

Palm Beach County

Board of County Commissioners

RULES OF PROCEDURE

POLICY: It is the policy of the Palm Beach County Board of County Commissioners that these Rules of Procedure shall govern all official meetings of the Board of County Commissioners. The members of the Board, staff and the public shall adhere to these rules. The ultimate determination of procedural matters shall rest with the Chair subject to appeal by the members, and, if so appealed, a majority vote of all members present shall prevail.

RULES OF PROCEDURE:

1. GOVERNING RULES

Except as may be provided by these rules or by law, questions of order, the methods of organization and the conduct of business of the Board shall be governed by Roberts' Rules of Order in all cases in which they are applicable.

2. REGULAR/WORKSHOP MEETINGS

The Board will typically hold its regular meetings on the first and third Tuesdays of each month. The meeting on the first Tuesday will include Special Presentations and Matters by the Public and the third Tuesday will include Public Hearings. The Board will typically conduct workshops on the fourth Tuesday of each month, and may include regular and/or consent agenda items and other matters presented for formal action in addition to workshop presentations. Regular meetings scheduled to be conducted the day after a legal holiday may be rescheduled. A schedule will be distributed prior to each calendar year listing the dates of all anticipated meetings of the Board. Meetings shall typically commence at 9:30 A.M. Scheduled meetings may be postponed or canceled by a motion approved at a regular or workshop meeting by a majority of the Board members present. The Board will not meet the first and second Tuesday in August. Further notice need not be published. All meetings shall be held in the Governmental Center or such place as may be approved by motion at a regular or workshop meeting by a majority of Board members present and shall be open to the public and all news media.

The Board shall hold meetings monthly for the purpose of considering and determining zoning matters. In addition, on such dates as may from time to time be determined, the Board shall hold meetings for considering and determining environmental matters as the Environmental Control Board; for consideration of consistency of Development Regulations with the comprehensive plan as the Land Development Regulation Commission; for

considering the child care needs of the county as the Child Care Facilities Board, for considering such other matters in which the Board is vested jurisdiction. Conduct of business at such meetings shall be governed by these rules, where applicable, except where preempted by statute, ordinance or other law. No other matters may be considered or determined unless the provision of Rule No. 4 have been met.

3. SPECIAL MEETINGS, EMERGENCY MEETINGS

- A. Special Meeting. A special meeting of the Board may be called by the majority of the members of the Board. Whenever a special meeting is called, notice shall be given to the Clerk in writing, signed by a majority of Board members. The Clerk shall serve either verbal or written notice upon each member of the Board stating the date, hour and place of the meeting and the purpose for which such meeting is called and no other business shall be transacted at that meeting. At least 24 hours must elapse between the time the Clerk receives notice in writing and the time the meeting is held. However, if a determination to hold a special meeting is reflected upon the record of any Board meeting, no additional notice is necessary. If after reasonable diligence, it was impossible to give notice to each Commissioner or it was impossible to let 24 hours 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.

- B. Emergency Meeting. 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 such an emergency meeting is called, the Chair shall notify the Clerk who shall serve either verbal or written notice upon each member of the Board, stating the date, hour and place of the meeting and the purpose for which it is called, and no other business shall be transacted at that meeting. 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 was impossible to give notice to each Commissioner or it was impossible to let 24 hours 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.

- C. Minutes: Open Meetings The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the Board, or shall show a waiver of notice. (See paragraph D. below) Minutes thereof shall be kept by the Clerk. All special or emergency meetings shall be open to the public and shall be held conducted in the Palm Beach County Governmental Center or other suitable County building.

- D. Waiver of Notice. Notice of any special or emergency meeting of the County Commission shall be waived only by a majority of the entire membership of the Board. No special or emergency meeting shall be held unless notice thereof shall be given in compliance with the provisions of this section, or notice thereof is waived by a majority of the entire membership of the Board. Reasonable public notice sufficient to comply with the provision and intent of Section 286.011, Florida Statutes, must be given and in no event may be waived.

4. AGENDA

There shall be an official agenda for every meeting of the Board, which shall determine the order of business conducted at the meeting. The agenda format shall be in substantially similar form as set forth below.

TYPICAL REGULAR COMMISSION MEETING AGENDA FORMAT

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

12. ADJOURNMENT

The Board shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless a majority of the Board grants approval to the presentation thereof for consideration and action.

Consent Agenda. Consent Agenda Items are items which the Board does not need to discuss individually and which are voted on as a group. Any items may be pulled by a Commissioner for discussion.

Regular Agenda. Regular Agenda Items are items which the Board will discuss individually in the order listed on the Agenda, unless otherwise reorganized upon a duly passed motion of the Board.

Case Settlements. Any member of the public may comment on any proposed settlement of a litigation matter, whether appearing on the regular or consent agenda, prior to the Board's consideration of same.

Matters by the Public. Members of the public may address the Board under "Matters by the Public" which will typically be agendaed for the first Tuesday of the month at 2:00 p.m. Matters that will appear before the Board for consideration within 60 days of the scheduled "Matters by the Public" or that have been addressed by the Board in the preceding 60 days shall not be discussed. Procedures for addressing the Board are set forth in Rule No. 12.

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, appropriate staff should receive information in advance. Commissioners may also request the preparation of proclamations, resolutions, ordinances, reports and legal documents, and other actions of the Board, during this portion of the agenda. All such requests shall be referred to the Administrator or the Attorney, as appropriate, shall be properly prepared for formal consideration as soon as possible at a regular meeting of the County Commission. Official actions may be taken under comments in emergency or for other situations as may be determined by a majority of the Board.

Delivery of Agenda. The County Administrator shall make every effort to deliver a complete agenda kit to the County Commissioners no later than 1:00 P.M. on the Friday preceding the Tuesday meeting. Agenda kits for Special and Emergency Meetings will be distributed in as timely a manner as possible.

Emergency Items. In the event of an unforeseen/emergency situation (defined as strongly relevant to the health, safety and/or welfare of the residents of Palm Beach County), where an agenda item must be presented to the Board without undergoing the normal submittal and

review process, the item may be added to the agenda upon approval of the County Administrator. The Board should be apprised of the issue with as much advance notice as possible preceding a scheduled Board meeting.

Other meeting agendas, such as for workshops, shall be produced by Administration in such format that is appropriate for the meeting.

5. CHAIR AS PRESIDING OFFICER; VICE-CHAIR; DUTIES

Duties. The Chair of the Commission shall preside at all meetings at which s/he is present. In the absence of the Chair, the Vice-Chair of the Commission shall preside. In the absence of the Chair and Vice-Chair, the Clerk shall determine whether a quorum is present and in that event shall call for the election of a temporary chair. Upon the arrival of the Chair or the Vice-Chair, the temporary Chair shall relinquish the chair upon the conclusion of the business immediately before the Commission. The Chair shall call the Board to order at the designated time for the meeting. The presiding officer shall preserve strict order and decorum at all meetings of the Commission. S/he shall state every question coming before the Commission and announce the decision of the Commission on all matters coming before it. A majority vote of the members present shall govern and conclusively determine all questions of order not otherwise covered. The presiding officer may vote on all questions. In the absence of the Chair from Palm Beach County or in the event of his/her inability to serve by reason of illness or accident, the Vice-Chair shall perform the duties and functions of the Chair until his/her return to the County or recovery and resumption of duty.

Signature by the Chair. The Chair will be responsible for the custody of Board approved documents delivered to the Chair's office and will release those documents only to a Deputy Clerk. Items reviewed and approved by the Board for the Chair's signature will be hand-delivered to the Chair's office by the Minutes Department for signature. When the items have been signed, the documents will be released to a Deputy Clerk to be attested, sealed, and distributed. If the Chair is not able to sign items, the items shall be delivered to the Vice-Chair by the Minutes Department for signature. If the Chair and Vice-Chair are not able to sign items and there is a need to obtain an immediate signature, any Commissioner may sign a document which is otherwise in accordance with this Administrative Code and other policies and procedures of the County. 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 Clerks' custody.

Election, Term of Office. The Chair and Vice-Chair shall be elected from and by the members of the Board. The term of these offices shall be for two years from the date of the election. Election of officers shall take place every other year following the November election and the swearing in of the newly elected County Commissioners. In the event the Chair relinquishes his or her office, the Vice-Chair shall be appointed Chair until the term

expires. In the event the office of Vice-Chair becomes vacant, the Board shall elect a new Vice-Chair to serve until the term expires.

6. ROLL CALL

Before proceeding with the business of the Commission, the Clerk or his/her designee shall call the roll of the members in alphabetical order, and the names of those members present shall be entered in the minutes.

7. QUORUM

A majority of the entire Board shall constitute a quorum. No ordinance, resolution, or motion shall be adopted by the Board without the affirmative vote of the majority of the members present.

Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Board, the Chair or the Vice-Chair or, in their absence, the Clerk or his/her designee, may recess the meeting until the next day, unless by unanimous agreement those members may select another hour or day. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

8. ORDER OF BUSINESS

All meetings of the Board shall be open to the public. Promptly at the hour set for each meeting, the members of the Board, the County Administrator or his/her designee, and the County Attorney or his/her designee, shall take their regular stations in the Commission Chambers and the business of the Board shall be taken up for consideration and disposition in accordance with the agenda for the meeting. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Board present at the meeting.

9. RULES OF DEBATE

- A. Question Under Consideration. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present.

- B. As To The Chair. Upon relinquishing the chair, the Chair or such other member of the Board as may be presiding may move and second, subject only to such limitations of debate as are by these rules imposed upon all members.

- C. Getting The Floor, Decorum. A member shall be deemed to have yielded the floor when s/he has finished speaking. A member may claim the floor only when no one else has it. A member who claims the floor first shall be recognized first, unless another member claiming the floor presented the motion and has not yet spoken. The Chair shall always recognize other members. Other recognition shall be at the Chair's discretion. Members shall refrain from speaking adversely on a prior motion not pending and from speaking against their own motions. All members shall maintain decorum.

- D. Interruption. A member may request, to or through the Chair, a Point of Information to obtain relevant information, subject to the consent of the speaking member. A member may make a Parliamentary Inquiry requesting information or the Chair's opinion on the rules. A member may make a Point of Order challenging a breach of the rules or a ruling of the Chair. If a member is speaking when a Point of Order is made, s/he shall cease speaking until the Chair rules or submits the decision to the Board. 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.

- E. Reconsideration. Action of the Board may be reconsidered at the same meeting or the very next meeting of the Board sitting in the same capacity or a like capacity when the principal action was taken. A motion for reconsideration may only be made by a member who voted on the prevailing side of the question and with the concurrence of a majority of those present on the date that the reconsideration was requested. A motion for reconsideration may not be entertained (1) at a subsequent meeting in the event of an affirmative vote, whose provisions have been partly carried out; (2) in the case of an affirmative vote in the nature of a contract when the party to the contract has been notified of the outcome; or (3) in the case of any vote which has caused something to be done that it is impossible to undo. Adoption of a motion to reconsider shall rescind the action reconsidered.

10. READING MINUTES

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 working days preceding the meeting. The minutes or prior meetings may be approved by a majority of the members present, and upon such approval, shall become the official minutes.

11. VOTING

- A. Method. The Chair shall ask the members whether they are in favor or opposed to the motion on the floor and shall announce the results which will be recorded by the Clerk. The vote upon any ordinance, resolution, motion, or other matter may be by voice vote, provided that the Chair or any Commissioner may ask a roll call vote to be taken. A silent vote of the Board indicates approval of the agenda item. The maker of the motion must be present when a vote is taken on the motion.
- B. Conflict of Interest. No member shall participate in the discussion or vote upon any matter under consideration wherein s/he has a conflict of interest as defined in Chapter 112 of the Florida Statutes, as amended.
- C. Vote Change. Any Commissioner may change his/her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first.
- D. Tie Votes. A tie vote shall result in the failure of the motion; however, the results of the vote shall not be considered an outcome in favor of or opposed to the item before the Board.

12. ADDRESSING THE BOARD OF COUNTY COMMISSIONERS

The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of county government and encourages citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings so that County business may be completed in a timely manner. Citizens are also encouraged to utilize other available channels of communication to express their opinions and comments. Members of the public wishing to speak at public hearings, under "Matters by the Public", or to consent or regular agenda items, shall comply with the procedures set forth below.

Allotted time. Each citizen shall be limited to a maximum speaking time of three minutes. The Chair may allow a citizen to extend the maximum speaking time, but to no more than ten minutes by the use of another speaker's allotted time. In the event more than twenty citizens indicate their desire to speak on the same or related subject, the Chair may establish a maximum time limit, not to exceed one hour, for citizen comments. The Chair may also assign time limits for proponents and opponents to address an item. Notwithstanding the provisions of this section, the Chair shall have the discretion to adjust speaking time limits as he or she deems appropriate and necessary.

Relevancy. Each citizen's comments must be relevant to the agenda item/motion at issue. The presiding officer may curtail irrelevant or repetitious comments.

Public Comment Cards. Any member of the general public wishing to speak before the Board shall complete a "comment card" and present the card to staff located in the

Commission Chambers who will then forward the card to the Chair. These "comment cards" are considered public documents and should be submitted to the Minutes Clerk before the meeting adjourns. Any member of the public who has filled out a card must be present when the Chair announces the citizen's name if they desire to be recognized. Comment cards will not be read into the record if the citizen submitting same is not in the Commission Chambers, unless a specific request is made. As a general practice, comment cards will not be accepted after presentation of an agenda item has begun; however, the Chair shall have the discretion to accept additional comment cards as he or she deems appropriate and necessary.

Dissemination of Information. Any member of the public desiring to submit information to the Board may do so only when they are recognized to speak and are at the podium. Only information relevant to an agenda item will be received and filed. Due to time constraints, there shall be no expectation that the Board will read any information submitted at a Board meeting, but rather, same will be received and filed and become part of the record. Early submission of information relevant to an item appearing for Board consideration is encouraged.

Manner. Each person addressing the Board shall step up to the podium, and shall give his/her name and address in an audible tone of voice for the minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person other than Board members and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the presiding officer. No question shall be asked a Commissioner or staff except through the presiding officer.

Workshops. Public comment will be accepted but with an overall time limit as may be determined by the Chair or Board.

Consent Agenda. Prior to Board approval of the consent agenda, public comment will be accepted on said agenda.

Presentation Format. As a general rule, when the Board considers issues during which the general public is invited to offer comment, the order of presentation shall be as follows:

1. County staff presents detail of the issue
2. Comments by the public
3. Board discussion and official action

Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Board shall be barred from further audience before the Board by the presiding officer, unless permission to continue or again address the Board is granted by the majority vote of the Board members present.

Sergeant-at-Arms. The Board may designate a sergeant-at-arms of the Board meeting. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the meetings.

Persons Authorized Beyond the Podium. No person, except County officers or their representatives shall be permitted beyond the podiums in front of the Board's dais and staff person. Any person who goes beyond this area shall be subject to removal from the Commission Chambers by County security/Sheriff deputy.

13. COMMITTEES

The Board may resolve itself into a committee of the whole at any regular or special meeting and select a Chair to preside over such meeting of the committee of the whole. The Board is further authorized to appoint standing committees which shall continue in existence until dissolved by vote of a majority of the Board members present at any regular meeting, or at a special or emergency meeting called for that purpose. Whenever the Board deems it necessary or desirable that the Board shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, departments, agencies or officials of the County Government, the Chair may designate members of the Board or him/herself to represent the Board at such meetings, conferences or other occasions. Such representatives shall have no power to act for or on behalf of the Board or the County, unless previously so authorized. Such representative shall report to the Board with regard to such meeting, conference, or other occasion.

14. ORDINANCES, RESOLUTIONS, MOTIONS, PROCLAMATIONS

When Action To Be Taken By Motion, Resolution or Ordinance. All actions of the Board shall be taken by motion, resolution, or ordinance. Actions on routine administrative matters may be taken by motion duly approved and recorded in the minutes of the meeting. Any action of the Board which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

Preparation of Resolutions For Presentation To The Board. The appropriate staff when requested by the Board shall prepare resolutions to be placed on the Board's agenda for adoption.

Numbering of Resolutions. All resolutions shall be numbered consecutively by the Clerk upon their passage.

Procedures for New or Amended Ordinances. If a need for a new or amended ordinance is deemed necessary, the appropriate staff will be directed to draft the ordinance which will be scheduled for Board consideration. The ordinance will be presented to the Board for first reading and scheduling of a public hearing, with adoption to occur at the public hearing.

Proclamations. Proclamations that are to be presented at a Board meeting will be presented at the first meeting of the month at 9:30 a.m. Proclamations will not be presented at other times during Board meetings. Should a Commissioner desire a proclamation that will be delivered elsewhere, it should be brought up under their comments so that the Board can authorize it. A proclamation should always “proclaim” either a day, week, or month as something specific. Certifications of Appreciation and Commendation should be done when honoring an individual or general accomplishment. These certificates are submitted through and prepared by the Department of Public Affairs. Certificates of Appreciation and Commendation can be prepared quickly and customized to the requestor’s specifications. Whenever practical, the use of certificates is encouraged.

15. EVENTS HELD IN COUNTY FACILITIES.

All members of the Board should be invited to attend all events that are held in County facilities. The Chair will preside at all events at which s/he is present. In the absence of the Chair, the Vice-Chair of the Board shall preside; in their absence or with their concurrence, the appropriate District Commissioner may preside.

16. DISTRICT NEWSLETTERS; OTHER PUBLICATIONS

County Commissioners may publish District newsletters or other publications, non-partisan in content, for periodic communication of District information. Assistance from the Public Affairs Department or County staff will be limited to design, editing and technical aid; production and copying shall be charged to the budget of the Commissioner originating the newsletter or publication. Newsletters or publications shall be hand-distributed and in no cases shall they be distributed through the U.S. Mail at County cost. Special newsletters or publications for Countywide distribution which involve staff participation may be requested by a Commissioner for communication of Countywide topical or urgent issues. Such requests must be approved by the Board with staff assistance determined by the County Administrator. Newsletters and publications shall not be printed or distributed during a pre-election (three months prior to primary or general election date) period.

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