

RESOLUTION NO. 2016-068

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

RE: Rules of Procedure for Advisory Council Members

WHEREAS, the Board of County Commissioners (the "Board") has established through resolution or ordinance over thirty (30) advisory councils to advise the Board on matters related to the business of county government; and

WHEREAS, while each enabling resolution or ordinance provides general procedures for the governance and authority of the respective advisory council, it is desirable to have uniform procedures and guidelines to reflect the Board's expectations with respect to the administration of the various advisory councils; and

WHEREAS, the Board adopted by motion the Rules of Procedure for Advisory Council Members on September 8, 2009; and

WHEREAS, the Board adopted the Rules of Procedure by Resolution on March 18, 2014, to ensure that Board policy is uniformly implemented; and

WHEREAS, County staff has updated these Rules of Procedure to provide clarification where needed and to reflect Board direction since their adoption in 2014.

NOW, THEREFORE, BE IT RESOLVED, BY THE SARASOTA COUNTY BOARD OF COUNTY COMMISSIONERS, at a duly advertised public meeting, that:

1. The Sarasota County Rules of Procedure for Advisory Council Members, attached hereto as Exhibit "A" and incorporated herein, are hereby adopted.
2. This Resolution shall take effect immediately upon adoption.
3. This Resolution supersedes Resolution 2014-037.

BOARD RECORDS
FILED FOR THE RECORD
2016 MAY 11 AM 9:34
KAREN E. RUSSELL
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

R2016-068

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA this 10 day of May, 2016.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: 
Chairman



ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida

By: 
Deputy Clerk

EXHIBIT A

SARASOTA COUNTY GOVERNMENT

**ADVISORY COUNCIL MEMBER
RULES OF PROCEDURE**

Advisory Council – A group of Sarasota County citizens appointed by the Board of County Commissioners to act in an advisory capacity to the Board and report directly to the Board.

A. Appointments/Term

1. Residency

- a. Must be a resident of Sarasota County.
 - b. Residency must be maintained throughout the term unless otherwise specified in the enabling resolution or ordinance.
2. Cannot be employed by Sarasota County Government at any time during the term.
 3. Unless specifically required by the council's enabling resolution or ordinance, members may not hold elective office.
 4. Terms are three years. Initial terms may be two or four years to achieve or maintain staggered terms.
 5. Service is limited to four, consecutive three-year terms (12 years) on the same advisory council.
 - a. If enabling resolution or ordinance has not been updated to reflect three-year terms, limit is 12 consecutive years of service.
 - b. When term limit is reached, member may reapply for membership on that council after an absence of one year. Member may apply for openings on other advisory councils during the one-year waiting period.
 6. Student appointments (are for a period of one year. Student may be considered for reappointment if still a student and in good standing at the time of reappointment.
 7. Advisory council members may be removed or replaced by a majority vote of the Board.
 8. Concurrent service on multiple councils is permitted, so long as they are strictly advisory in nature. (No more than one council may be considered a final decision-making authority).

B. Orientation

1. New members must attend Advisory Council Orientation within six months of appointment.
 - a. Orientation is scheduled through Administration.
 - b. Orientation is offered quarterly; schedule is available on scgov.net.
 - c. Content includes Rules of Procedure, Florida's Sunshine Law, public records laws, Code of Ethics for public officers, and County budget overview.

C. Meetings

1. Meet as the Board deems appropriate in order to fulfill the mission and duties of the council.
 - a. Meeting must be held in a facility that is open to the public, large enough to accommodate anticipated public attendees, and has no exclusionary policy.
 - b. No fee can be charged for attendance or parking.
 - c. The number of meetings held each year must not exceed the number stipulated by the Board.
2. No business may be conducted in the absence of a quorum. If no quorum is or will be present, the meeting shall be canceled.
3. Meetings shall be open to the public and must be properly advertised.
 - a. A seating area shall be provided for members of the public, separate from the members of the council.

- b. The public may observe all proceedings, but may only contribute during designated public comment periods.
 - c. Participants and observers shall abide by the Sarasota County Civility Code (Resolution 2001-145).
- 4. An agenda shall be prepared and distributed in advance of each scheduled meeting by the staff liaison, with input from the advisory council Chair.
- 5. The agenda must include a designated opportunity for public comment before a vote is taken, except for routine procedural matters, such as scheduling or election of officers.
 - a. Items for which a vote is to be taken will be included on the agenda.
 - b. Members of the public desiring to provide public comment shall sign up to speak and include the item number or topic they wish to address.
 - c. Public comment related to topics not on the agenda may be moved to the end of the meeting.
 - d. Public comment is limited to three minutes per person and speakers may neither defer nor combine their time to another speaker.
- 6. Meetings shall be audio recorded. Summary minutes shall be produced in accordance with Robert's Rules, typed and retained by the staff liaison, recorded with Board Records and posted on scgov.net
- 7. Participation in meetings remotely by telephone is allowed only if the member's absence is due to an extreme health situation, staff has been notified in advance *and* a quorum is present in person at the meeting location.

D. Council Responsibilities

- 1. Act as a conduit for citizen input to the Board.
- 2. Make recommendations or provide advice only to the Board on matters set forth in the enabling resolution or ordinance. Shall have only the authority specifically granted by the Board and shall be subject to all Board policies, as may be amended from time to time or as may be adopted.
 - a. No member of an advisory council may appear before or submit a report to the Board in his/her capacity as an advisory council member on an item(s) that has not been formally voted on by the advisory council.
 - b. No member of an advisory council may appear before or submit a report to the Board in his/her capacity as an advisory council member to provide a dissenting or minority opinion on an item formally voted on by the council.
 - c. If communicating to any external entity or group regarding advisory council business, any such communications must be clearly identified as the member's personal views and that the member is not speaking on behalf of the council.
 - d. Failure to abide by these rules may result in removal of the member from his/her position on the advisory council.
- 3. Act solely in an advisory capacity, without compensation.
- 4. Comply with all applicable requirements of Florida's Sunshine Law, public record laws and the Code of Ethics for public officers.
- 5. Incur no expense or obligation unless authorized in advance by the Board.
- 6. Appoint subcommittees if needed.
 - a. Subcommittees shall be created by majority vote, and the members recorded in the advisory council minutes.
 - b. Only current advisory council members may serve on a subcommittee.
 - c. Subcommittees must meet in accordance with the Sunshine Law and follow all requirements stated in Section C.

7. May adopt additional procedures of operation (bylaws) provided no conflict exists with Florida State law, County Ordinances, these Rules of Procedure or the enabling resolution or ordinance.
 - 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.
8. Give an annual update to the Board.
 - 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 written report and/or presentation, including accomplishments and recommendations.
 - i. Recommendations that would have a fiscal impact must include an analysis of that impact and identify a source of funding.
 - c. Report content must be approved by a majority vote of the advisory council before it is presented to the Board, and shall not include the personal opinions of the presenter.
 - d. Scheduled as a discussion item at a Board meeting.
 - e. Advisory council reports shall be reviewed by County staff and Office of the County Attorney, in accordance with agenda management procedures.
9. If an advisory council wishes to communicate with the Board outside of the annual report, such correspondence shall be directed to the Board in writing via staff liaison.
 - a. Content must be approved by a majority vote of the council and the Chair must approve the drafted correspondence before it is sent to the Board.
 - b. The staff liaison shall also include staff's position, if different from the advisory council recommendations, along with any relevant comments or concerns.
 - c. By majority vote, an advisory council may appoint its Chair or another member to meet individually with the County Commissioners to discuss matters relevant to the council. Such meetings shall be coordinated by the staff liaison or designee.
 - d. Advisory councils shall not communicate directly with other entities, including other elected or appointed boards (except for Board-approved joint meetings of related Sarasota County advisory councils). If a council wishes to share information with an entity other than the Board, it may do so only through the Board, using this process.

E. Member Responsibilities

1. Meet the Board's 65 percent minimum attendance requirement.
 - a. Attendance percentage shall be computed on a calendar year basis for councils meeting six or more times per year, and on a biennial (two-year) basis for councils meeting less often.
 - b. Late arrival or early departure resulting in less than 50 percent participation in a regularly scheduled meeting will be considered an absence.
 - c. Approved leave of absence may be granted, subject to the following:
 - i. Not to exceed 90 consecutive days per three-year term.
 - ii. May be granted for medical reasons (self or family), for religious observance or for approved public service (e.g. Red Cross disaster volunteer).
 - iii. Requires approval of department director after consulting with the advisory council chair.
 - iv. An approved leave of absence shall be reflected in the meeting minutes.
 - d. If a member falls below the 65 percent attendance requirement, staff will use the following procedure:

- i. Email – staff will contact the member by email to remind him/her of the attendance policy.
 - ii. Phone – if the member does not respond to the email within seven days, staff will attempt to contact the member by phone to remind him/her of the attendance policy.
 - iii. Certified letter – if the member does not respond to email or phone contact, staff will send a certified letter asking the member to respond or resign, indicating that if no response is received within 30 days of the date of the letter, the member will be considered to have resigned by default.
 - iv. Written resignation/confirmation – Resignations shall be submitted in writing (letter or email).
 1. If a verbal resignation is received, staff shall request a written resignation.
 2. If not received within 15 days, staff shall send a written confirmation of the resignation thanking the member for his/her service.
 - v. Thank you letter – When a member resigns, either voluntarily or by default, staff shall send a letter thanking him/her for his/her service.
 - vi. Board notification – Staff shall notify the Board of the resignation via email by forwarding a copy of the resignation, confirmation or thank you letter.
 - vii. Vacancies created by resignation will be advertised by the staff liaison and filled for the remainder of the vacated term.
 1. If less than one year remains in the term, staff may ask the Board to appoint the new member for an additional term.
2. Stay current on issues before the council.
 3. File Financial Disclosure, when required.
 - a. Filing is currently required for the following advisory councils:
 - i. Board of Zoning Appeals
 - ii. Planning Commission
 - iii. Building Code Board of Adjustments and Appeals
 - b. Sections 112.3144-112.3148 Florida Statutes set forth requirements for filing financial disclosure forms.
 - c. Form 1 must be filed with the Supervisor of Elections within 30 days of appointment, then annually for as long as the member serves on that council.
 - d. Form 1F must be filed with the Supervisor of Elections within 60 days of leaving office.

F. Liaison Responsibilities

1. The department director is the assigned liaison for all advisory councils supported by his/her department. With the approval of County Administration, the director may delegate liaison responsibilities to an appropriate division manager or designee. The director may be assisted by administrative and other staff as appropriate.
2. The department director shall personally ensure the voted recommendations of the advisory council are submitted to the Board. The director shall also include staff recommendations if different from the advisory council recommendations, along with any relevant comments or concerns.
3. The department director will personally ensure the following tasks and responsibilities are completed:
 - a. Advertise vacancies, interact with applicants and prepare appointment applications for the Board agenda.

- b. Schedule annual reports to the Board.
- c. Schedule advisory council meetings and subcommittee meetings; assist with preparation and distribution of agendas and related documents for all meetings, and distribute to members at least three days prior to the meeting.
- d. Maintain files relevant to advisory council, including applications, member data, attendance records, etc., according to record retention requirements.
- e. Provide Memorandum of Voting Conflict form (Form 8B, Florida Ethics Commission on Ethics) to members upon request and maintain such forms with the meeting minutes.
- f. Track attendance, record meetings and prepare summary minutes for regular and subcommittee meetings.
- g. Advise new members of appointment; provide information about the advisory council; provide training on use of County-provided email; schedule orientation attendance.
- h. Ensure appropriate staff is involved to provide advice and guidance to the council as needed.
- i. Maintain the council's webpage on scgov.net, including current membership roster, as well as posting approved agendas, minutes and supporting materials, as appropriate.
- j. Participate in new member recruitment to ensure a full member roster, including advertising in county publications, as well as reaching out to appropriate industry associations, businesses and individuals, and other methods.
- k. Work with County Administration and County Attorney's Office to bring governing documents into compliance with Board directives.

G. Electronic Communications

1. Each advisory council member will be issued a County email address to be used for all business related to his/her advisory council.
 - a. Ensures easy access and retrieval of emails in the event of a public records request.
 - i. Florida Statutes specifically provide for the retention of public records, including email, for access by the public and media.
 - ii. All email on these accounts, including deleted email, is archived by the County in accordance with public records laws.
2. Resolution No. 2009-025, adopted March 17, 2009, mandates use of County-provided email accounts by advisory council members for all email correspondence related to the business of their council. Applicants for appointment to an advisory council must execute an acknowledgement of the email policy. Signed acknowledgements shall be retained by the staff liaison with the advisory council files.
 - a. If an email related to advisory council business is received on a personal email account, the member shall forward that message to his/her County-provided email account and respond from there, alerting the sender to please use the County address exclusively for future advisory council correspondence.
3. Email 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.
4. Members shall not communicate via text messaging regarding advisory council business, as the County is unable to capture these records in accordance with Florida Statutes.

- a. If a member receives a text message related to advisory council business, he/she shall create a public record by forwarding the message, or capturing and forwarding a screenshot of the message, to his/her County-provided email account and shall alert the sender by phone or email that he/she is unable to correspond via text message regarding advisory council business.

H. Staff Liaison/Advisory Council Relationship

1. Advisory council shall not direct the activities of staff assigned to support their council.
 - a. Requests for extensive research or additional administrative support must be approved by the department director, Administration or the Board.
2. The liaison shall distribute pertinent material to all advisory council members to ensure Sunshine Law compliance. Members wishing to share materials with other council members shall provide them to the staff liaison for distribution.
 - a. County sustainability policies encourage electronic distribution of paperwork.

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 Voting Conflict as defined in the Florida Ethics Code.
 - a. Memorandum of Voting Conflict (Form 8B) is available from the staff liaison.
 - b. Forms are filed with the meeting minutes.
2. Voting at a public meeting cannot be by secret ballot.
3. An affirmative vote of a simple majority of the members present 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.