

# **SARASOTA COUNTY GOVERNMENT**



## **RULES OF PROCEDURE FOR ADVISORY COUNCIL MEMBERS**

*2009*

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## **Advisory Council**

A group of Sarasota County citizens appointed by the Sarasota County Commission to act in an advisory capacity to the Commission and report directly to the Commission.

A. Appointments/Term

1. Residency
  - a. Must be a resident of Sarasota County. If appointed as a representative by a municipality, the representative must be either an elected official or employee of the municipality or a Sarasota County resident residing within the municipality.
  - b. Residency or elected status must be maintained throughout their term of office unless otherwise specified in the governing document.
2. Cannot be employed by Sarasota County Government at any time during the term.
3. Unless specifically stated in enabling legislation, cannot hold elective office. Elected officials currently serving may continue to serve through the end of the current term unless otherwise stated in the enabling legislation.
4. Terms are three (3) years staggered on initial appointment.
  - a. If enabling legislation has not been updated to reflect three (3) year terms, the limit is 12 years of service.
  - b. If current term extends the appointment beyond 12 years, the member can finish the current term.
5. Service is limited to four three-year terms (12 years). After an absence of one year, may apply for re-appointment.
6. STAR (Students Taking Active Roles in Government) appointments are for a period of one year. May be considered for reappointment if still a student.
7. Advisory council members may be removed or replaced by a majority vote of the Commission

B. Orientation

1. New members must attend Advisory Council Orientation within six (6) months of appointment.
  - a. Orientation is scheduled and conducted by the Neighborhoods Office.

- b. County Attorney's Office provides information on compliance with Florida's Sunshine Law, Public Records laws and the Code of Ethics for public representatives.
- c. Supplemental training on use of county-provided e-mail accounts is scheduled, if requested.

C. Meetings

- 1. Meet at such times as the Commission deems appropriate in order to fulfill the mission and duties of the advisory council.
  - a. Meeting must be held in a building that is open to the public and in a facility that in no way excludes any members of the public.
  - b. No fee can be charged.
  - c. The number of meetings held each year must not exceed the number stipulated by the Commission
- 2. Meetings shall be open to the public and must be properly advertised.
- 3. Agendas shall be prepared and distributed in advance of each scheduled meeting by the Chair or designee. Agendas must include Open to the Public.
- 4. Meetings shall be audio recorded. Minutes shall be produced in accordance with Robert's Rules, typed and retained by the Staff Liaison.
- 5. Participation in meetings remotely by telephone is allowed only if:
  - a. A quorum is present in person at the meeting location and
  - b. The member's absence is due to an extreme health situation.

D. Council Responsibilities

- 1. Act as a conduit for citizen input to the Commission.
- 2. Make recommendations or provide advice to the Commission. Shall have only the authority specifically granted by the Commission and shall be subject to all Commission policies, as may be amended from time to time or as may be adopted

3. No member of the Planning Commission may appear before the County Commission for the purpose of giving a minority report on any subject on which the Planning Commission has already made a recommendation
4. Act solely in an advisory capacity, without compensation, reporting directly to the Commission.
5. Comply with all applicable requirements of Florida's Sunshine Law, Public Record laws and the Code of Ethics for public representatives.
6. Incur no expense or obligation unless authorized in advance by the Commission.
7. Appoint subcommittees, if needed. Subcommittees must meet in accordance with the Sunshine law.
8. May adopt additional procedures of operation (bylaws) provided no conflict exists with Florida State law, County Ordinances, or the enabling Resolution.
  - a. In the absence of bylaws, Robert's Rules of Order will be the standard.
  - b. Local and state decisions take precedence over Robert's Rules.
9. Give an annual update to the Commission.
  - a. Presented by the Chair of the advisory council, or designee.
  - b. Includes information on the work of the advisory council in the form of a report or a power point presentation.
10. Solicit input from citizens on key questions.

E. Member Responsibilities

1. Meet the Commission's seventy-five percent attendance requirement.
  - a. Late arrival or early departure resulting in less than 50% participation in a regularly scheduled meeting will be considered an absence.
  - b. Medical Leave of Absence may be granted.
    - i. Not to exceed 90 consecutive days per three-year term

- ii. Requires approval by the executive director of the business center providing Staff support to the advisory council
- 2. Can be removed or replaced by a majority vote of the Commission.
- 3. File Financial Disclosure, when required.
  - a. Filing is currently required for the following advisory councils:
    - i. Board of Zoning Appeals
    - ii. Planning Commission
  - b. F.S. 112.3144-3148 sets forth requirements for filing financial disclosure forms.
  - c. In the event of a question or challenge to the filing, the Commission on Ethics will make the final determination.
  - d. Financial Disclosure Form 1F must be filed with the Supervisor of Elections within 60 days of leaving office and is available at <http://www.ethics.state.fl.us/>.
- 4. Stay current on issues before the council

F. Liaison Responsibilities

- 1. Advertise vacancies
- 2. Schedule annual updates to the Commission
- 3. Track attendance
- 4. Maintain files
- 5. Interact with applicants and prepare appointment applications for the Commission Agenda.
- 6. Advise new members of appointment
  - a. Provide information about the advisory council to new members
  - b. Provide training on how to use the county-provided e-mail account.
  - c. Schedule new member's attendance at advisory council orientation.
- 7. Assist with preparation and distribution of agendas and related documents
- 8. Ensure appropriate staff is involved to provide advice and guidance as needed.
- 9. Record meetings

10. Prepare summary minutes
11. Work with County Administration and County Attorney's Office to bring governing documents into compliance with Commission directives.

G. E-mail

1. Resolution No. 2009-025 adopted on March 17, 2009, by the Sarasota County Commission mandates use of county-provided e-mail accounts by advisory council members.
  - a. Formalizes the agreement between appointed advisory council members and the Sarasota County Commission to use county-provided e-mail accounts.
  - b. Eliminates the perception that use of county-issued e-mail accounts is optional.
  - c. Requires execution of an acknowledgement of the e-mail policy by both current advisory council members and applicants for appointment to an advisory council position. Acknowledgement shall be retained by the Liaison with the Advisory Council files.
2. Each advisory council member will be issued a county e-mail address to be used for all county business related to the member's advisory council. An acknowledgement of the county policy pursuant to Resolution No. 2009-025, "Policy Relating to Mandatory Use by Advisory Council Members of County-Provided E-Mail Accounts", must be signed and returned to the Advisory Council Liaison at the time application is made.
  - a. Ensures easy access and retrieval of all county-related e-mails by the advisory council member or staff in the event of a public records request.
    - i. Florida Statutes specifically provide for the retention of public records, including e-mail, for access by the public and media.

- ii. E-mail which has been deleted is preserved in the county's electronic archives.
    - iii. All e-mail on these accounts will be kept in accordance with public records laws.
  - b. E-mail accounts cannot be used to communicate with fellow advisory council members about public business in which foreseeable action may be taken by that board. This would be a violation of the sunshine law.
- 3. Frequently Asked Questions (FAQs) about e-mail accounts are attached as Addendum I to this document.

#### H. Staff Liaison/Advisory Council Relationship

- 1. County staff shall schedule meetings, record and transcribe minutes and prepare agendas pursuant to section C. herein.
- 2. The advisory council shall not direct the activities of the business center staff assigned to support their council.
  - a. Research may be performed by County staff for the advisory council only upon approval of business center management or the County Commission.
  - b. Approved committee correspondence shall be sent via staff liaison and be on Sarasota County Government letterhead.
  - c. Council members are expected to be self-reliant.
  - d. Liaison carries out council-directed distributions of pertinent material.
    - i. Sustainability policies provide for electronic distribution of paperwork to preserve resources.
    - ii. Additional administrative support must be approved by business center management.

I. Voting

1. Pursuant to Section 286.012, Florida Statutes, all advisory council members, including the Chair, are obligated to vote unless they have disclosed a Conflict of Interest.
  - a. Planning Commission Conflict of Interest forms are kept by the Clerk's Board Records.
  - b. Conflict of Interest forms for all other advisory councils are kept by their staff liaison.
2. Voting at a public meeting cannot be by secret ballot, which has been determined by the Attorney General to be a violation of the sunshine law.
3. An affirmative vote of a simple majority shall constitute adoption of a motion.
4. A simple majority of the existing membership shall constitute a quorum.
5. A motion is lost on a tie vote.