

SARASOTA COUNTY CHARTER REVIEW BOARD BY-LAWS

PREAMBLE: We, the members of the Sarasota County Charter Review Board (hereinafter referred to as the Board), in order to more efficiently conduct our meetings and carry out our duties, adopt these By-Laws for our internal governance.

1.0 OFFICERS

- 1.1 The elected officers shall be a Chair, Vice-Chair, Chair Pro Tem. These officers shall be Board members and shall be elected by a majority vote of the entire Board, at a meeting duly called for that purpose. The term of office for each such officer shall be two (2) years.
- 1.2 The Chair shall conduct the meetings of the Board, shall be the spokesperson of the Board, shall assign work to the Attorney for the Board, shall appoint Board members to various committees of the Board, and cause to be carried out such other business as the Board deems necessary.
- 1.3 The Vice-Chair shall perform the duties of the Chair when the Chair so desires, or is absent, sick, or in conflict of interest.
- 1.4 The Chair Pro Tem shall perform the duties of the Chair in the absence of the Chair and Vice-Chair.

2.0 ADDITIONAL PERSONNEL

- 2.1 The Chair shall appoint a qualified person as Parliamentarian, to advise of proper procedures under these By-Laws and Robert's Rules of Order.
- 2.2 The Chair may accept a qualified County employee to act as the Board's Clerk/Recording Secretary. He/She shall attend all Board meetings, taking minutes, and shall perform additional duties as assigned. Minutes of meetings shall be supplied to all Board members sufficiently prior to the next meeting to permit adequate scrutiny.
- 2.3 The Board shall appoint a Board Attorney, who shall serve at the pleasure of the Board. The Attorney shall receive work assignments from the Chair or the Board. When a Board member desires to consult the Attorney, the request shall first be authorized by the Chair. If the Attorney anticipates incurring unusual expenses, the Attorney shall consult with the Chair prior to commencing the work. Appointments shall be made by majority vote of the entire Board. In selecting its Attorney, the Board shall follow either of the following two (2) procedures:
 - 2.3.1 Office of the County Attorney. The Board may appoint the Office of the County Attorney as its Legal Counsel, which shall provide all Legal services to the Board. In the event a matter coming before the Board presents a conflict of interest for the Office of the County Attorney, the Board may appoint Special Counsel to represent the Board in that matter.

Revised: 01/17/2001

SARASOTA COUNTY CHARTER REVIEW BOARD BY-LAWS

2.0 ADDITIONAL PERSONNEL - Continued

2.3.2 Private Attorney. The Board shall request letters of application for appointment from Attorneys licensed to practice law in Florida with offices in Sarasota County who have demonstrated expertise in local government law and constitutional law. Applications for appointment shall include a detailed resume, summarizing the applicant's experience, a retainer fee for attending a specified number of Board meetings and the hourly rate for performing additional assigned work. If the applicant is a law firm, the application shall contain individual resumes of the attorneys who will be assigned to the Board. The Board may appoint a committee to evaluate the applications and to make its recommendations to the Board. Once appointed, the Attorney shall submit itemized bills to the Chair describing the work done and costs incurred.

3.0 MEETINGS

3.1 At its first meeting, when newly elected Board members are seated, the Board shall designate the days, times and places for its regular meetings. The schedule shall be published as provided by law, and distributed to the media as widely as feasible. A minimum of one meeting out of four shall be held in the southern part of the County. The schedule of regular meetings may be changed by majority vote of those members present at the next meeting after the one at which the change is proposed.

3.2 Special meetings, with due public notice as provided by law, may be called by the Chair, the Vice-Chair in the absence of the Chair or by three (3) of the Charter Review Board members' written demand designating time and place, presented to the Chair or Vice-Chair, or if both are absent from the County, to another officer of the Board.

3.3 Committees of the Board shall schedule the date, time, and place of their own meetings, with public notice when prescribed by law.

4.0 CONDUCT OF BUSINESS

4.1 The Chair shall compose an agenda to be mailed to the members in ample time for them to study and prepare for the business of the meeting.

4.2 At the scheduled time for the meeting to begin, a roll call shall be taken to ascertain the presence of a quorum, which shall be a majority of the entire Board.

4.3 Meetings shall be conducted in accordance with Robert's Rules of Order, except where superseded by provisions of these By-Laws.

4.4 At the conclusion of business before the Board, there shall be a period for public comment. During the course of the meeting, the Chair, at his/her discretion, may recognize persons in the audience and permit comment.

Revised: 01/17/2001

SARASOTA COUNTY CHARTER REVIEW BOARD BY-LAWS

4.0 CONDUCT OF BUSINESS - Continued

- 4.5 Should insufficient Board members be present for a quorum, the meeting may continue, but any motions or resolutions introduced shall be deemed a recommendation to the Board for consideration when a quorum is present.
- 4.6 A Quorum being present, motions and resolutions shall carry by a majority of those members present, and in accordance with Robert's Rules of Order.
- 4.7 A proposal for an amendment to the Charter by a member or by a citizen must be presented to the Board in writing at a scheduled regular or special meeting and shall be docketed by the Chair for debate. Upon a majority vote of the members present, the Chair shall appoint a Special Committee to research the proposal and make its recommendations to the entire Board. By majority vote of those members present, the Board shall discharge the proposed amendment from the committee and constitute itself a committee of the whole to discuss the proposal. At the next scheduled regular or special meeting after introduction of the proposed amendment, in accordance with 2.11.B of the County Charter, the Board shall take its initial vote on the proposed amendment. Upon passage a two-third (2/3) vote, the entire Board shall advertise its proposed action and hold a public hearing at the next scheduled regular or special meeting. At the conclusion of the advertised public hearing, the Board shall take its final vote on the proposed amendment for referendum. By affirmative final vote of two-thirds (2/3) of the current Board, in accordance with 2.11.B of the County Charter, the Board shall refer the proposed amendment for referendum.
- 4.8 Board Member originated memoranda and network communications shall be submitted to the Board Clerk/Recording Secretary to be kept on file, made available for public inspection, and for simultaneous distribution to all Board Members. The Recording Secretary shall assure distribution with the next regular mailing of the Agenda.
- 4.9 Board members receiving memoranda or network communications from another Board member concerning issues that may be discussed and voted at a regular or special meeting shall not make any direct or indirect response, verbally or in writing, or through any intermediary or liaison, to the Board member who prepared the communication or to any other Board member, except at a public meeting.
- 4.10 When evaluating proposed Sarasota County Charter amendments, the Board shall consider the following guidelines:
- 4.10.1 Constitutionality of amendments should not be doubtful, e.g. conflict with the Constitution, or Statutes, or Statutory preemption.
- 4.10.2 Amendment and ballot language should be clear, concise, and understandable.
- 4.10.3 Amendments should consider impact on County government.
- 4.10.4 Amendments should attempt to avoid specific, static dollar amounts that can only be changed by an amendment to the Charter.

Revised: 01/17/2001

SARASOTA COUNTY CHARTER REVIEW BOARD BY-LAWS

4.0 CONDUCT OF BUSINESS - Continued

4.10.5 Amendments should not reference State Statute numbers; titles should be used instead. Amendments should not duplicate Statute provisions.

4.10.6 Amendments should avoid usurping the Board of County Commission's authority.

4.10.7 Amendments should avoid matters that would be more appropriate as Ordinances.

4.10.8 If a proposed Charter Amendment does not meet the above criteria, other means of addressing the problem may be suggested.

4.11 No member is allowed to expend money with the expectation of reimbursement without prior approval of the Board.

5.0 COMMITTEES

5.1 Where appropriate, the Board shall refer its business to Committees appointed by the Chair or by the Board. A Standing Committee shall be one with on-going duties. A Special Committee shall be one with a limited assignment and shall dissolve upon completion of its assignment. Board members not members of a Committee are nevertheless invited to participate, but without voting privileges. Committees shall keep a journal of their proceedings. The Board may delegate decision-making power to a Committee. When no decision-making power has been delegated, the Committee shall be deemed advisory, and the Board shall not be bound by the Committee's advice.

6.0 ADOPTION AND AMENDMENT OF BY-LAWS

6.1 A majority vote in the presence of a quorum shall be sufficient for adoption of these By-Laws.

6.2 Proposed changes or amendments to the By-Laws shall be submitted in writing at a regular or special meeting and voted upon at the next regular or special meeting. Approval by a two-third (2/3) vote of the entire Board shall be required for adoption.

7.0 INDEMNIFICATION

7.1 The Board shall indemnify, defend, and hold any individual member harmless from any and all liability and expenses incurred as a result of any legal action being threatened or taken against any individual Board member as a result of any said Board member acting within the scope of his or her authority as a duly elected member of the Board in accordance with these By-Laws.

Revised: 01/17/2001

SARASOTA COUNTY CHARTER REVIEW BOARD BY-LAWS

*These By-Laws were modified during the meeting held on May 2, 1990, in the 7th Floor Conference Room of the Sarasota County Administration Center.

*These By-Laws were modified during the meeting held on January 2, 1991, in the 7th Floor Conference Room of the Sarasota County Administration Center.

*These By-Laws were modified during the meeting held on the October 6, 1993, at the Sarasota County Administration Center, in the City of Sarasota, Florida.

*These By-Laws were modified during the meeting held on June 7, 1995, in Room 228 of the South County Administration Center, Venice, Florida.

*These By-Laws were modified during the meeting held on February 4, 1998, in Room 228 of the South County Administration Center, Venice, Florida.

*These By-Laws were modified during the meeting held on December 1, 1999, at the Sarasota County Administration Center, Sarasota, Florida.

*These By-Laws were modified during the meeting held on January 17, 2001, at the Sarasota County Administration Center, Sarasota, Florida.

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