The only time this may be appropriate is if a presentation was to have been made that could not be made at a later meeting. Even this may backfire, with the Members not in attendance out of the loop of information necessary to formulate a decision.

The meeting should be called to order to make a good faith effort to fulfill the obligation to hold the meeting as scheduled. Minutes would then reflect the absence of a quorum and the appropriate action taken.

- b. Announce in proper sequence the items to come before the Board/Committee.

As a part of the special rules of order, a public body should include an order for taking up the business of the assembly. This is accomplished by using the written agenda process.

- c. Recognize Members who are entitled to the floor.

Members obtain the floor by being recognized by the Chair. They do not have to rise as in an ordinary society, but rather signal the Chair that they wish to speak. The custom of the public body dictates whether raising a hand is sufficient to request recognition or whether a Member must address the Chair.

If Members interrupt a speaker and the purpose for the interruption is not in order the Chair should advise that they would be recognized after the current speaker completes comments.

- d. State and put to vote all questions that legitimately come before the assembly, and announce the result of the vote.

After a motion is made and seconded, the Chair repeats the motion: "It is moved and seconded that..." This places the motion before the assembly. Until that time, the

motion belongs only to the Member who made it, who may modify the motion or even withdraw it.

After debate (if allowed) is concluded, the Chair puts the motion to a vote by saying "The question is on the adoption of the motion that....: This reminds the Members of the exact wording of the motion before the vote is taken.

After the vote is taken, the Chair announces the result of the vote by stating which side has it ("The ayes have it" or "The noes have it"), whether it was adopted or lost ("The motion is adopted" or "The motion is lost"), the effect of the action, and when appropriate, the next item of business (or request that the Secretary read the next item of business).

- e. Protect the assembly from obviously frivolous or dilatory motions by refusing to recognize them.

A motion is frivolous or dilatory if it seeks to obstruct or thwart the will of the assembly, misuses the legitimate forms of motions, abuses the privilege of renewing certain motions, or is absurd in substance.

The motion, not necessarily the Member, is out of order.

- f. Enforce the rules relating to debate.
- g. Discourage the repetition of arguments. Attempt to call on people who have not yet spoken before those who have already spoken. Discourage dialogues that start up between two individuals in debate.
- h. If debate carries on too long, impose time limits on speakers.
- i. Discourage people from talking in initials - spell them out.
- j. Expedite business in every way compatible with the rights of Members.

The Chair may expedite business by suggesting that a motion could be made ("The Chair would entertain a motion to...").

Unanimous consent provides an efficient way to expedite business when there appears to be little or no opposition to a motion. The Chair asks, "Is there any objection to...? [Pause] Since there is no objection, the motion is adopted." If a single Member objects, a vote is taken in the usual manner.

- k. Decide all questions of order subject to appeal.

The Chair is obligated to rule on all points of order – a motion alleging that a rule is being violated. Members have the right to appeal the decision made by the Chair.

- l. Respond to inquiries of Members relating to parliamentary procedure or facts.

A parliamentary inquiry is a question to obtain information regarding parliamentary law or rules of the public body.

A point of information is a request to the Chair, or through the Chair, to obtain information relevant to the business at hand.

m. Authenticate all acts or orders.

The Chair may be responsible for signing official correspondence, approved minutes of meetings together with the Secretary. These responsibilities are subject to the rules of the local body.

n. **Declare the meeting adjourned.**

The Chair should declare the meeting adjourned under the following circumstances:

- i. When the predetermined hour of adjournment has arrived.
- ii. When it appears there is no further business.
- iii. In the event of fire, riot, or other extreme emergency.

8. Subject to the rules of the governing body, there are certain things that the Chair should always do, and likewise, things that the Chair never should do. A partial list of tips follows:

Always:

- Maintain order
- Provide strong leadership
- Remain impartial
- Be tactful
- Be fair
- Keep discussion germane to the pending question
- Exercise good judgment

Never:

- Get Excited
- Be unjust, even to troublesome Members
- Take advantage of a Member's lack of knowledge
- Be more technical than necessary
- Allow remarks or debate to wander off the subject
- Indicate personal feelings so the assembly knows the Chair's opinion of the question under discussion, unless the public body is operating as a small board.

9. **Making Motions.** The Chair having *voice* in accordance with governing documents may make motions or second motions; however, this is not the best approach. The better approach is that the Chair "entertains a motion" rather than making it. If the Chair feels strongly about an issue and no other Member seconds the motion, that action can also be taken by the Chair. This should not, however, be a common occurrence.

10. **Participate in Discussion.** The Chair having *voice* in accordance with governing documents may also speak in debate to any motion. This privilege should be used after all other Members have exhausted their rights in debate. In this way, the Chair maintains, as much as possible, the appearance of impartiality.

If the Chair does not have this privilege, participation in debate is allowed only after vacating the Chair. If there is a Vice-Chair, that individual assumes the leadership of the meeting until the question has been disposed of. If that individual has spoken, then the Chair is turned over to any Member who has not already spoken in debate. If the matter is postponed or otherwise delayed, when it comes up again before the assembly the Chair must again vacate the Chair while the question is being considered. (Note: The City has given the Chair the privilege of participation in debate without vacating the Chair unless a conflict of interest exists.)

11. **Voting.** Some Chairs, by virtue of governing documents, have the right to vote on all motions. If this is the case, the Chair should vote by voice with the other Members or vote last in a roll call vote. Again, this is to preserve the appearance of impartiality. (Note: The City policy set by the Mayor is that the Chair is not considered a voting Member except to break a tie. Unless otherwise voiced, the Chair vote will be noted in the affirmative of the motion being considered.)
12. The Chair's ruling must be followed unless overruled by the Board/Committee or is contrary to City Ordinances, Board/Committee rules or other established policy.
13. The Chair has not been given rights to Veto actions by the Board/Committee.
14. Assist in mediating conflicts or disputes between Board/Committee Members.
15. The Chair is responsible for acting as liaison between City Staff, Consultants, and the Board/Committee.

EXPECTATIONS FOR BOARD AND COMMITTEE MEMBERS

Serving on a City Board/Committee is always challenging and rewarding. The information given below should help Board Members understand some of the expectations the City has for them in their respective roles.

1. Every Member has a valuable contribution to make and each Member should respect and consider each other's input in a particular subject. Boards/Committees are expected and encouraged to respect the diversity of opinions of each Member.
2. Members are expected to seek out and consider input from citizens interested in an issue or parties impacted by actions of the body prior to making a final determination on an issue. However, this must be done in accordance with ex-parte communication guidelines and **must** be disclosed at public meeting.
3. Boards/Committees represent the City in their appointed roles. All Members are expected to conduct themselves in a manner that demonstrates **respect, integrity, teamwork, and competence**.
4. Members should periodically take the time to set realistic and achievable goals and allow enough time to do a good job on each issue.
5. All persons involved in Boards/Committees should treat each other with fairness and respect. Interactions between Board/Committee Members, City Staff and Consultants not meeting this standard should be brought to the attention of the City Administrator immediately.

Attendance, Removal and Resignation

To be effective all Boards/Committees must have regular attendance. The following governs attendance at meetings:

1. Board/Committee Members are asked to regularly attend all meetings. Members are responsible for notifying their Board/Committee Secretary of a planned absence prior to the meeting.
2. Code Enforcement Board Members are regulated by §162.05(3)(e) Florida Statutes. The following policy will apply:
 - a. When a Member needs to be absent they must notify the Board Secretary and give the reason for the absence.
 - b. The Board Secretary will contact the Chair and relay the message.
 - c. At the meeting, during Roll Call, the Chair will announce the absence of the Member and note whether it will be with or without consent.
 - d. Once a Board Member has three consecutive absences without consent, they will be brought before the Board to be removed.
 - e. The Board Secretary will forward the minutes noting the action of removal to the Clerk's Office, who will then forward the matter to the City Council for final removal and submit the list of applications on file to replace the Member.
3. Resignations shall be effective when accepted by the Chair. Upon acceptance of the resignation, the position on the Board/Committee shall be deemed vacant. The Chair shall then notify the Mayor through the City Clerk within 10 days of receiving the resignation.

Responsibilities of Board/Committee Members

1. The Members should be prepared to succinctly discuss the issues. It's not a bad idea for Members to make notes, or even write a list of comments, so they will be prepared to intelligently discuss proposals.
2. As a courtesy to all and to fulfill their obligations, Members should arrive prior to the appointed time for the meeting.
3. Before proposing that Members take a formal action or position on an issue, a bit of preparation will help assure its acceptance. The Member should ask these questions:
 - Is the language of my motion clear and specific?
 - Is the motion stated briefly, concisely, and directly?
 - Can my intent possibly be misinterpreted?
 - Is the motion stated affirmatively?
 - Will the motion be in order?
 - Does it call for action outside the object of the organization?
 - Will the action conflict with rules of the organization or public law?
 - Does it state who is to do what, when and to what intended effect?
 - Is it practical to do it?

4. When a topic is first introduced or a main motion is made, allow all questions for information purposes to be asked before opening to debate.
5. After seeking the floor and being recognized by the Chair, there are six steps in handling a motion:
 - a. *A Member makes a motion.* "I move that..."
 - b. Without seeking recognition, *another Member seconds the motion.* "Second."
 - c. *The Chair states the question on the motion.* "It is moved and seconded that..."
 - d. *Members debate the motion.* The maker of the motion is entitled to speak first in debate. The Chair **must** ask for public input during each public hearing item.
 - e. *The Chair puts the question to a vote.* "The question is on the adoption of the motion that... Those in favor, say aye. [Pause] Those opposed, say no." [Pause]
 - f. *The Chair announces the result of the vote.* "The ayes have it, the motion is adopted, and the contract will signed.... Is there further new business?" OR "The noes have it, the motion is lost, and the contract is not approved.... The next item of business is...."
6. During the meeting, observe proper parliamentary etiquette. Remarks in debate must be confined to the merits of the pending question. Unnecessary interruption of Members or conversation with another Member during debate should be avoided. All remarks should be made to or through the Chair. Members need to really listen to what colleagues and the citizens have to say, and keep an open mind.
7. Members needing information during debate must wait for recognition and use a point of information. Remember that all handwritten notes may be subject to disclosure under Freedom of Information Acts.

Meeting Procedure

It is important that all organizations have underlying organizational structure and procedures. The guidelines below provide guidance for Members and the general public. Some Boards/Committees currently use a similar format that is given below. This list has been created to provide a framework for Boards/Committees procedures:

The following three points are always in order:

1. **Point of Order:** a question about process, or objection and suggestion of alternative process. May include a request for the facilitator to rule on process.
2. **Point of Information:** a request for information on a specific question, either about process or about the content of a motion. This is not a way to get the floor to say something you think people should know.
3. **Point of Personal Privilege:** a comment addressing a personal need - a direct response to a comment defaming one's character, a plea to open the windows, etc.

Motions

All motions must be seconded, and are adopted by a majority vote unless otherwise noted. All motions may be debated unless otherwise noted. Motions are in order of precedence: motions may be made only if no

motion of equal or higher precedence is on the floor (i.e., don't do a number 5 (move to end debate) when the body is discussing a number 4 (move to suspend rules)).

1. **Motion to Adjourn:** not debatable; goes to immediate majority vote.
2. **Motion to Recess:** not debatable. May be for a specific time.
3. **Motion to Appeal the Facilitator's Decision:** Not debatable; goes to immediate vote, and allows the body to overrule a decision made by the chair.
4. **Motion to Suspend the Rules:** suspends formal process for dealing with a specific question. Debatable; requires simple majority vote.
5. **Motion to End Debate and Vote or Call the Question:** applies only to the motion on the floor. Not debatable; requires simple majority vote.
6. **Motion to Extend Debate:** can be general, or for a specific time or number of speakers. Not debatable.
7. **Motion to Study:** applies only to the main motion. Refers question to a specific group with a specific time and charge.
8. **Motion to Amend:** must be voted for by a majority to be considered and by a simple majority to be passed. If amendment is accepted as "friendly" by the proposer of the amendment then many bodies will allow it to be accepted without a formal vote; this is a way of including a consensus-building process into procedure without endless debate over amendments to amendments. Strictly speaking, however, once the main motion is made it is the property of the body to amend.
9. **Main Motion:** what it is you're debating and amending.
10. **Motion to Postpone to a Certain Time:** debatable; allows action to be delayed when it is clear that there is not sufficient information to take the appropriate action; may be used when a main motion is on the floor; simple majority vote.
11. **Motion to Refer to Staff to Place on Agenda When Necessary Data is Obtained:** debatable; may be used when a main motion is on the floor; simple majority vote.
12. **Motion to Lay on the Table:** not debatable; sets aside the pending business temporarily, without setting a time for resuming its consideration in order to take up something more urgent; or to temporarily set aside agenda items to get to a particular item; simple majority vote. If a Member moves to table and it is not obvious what other important business must be considered, the Chair should ask the purpose for the motion. The Chair can then suggest the appropriate motion to accomplish the desired outcome.
13. **Motion to Postpone Indefinitely:** debatable; used to kill or avoid dealing with a main motion on the floor; simple majority vote.
14. **Voice Vote:** The form of voting on a motion by which the Chair asks those in favor to respond to the motion in question by saying "aye" and then asks those opposed to the motion to say "no". If the "ayes" have the majority the Chair will state that the motion has passed. If the prevailing side is negative, the Chair will state that the motion is lost.

15. **Roll Call Vote:** The form of voting on a motion by which the Chair states both sides of then directs the Secretary to call the roll. Each Member answers as their name is called and the Secretary records their vote. Upon completion of the roll the Secretary reads the names of those who voted in the affirmative and then the names of those who voted in the negative. The total is then given to the Chair who announces the result. An entry must be made in the minutes of each Member and how they voted. This method of voting is very time consuming and is not ordinarily used.

PUBLIC INPUT AND PARTICIPATION

Citizen input on City programs and services are vital to ensuring their relevance, efficiency and effectiveness to the community. Using citizen Boards/Committees on various issues is an important way for the City Council and City administration to receive and consider citizen input.

All meetings of Boards/Committees must be open to the public. There is, however, no obligation under the Sunshine laws, that an advisory body is required to permit public input at any meeting. Public input is at the sole discretion of the advisory body, upon a general consensus of the Members. The **exception** to this general rule is the Board of Adjustments and Appeals, Planning Board, and Code Enforcement Board, which operate under specific legal requirements described in the Florida Statutes.

The Board of Adjustments and Appeals and Code Enforcement Board meetings are quasi-judicial in nature, and therefore must provide an opportunity for participation in the process by an aggrieved or adversely affected party, allowing a reasonable time for the party to prepare and present a case. The process must provide an opportunity for the disclosure of witnesses and exhibits prior to hearing and an opportunity for the depositions of witnesses to be taken. At the hearing, all parties must have the opportunity to respond, to present evidence and argument on all issues involved, and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed.

OKEECHOBEE IN THE SUNSHINE

Florida's Government in the Sunshine Law provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed Boards/Committees, and has been applied to any gathering of two or more Members of the same Board/Committee to discuss some matter which will foreseeably come before that Board/Committee for action. There are three basic requirements of §286.011, Florida Statutes:

1. Meetings of public Boards/Committees must be open to the public;
2. Reasonable notice of such meetings must be given; and
3. Minutes of the meetings must be taken.

The law applies to elected and appointed Boards/Committees of any government agency in the State of Florida. It equally binds advisory boards whose powers are limited to making recommendations to a public agency and which possess no authority to bind that agency.

Even though a Board/Committee must submit their recommendations for review by an elected body it does not exempt them from the provisions of this law.

Meetings are defined as any gathering whether formal or casual of two or more Members of the same Board/Committee to discuss some matter on which foreseeable action will be taken by the public

Board/Committee or Council. This rule extends to telephone conversations and e-mail communication, and even instant messaging conversations, whether on personal or public devices. This can extend further to a casual lunch between two Members of a Board/Committee – if they discuss some issue that the appointed body to which they belong, that lunch becomes a public meeting and is subject to all of the provisions of the *Sunshine Law*.

While this may seem very restrictive, it is not the case. Appointed Members of Boards/Committees must remain aware of with whom they are communicating and what is being discussed. The safest course of action is to avoid discussion about matters that will come before the Board/Committee, with other Members of your Board/Committee, except when attending a meeting of that body. Should you have any questions about this law, contact the Clerk's Office or Board/Committee Attorney with your concern.

EX-PARTE COMMUNICATIONS

Pursuant to §286.0115 Florida Statutes the City enacted Resolution No. 97-5 which removes the presumption of prejudice from ex-parte communications with local officials (meaning elected or appointed) by establishing the following process to disclose such communications:

1. All disclosures **must** be made before final action on a matter is taken.
2. Any person may discuss, through any means of communication, orally or written, with any Board/Committee Member the merits of any matter on which action may be taken.
3. The Board/Committee Member **must** identify the person, group or entity with whom the communication took place and it **must** be made part of the official record.
4. If a written communication, the Board/Committee Member **must** provide the original document to the Board/Committee Secretary and it **must** be made part of the official record.
5. Board/Committee Members may conduct investigations, site visits and receive expert opinions so long as the information obtained in the investigation, visit or opinion is disclosed and made part of the public record.

CONFLICT OF INTEREST

Generally, a conflict of interest exists when a Board/Committee Member influences a decision of the Board/Committee that will (or has the potential to) materially affect the individual's financial interest. Questions involving conflicts of interest are each unique unto themselves, and each potential conflict must be considered individually in order for proper legal guidance to be given. Any Board/Committee Member who has a question concerning a possible conflict of interest may contact the City Clerk's Office or a private attorney, and should do so immediately.

If a Member of a Board/Committee finds that their personal interests are involved in the matter coming before the Board/Committee, they shall disqualify themselves from participation in that case. No Board/Committee Member shall appear before the City Council or any Board/Committee established by the Land Development Regulations, as an agent or attorney for any person in a matter involving planning, zoning or the Land Development Regulations.

Definitions

Breach of the public trust -

A violation of a provision of the State Constitution or Florida Statutes which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests.

Business Associate –

Any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

Conflict or conflict of interest -

A situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Material interest –

A direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

Public Officer –

Any person elected or appointed to hold office in any agency, including an advisory body.

Relative –

Means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, or wife.

Section 112.3143(3)(a), F.S., prohibits a county, municipal, or other local public officer from voting on any measure which inures to his or her special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal or parent organization or subsidiary of a corporate principal, other than a public agency, by whom he or she is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the officer. An exception exists for a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356, F.S., or s. 163.357, F.S., or an officer of an independent special tax district elected on a one-acre, one-vote basis. Section 112.3143(3)(b), F.S.

Florida law requires that all persons appointed to Boards/Committees disclose any financial interests they have by filing disclosure forms, and must abstain from participating in any matters before their Board/Committee that may have an impact on their financial interest. In effect, if a Board/Committee Member does business with a person or business coming before the Board/Committee, it is essential that the Member not participate in the proceedings, or the individual will be in violation of the law. In addition, Members of Boards/Committees are required to abstain from voting when a conflict of interest is involved.

This means that they may not vote on any matter which may have an impact on themselves, a family Member, or someone who retains their services.

When an individual abstains from voting, a voting conflict form will be provided by the Board/Committee Secretary, it must be completed and returned to the Secretary within 15 days after the vote occurs. The Secretary must note in the official minutes the purpose for abstaining and that the form is on file. It must be attached to the official minutes of the meeting.

If you believe you have a possible conflict of interest in any matter before your Board/Committee, contact the City Clerk's Office before taking any official action on the matter where the conflict may exist.

STEPS TO RESOLVE A CONFLICT OF INTEREST

When a person abstains from voting due to a conflict of interest, the individual must complete FORM 8B and submit it to the Board/Committee's Secretary or the City Clerk's Office within 15 days of the abstention. The form must become a part of the official minutes of the meeting.

Who Must File Form 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to Members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. **However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.**

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

1. You must complete and file Form 8B (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
2. A copy of the form must be provided immediately to the other Members.
3. The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete Form 8B and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form **must** be provided immediately to the other Members of the Board/Committee, and the form **must** be read publicly at the next meeting after the form is filed.

A copy of the official form is attached to the end of this publication. You should consult the City Clerk for the most recent edition of the form. The Florida Ethics Committee may change the format and/or content without notice.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME – FIRST NAME – MIDDLE NAME		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILLING ADDRESS		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY	COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to Members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict: **PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and* **WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other Members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other Members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20____:

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed	Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.