

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

PB/MB 7-0

As Amended

R-2013-0109

Meeting Date: **January 15, 2013** [] Consent [X] Regular
[] Public Hearing

Department: **County Administration**

Submitted By: **County Administration**

Submitted For: **County Administration**

I. EXECUTIVE BRIEF

Motion and Title: **Staff requests Board direction** on a proposed Resolution of the Board of County Commissioners of Palm Beach County, Florida, establishing Rules of Procedure to be incorporated into Section 500.00 of the County's Administrative Code; and providing for an effective date.

Summary: Staff requests the Board's direction on a proposed Resolution adopting updated Rules of Procedure that more accurately reflect the custom and practice of the Board of County Commissioners (BCC) and the public participants at BCC meetings. These rules serve as the sole source of procedural guidance. Possible changes include:

- Allowing for Board discretion to adjust times and locations as needed or requested, including the possibility of holding night meetings. One option offered to accommodate the possibility of night meetings is as follows: Schedule a regular quarterly night meeting at 6 P.M. at the first meeting of the months of March, June, September and December with special presentations and public hearings occurring at 6 P.M. and Matters by the Public occurring at 7 P.M. Because of the driving distance from many locations to downtown West Palm Beach can be great for many residents, particularly our more senior population, day meetings have been favored. However, day meetings for those that work daytime hours make it difficult for those residents to attend. Therefore, if the

(Continued on Page 3)

Attachments:

1. Proposed Resolution
2. BCC Meeting Alternatives Offered by County Administrator

Recommended by: _____
Department Director **Date**

Approved By: **Blumen** _____
County Administration **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: N/A

Fiscal Years	<u>20 13</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

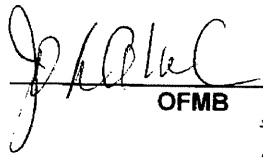
Is Item Included In Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Reporting Category _____

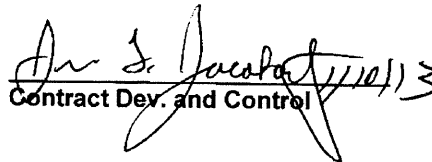
B. Recommended Sources of Funds/Summary of Fiscal Impact: N/A

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:


 OFMB
 1/9/13
 11/13 pm
 1-7-13


 Contract Dev. and Control

B. Legal Sufficiency:


 Assistant County Attorney
 1/10/13

C. Other Department Review:

 Department Director

Board approved a quarterly night meeting option, four regular meetings would be held in the evening and fourteen would be held during the day on an annual basis.

- Moving "Matters by the Public" from 2 P.M. to the morning at the meeting on the first Tuesday of the month. It has been suggested that a morning time is more favorable for public attendance. The proposed change in the attached resolution includes a 9:45 A.M. time based on a suggestion by the Board; however, it should be noted that such a time could possibly be delayed by special presentations and public hearings. As an alternative, 11 A.M. might be more beneficial as it would avoid the preceding conflicts and might allow a portion of regular business to be handled beforehand. The benefit of the current 2 P.M. time offers time certainty to the public but sometimes requires the Board to come back for an afternoon session when all other business has been completed in the morning. If the Board schedules regular night meetings as suggested, there would be six day and four night "Matters by the Public" offered to residents.
- Designating the Chair as the "Mayor" and the Vice Chair as the "Vice Mayor".

Countywide (DMN)

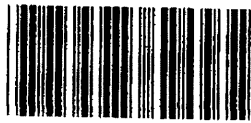
Background and Policy Issues: The first two proposed changes to the Rules of Procedure may allow the public greater access to attend meetings of and address the Board of County Commissioners.

The third proposed change related to title changes from Chair and Vice Chair to Mayor and Vice Mayor may allow for greater visibility for the Palm Beach County Board of County Commissioners. This is simply a title change and does not affect the administrative authority of the Chair or Vice Chair. It is believed that the title of Mayor or Vice Mayor is more widely recognized by federal and state leaders, business leaders and the general public than Chair or Vice Chair. There are currently five "county" mayors in Florida: Miami-Dade, Orange and Duval* counties (all strong Mayors), and Monroe and Broward (both weak Mayors).

**Duval County is consolidated with the City of Jacksonville.*

R-2013-0109

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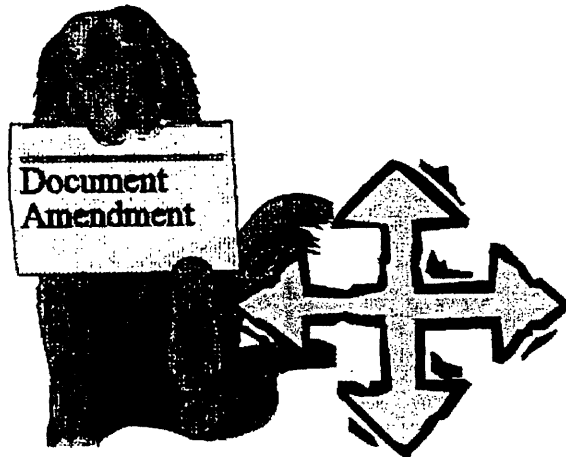


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RESOLUTION NO. R-2013- 0109

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE RULES OF PROCEDURE INCORPORATED INTO SECTION 500.00 OF THE COUNTY'S ADMINISTRATIVE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.87, Florida Statutes, requires the county to adopt an Administrative Code; and

WHEREAS, the Board of County Commissioners (the "Board") has previously adopted an Administrative Code on April 25, 1989, which has, from time to time, been amended by resolution; and

WHEREAS, the Board wishes to amend the Rules of Procedure incorporated into Section 500.00 of the Administrative Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. Section II. D., "Regular Meetings," of the Rules of Procedure incorporated into Section 500.00 of the Administrative Code is amended as follows:

D. Regular Meetings. Unless otherwise advertised, ~~all~~ regular meetings of the Board ~~typically~~ will commence at 9:30 A.M. on the first and third Tuesdays of each month, with the exception of August. In April, June, September, and November, one of the two regular meetings will be held in the evening at 5:00 P.M. The June and September evening meetings may be scheduled on the date and at the time set for budget workshop/public hearings. The meeting on the first Tuesday usually includes Special Presentations and Matters by the Public, with Public Hearings typically held on the third Tuesday. Matters by the Public will be held as set forth in Section III. J. Generally, all meetings will take place in the Governmental Center, 301 North Olive Avenue, West Palm Beach, Florida. Meeting date, time, and location may be ~~adjusted~~changed by the Board.

2. Section III. A. 5., "Official Agenda," of the Rules of Procedure incorporated into Section 500.00 of the Administrative Code is amended as follows:

5. MATTERS BY THE PUBLIC—2:00 P.M./6:00 P.M. (if as applicable)

3. Section III. J., "Matters by the Public," of the Rules of Procedure incorporated into Section 500.00 of the Administrative Code is amended as follows:

J. Matters by the Public. Members of the public may address the Board under "Matters by the Public," which is typically scheduled for the first Tuesday of the month at 2:00 P.M. during daytime regular meetings and at 6:00 P.M. during evening regular meetings. Procedures for addressing the Board are set forth in Section VI. below. Time and date for "Matters by the Public" may be changed by the Board.

4. Section VII., "County Commission," of the Rules of Procedure incorporated into Section 500.00 of the Administrative Code is amended to include the following new paragraph A., including footnote, with the remaining paragraph letters adjusted accordingly:

A. Designation as Mayor/Vice Mayor. The member elected as Chair shall be known as the Mayor of Palm Beach County, and the member elected Vice Chair shall be known as the Vice Mayor.¹

5. This Resolution shall take effect upon its adoption.

The foregoing Resolution was offered by Commissioner Burdick, who moved its adoption. The motion was seconded by Commissioner Berger, and upon being put to a vote, the vote was as follows:

¹ The use of the term "Chair" and "Mayor" mean one and the same throughout these rules, as does the term "Vice Chair" and "Vice Mayor."

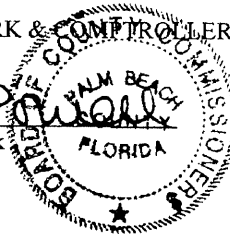
Commissioner Steven Abrams, Mayor -	Aye
Commissioner Priscilla A. Taylor, Vice Mayor -	Aye
Commissioner Hal Valeche -	Aye
Commissioner Paulette Burdick -	Aye
Commissioner Shelley Vana -	Aye
Commissioner Mary Lou Berger -	Aye
Commissioner Jess R. Santamaria -	Aye

The Chair thereupon declared the Resolution duly passed and adopted this 15th day of January, 2013.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: *Tracy Powell*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: *DM Henam*
County Attorney

RULES OF PROCEDURE



Rules of Procedure

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**Palm Beach County
Board of County Commissioners**

Rules of Procedure

I. Governing Rules.

It is the policy of the Board of County Commissioners of Palm Beach County, Florida (hereinafter "the Board") that these Rules of Procedure shall govern all official meetings of the Board. The purpose of these rules is to provide for the efficient and orderly functioning of the business of the Board; to protect the rights of each individual; to protect the right of the majority to decide; to protect the right of the minority to be heard; and to preserve the spirit of harmony within the Board and those appearing before the Board. No other rules shall apply. The ultimate determination of procedural matters shall rest with the Chair, subject to appeal as set forth in Section IV.C. below.

II. Meetings.

- A. Meetings Open to the Public.** All meetings of the Board shall be open to the public in accordance with Florida's Government-in-the-Sunshine Law, Section 286.011, Florida Statutes, with the exception of those meetings statutorily exempt such as collective bargaining and litigation sessions.
- B. Schedule.** A meeting schedule will be distributed prior to each calendar year listing the dates of all anticipated meetings of the Board. Meetings set to be conducted the day after a legal holiday may be rescheduled. Meetings may be postponed or canceled by a motion approved at any Board meeting by a majority of the members present. The Board will not meet the first and second Tuesday in August.
- C. Accessibility/Seating Capacity.** All meetings will be conducted in a building that is open and accessible to the public. Due to the need to comply with the fire code, there may be occasions when entrance by the public to the Commission Chambers or other meeting room is limited. To the extent possible, alternative seating arrangements may be made.
- D. Regular Meetings.** Unless otherwise advertised, regular meetings of the Board typically will commence at 9:30 A.M. on the first and third Tuesdays of each month, with the exception of August. In April, June, September, and November, one of the two regular meetings will be held in the evening at 5:00 P.M. The June and September evening meetings may be scheduled on the date and at the time set for budget workshop/public hearings. The meeting on the first Tuesday usually includes Special Presentations and Matters by the Public, with Public Hearings typically held on the third Tuesday. Matters by the Public will be held as set forth in Section III. J. Generally, all meetings will take place in the Governmental Center, 301 North Olive Avenue, West Palm Beach, Florida. Meeting date, time, and location may be changed by the Board.

- E. Workshops.** Workshops are held to discuss items of special importance or complexity that require longer than usual staff presentation and Board questions. These meetings are typically held on the fourth Tuesday of each month, and may include Regular and/or Consent Agenda items, Public Hearings in the case of a timing issue, and other matters presented for formal action in addition to Workshop presentations.
- F. Zoning/Other Meetings.** The Board shall hold meetings monthly for the purpose of considering and determining zoning matters. In addition, as necessary, the Board shall hold meetings sitting as the Environmental Control Board, the Child Care Facilities Board, and in other capacities where the Board is vested jurisdiction to transact business pertaining to the respective body's function. Conduct of business at such meetings shall be governed by these rules, as applicable, except where preempted by statute, ordinance, or other law, including those specifically pertaining to quasi-judicial proceedings.
- G. Special Meetings.** A special meeting of the Board may be called by a majority of the members. Written notice signed by the members calling such meeting shall be given to the Clerk. The Clerk shall notify each member of the Board in writing or verbally of the date, time, and place of the meeting and the purpose for which it is called, and no other business shall be transacted. At least 24 hours shall elapse between the time the Clerk receives notice of the meeting and the time the meeting is to be held. If after reasonable diligence it was not possible to give notice to each Commissioner or to allow 24 hours to elapse between the time the Clerk receives notice of the meeting and the time the meeting is held, such failure shall not affect the legality of the meeting if a quorum is in attendance. Reasonable public notice of the special meeting sufficient to comply with Section 286.011, Florida Statutes, shall be given. If a determination to hold a special meeting is reflected in the record of any Board meeting, no additional notice is required.
- H. Emergency Meetings.** An emergency meeting of the Board may be called by the Chair whenever in his/her opinion an emergency exists which requires immediate action by the Board. Whenever an emergency meeting is called, the Chair shall notify the Clerk, who shall notify each member of the Board in writing or verbally of the date, time and place of the meeting and the purpose for which it is called, and no other business shall be transacted. At least 24 hours shall elapse between the time the Clerk receives notice of the meeting and the time the meeting is to be held. If because of the nature of the emergency it is not possible to give notice to each Commissioner or it is impossible to allow 24 hours to elapse between the time the Clerk receives notice of the meeting and the time the meeting is held, such failure shall not affect the legality of the meeting if a quorum is in attendance. Reasonable public notice of any emergency meeting sufficient to comply with Section 286.011, Florida Statutes, shall be given.
- I. Public Hearings.** Public hearings shall be held as prescribed by law and may be held to receive public comments on matters of great public importance. Generally, public hearings will be held at 9:30 A.M. on the third Tuesday of each month. Public hearings will commence at or as soon as possible after the advertised time. In no event will public hearings commence prior to the advertised time. Public hearings may be continued from a prior meeting, or scheduled at times and on days or evenings in lieu of or in addition to

the third Tuesday of the month. Proof of Publication of the notices for public hearings shall be on file with the Clerk for inspection. The Board does not have to take formal action to receive and file same.

J. Presentation Format. As a general rule, the order of item presentation during most meetings of the Board shall be as follows, subject to change depending on the item under consideration:

1. Chair announces item
2. Staff presentation, if any
3. Board asks only questions of staff (no debate)
4. Public comment, if any
5. Public comment is closed
6. Motion made
7. Board discussion and amendments, if any
8. Vote taken (no discussion/debate during vote)

K. Minutes. The Clerk to the Board shall take accurate minutes of the proceedings of every meeting of the Board, with the exception of statutorily closed sessions where no minutes are to be taken. Unless a reading of the minutes of a meeting is requested by a majority of the Board, such minutes, when approved by the Board and signed by the Chair and the Clerk, shall be considered approved without reading; provided that the Clerk delivered a copy thereof to each member of the Board at least two full business days preceding the meeting. The minutes of prior meetings may be approved by a majority of the members present, and upon such approval, shall become the official minutes.

III. Order of Business.

A. Official Agenda. There shall be an official agenda for every meeting of the Board, which shall set forth the order of business to be conducted at the meeting. The agenda format for a typical Regular* Board meeting shall be substantially as follows:

1. CALL TO ORDER
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
2. AGENDA APPROVAL/SPECIAL PRESENTATIONS
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations—9:30A.M (if applicable)
3. CONSENT AGENDA
4. PUBLIC HEARINGS—9:30 A.M. (if applicable)
5. MATTERS BY THE PUBLIC—2:00 P.M./6:00 P.M. (as applicable)
6. REGULAR AGENDA
7. BOARD/DISTRICT APPOINTMENTS
8. STAFF COMMENTS

9. COMMISSIONER COMMENTS
10. ADJOURNMENT

*Workshop and other meeting agendas shall be prepared by Administration in an appropriate format.

- B. Preparation/Delivery of Agenda.** The County Administrator shall prepare the agenda and make every effort to deliver a complete agenda kit to the Commissioners no later than 1:00 P.M. on the Friday prior to the regular meeting. Agenda kits for special and emergency meetings will be distributed in as timely a manner as possible. The agenda, as well as lengthy reports and standard contracts that are part of the agenda's back-up documentation, shall be available for review in County Administration.
 - C. Quorum.** A majority of the Board shall constitute a quorum. If no quorum exists within thirty (30) minutes after the time designated for the meeting of the Board to commence or if a quorum is lost, the Chair or the Vice Chair or, in their absence, the Commissioner with the most seniority, shall adjourn the meeting. The names of the members present and the time of adjournment shall be recorded in the minutes by the Clerk. The members present may, during the 30-minute period, open the floor for "Matters by the Public" or any similar presentation so long as no official action is taken or direction to staff is given.
 - D. Call to Order.** If a quorum exists, the Chair shall call the meeting to order. In the absence of the Chair, the Vice Chair shall call the meeting to order. If both are absent, the Clerk shall call for the election of a temporary chair. Upon arrival of the Chair or the Vice Chair, the temporary Chair shall relinquish the gavel upon conclusion of the business immediately before the Board at that time. Before proceeding with the business of the Board, the Clerk or his/her designee shall call the roll of the members in alphabetical order, and the names of those members present and absent shall be entered into the minutes.
 - E. Agenda Approval.** Only items listed on the official agenda will be acted upon unless additional items are authorized by a majority of the Board.
 - F. Special Presentations.** This is the segment of the meeting where positive recognition is expressed. Proclamations are typically presented at the first meeting of the month at the beginning of the meeting. Should a Commissioner desire a proclamation that will be delivered elsewhere, it should be brought up under their comments for Board authorization. A proclamation should always "proclaim" a day, week, or month as something specific. Certificates of Appreciation and Commendation should be done when honoring an individual or accomplishment. Whenever practical, the use of certificates is encouraged. These certificates are submitted through and prepared by the Department of Public Affairs. No more than two proclamations per Commission District shall be presented at the meeting. There is no limit to off-site proclamation requests.
 - G. Consent Agenda.** Consent Agenda items are typically routine in nature, non-controversial, and do not deviate from past Board direction or policy. They usually do
-

not require Board comment and are voted on as a group. Any item may be pulled by a Commissioner for discussion. Members of the public may speak to any consent item in accordance with Section VI.I. below.

- H. Regular Agenda.** Items appearing on the Regular Agenda require Board direction, a policy decision, or are otherwise of great significance necessitating separate attention and action. "Add-on" items, described in the following paragraph I, also appear on this agenda. Items will be addressed individually in the order presented on the Agenda, unless reordered upon approval by a majority of the Board. Items of great public interest that are assigned a time certain should not be considered until the designated time.
- I. "Add-on" Agenda Items.** In the event of an unforeseen or emergency situation (defined as significantly relevant to the health, safety or general welfare of the residents of Palm Beach County), an item may be added to the Regular Agenda upon approval of the County Administrator, bypassing the normal submittal and review process. The Board should be given notice of any "add-on" as soon as possible prior to the scheduled Board meeting.
- J. Matters by the Public.** Members of the public may address the Board under "Matters by the Public," which is typically scheduled for the first Tuesday of the month at 2:00 P.M. during daytime regular meetings and at 6:00 P.M. during evening regular meetings. Procedures for addressing the Board are set forth in Section VI. below. Time and date for "Matters by the Public" may be changed by the Board.
- K. Commissioner Comments.** The purpose of Commissioner Comments is to promote the public discussion of matters relating to County business and to encourage the dissemination of information. Any Commissioner may submit reports and information on items relating to County business. When possible, the other Commissioners, the County Administrator, and the County Attorney should receive such materials in advance. Commissioners may also request the preparation of proclamations, resolutions, ordinances, reports, and other actions of the Board during this portion of the agenda, subject to majority consensus. All such requests shall be referred to the Administrator or the Attorney, as appropriate. Official actions may be taken under comments in the case of an emergency or for other situations necessitating immediate action as may be determined by a majority of the Board.
- L. Case Settlements.** Any member of the public may comment on any proposed litigation settlement, whether appearing on the Regular or Consent Agenda, prior to the Board's consideration of same.
- M. Appointments.**

 - 1. **District Appointments.** If a Commissioner is making appointments to more than one board, committee, commission, or the like during the same meeting, the Commissioner may move all in a single motion.

2. **Board Appointments.** If there is only one nominee per seat for appointment to any board, committee, commission, and the like, the appointment agenda item shall be placed on the Consent Agenda. If there is more than one nominee for a seat, Board approval shall be made as follows:
 - a. The Chair calls for nominations from any of the names identified in the appointment agenda item.
 - b. Nominations are made and received. No second is required.
 - c. The Chair calls for a vote.
 - d. The nominee who receives a majority of the votes is appointed.
 - e. If no nominee receives a majority vote, the Chair shall call the roll for a vote on the two nominees who received the most votes during the initial round.

IV. Rules of Debate.

This section sets forth the rules of debate to maintain decorum, the various motions available for use by the Board, and related matters.

- A. **Decorum.** A motion must be accepted by the Chair before it is officially on the floor. A motion must be made, seconded, and stated by the Chair before the merits can be debated. Every member of the Board has a right to speak in the debate and shall always be recognized by the Chair. Non-member recognition shall be at the Chair's discretion. The member who made the motion shall be entitled to speak first. A member shall be deemed to have yielded the floor when she/he has finished speaking. The discussion is to be related to the motion on the floor. All questions are to be directed through the Chair.
- B. **As to the Chair.** Upon passing the gavel, the Chair or other presiding member of the Board may move or second a motion.
- C. **Point of Order.** Any member who believes that a breach of the rules has occurred has a right to call immediate attention to the matter by raising a "point of order." A point of order (1) may interrupt a speaker who has the floor; (2) does not need to be seconded; (3) is not debatable; and (4) is decided by the Chair. By motion and second, a decision of the Chair on a point of order may be appealed to the Board and, without debate, the Chair shall submit to the Board the question, "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.
- D. **Motion to Reconsider.** An action of the Board may be reconsidered at the same meeting or the very next regular Board or Workshop meeting (not a Comp Plan or Zoning meeting). A motion to reconsider can only be made by a member who voted on the prevailing side of the question, and is debatable. Such motion shall not be entertained: (1) if the approved action has been partially or fully carried out; (2) if a contract, when the party to the contract has been notified of the outcome; (3) if an ordinance or other action taken after a required public hearing; or (4) if the vote has caused something to be done that is impossible to undo. Adoption of a motion to reconsider shall rescind the original action; therefore a new motion, second, and vote is required to take formal action

on the item, if desired, and may take place at a future meeting. If a motion to reconsider is not brought forward in a timely manner, yet a Commissioner would like to revisit the issue, the item may be placed on a future agenda provided that (1) new information has been discovered that if known at the time of the original vote, the outcome may have been different; (2) a majority of the Board approves; and (3) none of the instances set forth above that would prohibit a motion to reconsider exist.

- E. Substitute Motion.** A member may make a substitute motion if he/she is not in agreement with the motion on the floor. This motion is debatable. No more than three motions shall be on the floor at any given time.
- F. Motion to Postpone.** If a member would like to defer consideration of a matter, a motion to postpone is in order, which may include a time and date to continue the discussion. When postponing an advertised public hearing, a time and date certain must be included in the motion. This motion is debatable.
- G. Motion to Close Debate/Call the Question.** Any Commissioner may move to close debate/call the question on the motion being considered. This motion is not debatable and requires a two-thirds vote of the members. If the motion passes, all discussion ends and a vote is taken on the motion on the floor.
- H. Adjournment.** No motion is required to end the meeting. The Chair declares the meeting adjourned without objection.

V. Voting.

- A. Motions.** Motions require a majority vote of those members present for passage. If a supermajority vote is required, the motion must receive an affirmative vote of a majority of those present and voting, plus one, unless otherwise required by charter, special or general law, or county ordinance. Final action on a pending motion may be postponed in accordance with paragraph F. above.
- B. Method.** The vote may be by voice, show of hands, or roll call as decided by the Chair. The maker and seconder of the motion need not be present in Chambers when the vote is taken. The Chair shall call for the vote and announce the results, which will be recorded by the Clerk. Every member who is in the Commission Chambers must vote, unless the member has publicly stated that he/she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. (*See* "C. Voting Conflict.") A Commissioner's silence will be counted as an "aye" vote.
- C. Voting Conflict.** No Commissioner shall vote on a matter when the Commissioner has a voting conflict pursuant to Sections 112.3143 or 286.011, Florida Statutes. Further, in accordance with the County's Code of Ethics, any Commissioner with a conflict shall not participate in the discussion of the item. The abstaining member shall comply with the requirements of the referenced state law as applicable, including the filing of Form 8B "Memorandum of Voting Conflict" with the Clerk within ten (10) days of the meeting at

which the conflict was declared. A copy of Form 8B shall also be filed with the Palm Beach County Commission on Ethics.

- D. Vote Change.** Any Commissioner may change his/her vote before the next item is called for consideration.
- E. Tie Vote.** A tie vote shall result in the failure of the motion; however, there is no prevailing side for the purposes of a Motion to Reconsider. Any member of the Board may, at the next regular meeting and with approval by a majority of the Board, request that the item be placed on a future agenda for consideration.

VI. Public Participation in County Government.

- A. Citizen Input.** The Board recognizes the important 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 so that County business may be completed efficiently, effectively, and timely. Members of the public wishing to speak at Board meetings shall comply with the procedures set forth below.
- B. Accessibility.** All persons with disabilities shall be provided reasonable assistance to enable them to effectively participate in Board meetings.
- C. Comment Cards.** Any member of the public wishing to speak before the Board or who wants to make their position known but does not want to address the Board shall complete a "comment card" and present the card to staff in the Commission Chambers for forwarding to the Chair. Only those individuals who have submitted comment cards and who have been recognized by the Chair may address the Board. Any member of the public who has filled out a card must be present when the Chair announces the person's name if they desire to be recognized. If an individual does not wish to speak and instead submits a card with his/her comment noted, it is within the Chair's discretion to read the comment into the record. If the Chair does not read the comment, the comment card is nonetheless submitted as part of the official record. In any event, a comment card will not be read into the record if the citizen submitting same is not present when the item is being discussed. As a general practice, comment cards will not be accepted after presentation of an agenda item has begun; however, the Chair has the discretion to accept additional comment cards. Comment cards are considered public records and are to be submitted to the Minutes Clerk before the meeting adjourns.
- D. Civility.** All public comments and any multimedia shown or material distributed shall avoid personal attacks, abusive language, and redundancy. The Chair may curtail repetitious comments. No person attending a Board meeting is to harass or otherwise disturb any other person in the room. Any person making impertinent or slanderous remarks or whose behavior is disruptive shall be subject to removal from the Commission Chambers by County security/Sheriff deputy, or such other action as may be appropriate, and 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 Board members present.

- E. Relevancy.** Comments shall be limited to the subject being considered by the Board and, if there is a motion on the floor, shall be limited to the motion. Comments during “Matters by the Public” should be directed to County issues. Comments on any matter appearing on the agenda the same day are to be made at the time the item is considered under the Consent or Regular Agenda and not under “Matters by the Public.”
- F. Manner.** Each person addressing the Board shall step up to the podium and give his/her name and address for the record. No person other than a member of the Board and the person having the floor shall be permitted to enter into any discussion without the permission of the Chair. All remarks shall be addressed to the Board as a body and not to any individual member or the audience. Commissioners may ask questions of the speaker after his/her uninterrupted comments have been made. No question shall be directed to a Commissioner or staff except through the Chair. No persons other than members of the Board, County staff, individuals participating in an agenda item presentation at the staff table, or persons authorized by the Chair, are allowed beyond the podiums.
- G. Allotted Time.** Each member of the public shall be granted three minutes to speak. The Chair may extend the maximum speaking time. Allowing the use of a speaker’s time by another individual is within the Chair’s discretion. In the event more than twenty (20) people indicate their desire to speak on the same or a related subject, the Chair may establish a maximum time limit, not to exceed one hour, for public comments. The Chair may also assign time limits for proponents and opponents to address an item. In any event, the Chair shall have the discretion to adjust speaking time limits as he/she deems appropriate.
- H. Lobbyists.** Any person defined as a “lobbyist” under the County’s Lobbyist Registration Ordinance shall register before addressing the Board unless an exception set forth in the ordinance applies.
- I. Consent Agenda.** Prior to Board approval of the Consent Agenda, public comment will be accepted. One comment card identifying all items of interest shall be submitted to County staff who will pass it on to the Chair. If more than one item is identified, the three-minute allotment may be extended at the Chair’s discretion.
- J. Dissemination of Information/Use of Multimedia.** Any member of the public desiring to submit information to the Board relevant to the item may do so only when they are at the podium and recognized to speak. No motion to receive and file any submission by the public is necessary to make same a part of the record; the Chair may “accept without objection” providing there is none. Due to time constraints, there shall be no expectation that the Board will read any information submitted at a Board meeting. Early submission of information relevant to an item appearing for Board consideration is encouraged. The public is authorized to use multimedia supportive of their comments. Multimedia is to be

submitted to the County's Public Affairs Department five (5) working days prior to the Board meeting.

- K. Employees.** Employees of the County have every right as any other member of the public to address the Board. However, comments pertaining to an active grievance, arbitration, or other personnel dispute are not appropriate for this forum.

VII. County Commission.

- A. Designation as Mayor/Vice Mayor.** The member elected as Chair shall be known as the Mayor of Palm Beach County, and the member elected Vice Chair shall be known as the Vice Mayor.¹

- B. Chair/Vice Chair Duties.** The Chair presides over Board meetings and is recognized as the ceremonial dignitary who serves as the County's official representative. The Chair's responsibilities include, but are not limited to, the following:

1. Calling the meeting to order after ascertaining that a quorum is present.
2. Preserving order and deciding points of order.
3. Expediting business in a way that is compatible with the rights of members of the Board.
4. Executing documents as provided in paragraph D. below.
5. Declaring the meeting adjourned.

The Vice Chair acts in the absence of the Chair or, in the event of his/her inability to serve by reason of illness or accident, shall perform the duties and functions of the Chair until his/her return.

- C. Chair/Vice Chair Election; Term of Office.** The Chair and Vice Chair shall be elected from and by the members of the Board at the first Board meeting following the November election and the swearing-in of the newly-elected County Commissioners or, in years in which no swearing-in takes place, at the first Board meeting after the first Tuesday in November. The term shall be for one year from the date of the election, unless a different time period is approved by a majority of the Board. The Board may remove the individual from the position of Chair by majority vote. In the event the Chair relinquishes his/her office, the Vice Chair shall be automatically appointed Chair for the remainder of the term. In the event the office of Vice Chair becomes vacant, the Board shall elect a new Vice Chair to serve until the term expires. The election process shall be as follows:

1. The Clerk, in the case of the Chair's election, and the Chair, in the case of the Vice Chair's election, calls for nominations.

¹ The use of the term "Chair" and "Mayor" mean one and the same throughout these rules, as does the term "Vice Chair" and "Vice Mayor."

2. Nominations are made and received. A member may nominate himself or herself. No second is required.
3. The Clerk/Chair asks if there are any further nominations. If none, the Clerk/Chair declares that nominations are closed. No motion to close nominations is required.
4. The Clerk/Chair calls for a vote.
5. The nominee who receives a majority of the votes is elected.

D. Signature by the Chair. Generally, all items approved by the Board will be hand delivered to the Chair's office by the Minutes Department for signature. Documents may also be signed in other offices as appropriate. When the items have been signed, the documents will be released only to a Deputy Clerk to be attested, sealed and distributed. The Vice Chair, if available, shall execute items if the Chair is unavailable. If the Chair and Vice Chair are not available, and there is a need to obtain an immediate signature, any Commissioner may sign a document providing the County Attorney's Office has signed for legal sufficiency. Strict adherence to this procedure is necessary to ensure the integrity of the documents and particularly to expedite handling those items with time constraints. Only documents received from a Deputy Clerk will be signed by the Chair or Vice Chair who, in turn, will release them only to the Clerk's custody.

E. Facsimile Signatures. Upon election, the Chair and Vice Chair shall execute Affidavits of Manual Signature and Authorization to fix Facsimile Signature (rubber-stamped signature) for filing with the Secretary of State. Use of a facsimile signature is limited to instruments of payment, official orders, proclamations, and any public security or instrument of conveyance to which at least one required signature has been manually subscribed. Facsimile signatures cannot be used on contracts or ordinances.

F. Newly Elected Commissioners. The term of County Commissioners elected to office shall commence on the second Tuesday following the general election as specified in Section 100.41, Florida Statutes. A swearing-in ceremony for newly elected commissioners will be coordinated by the County Administrator. The County Administrator shall provide an orientation program for all new Commissioners.

VIII. General Provisions.

A. Commissioner Attendance by Telephone. There may be times when a Commissioner is physically unable to attend a Board meeting. If a majority of the members of the Board present in the Commission Chambers determines that extraordinary circumstances exist to justify the absence of a County Commissioner from a meeting, the Board may allow the absent Commissioner to participate by telephone conference or other interactive electronic technology. While the determination of whether an extraordinary circumstance exists is left to the Board's good judgment, the Attorney General's Office, acknowledging that the Board makes the ultimate decision, has opined that a serious medical condition is an extraordinary circumstance and a scheduling conflict is not. The absent Commissioner does not count towards a quorum. In instances in which the

physically absent Commissioner participates in a meeting, the Commissioner shall be allowed to cast his/her vote.

- B. Board Member Representation at Other Meetings.** The Chair will represent the Board at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or nongovernmental organizations, departments, agencies or officials, and report back to the Board anything of significance. The Chair may designate another member to represent the Board. The Chair or his/her designee shall have no power to act for or on behalf of the Board or the County, unless previously authorized to do so.
- C. Amendment, Suspension, and Construction of Rules.** Any amendment of these rules shall be in accordance with the Administrative Code. The Board may temporarily suspend any rule during a meeting with an affirmative vote of a majority of the Board. These rules are for the efficient and orderly conduct of Commission business only; no violation of such rules shall invalidate any action of the Board when approved by a majority vote.
- D. Effective Date.** These rules shall go into effect on January 1, 2013, and shall supersede all other rules previously adopted by the Board.

Adopted December 18, 2012
Effective January 1, 2013
Revised January 15, 2013