

3.01 BOARD OF COUNTY COMMISSIONERS RULES OF PROCEDURE

ORIGINATING DEPARTMENT:

County Commission Office

ADOPTED:

July 22, 2008

PURPOSE:

The purpose of these rules is to provide for the smooth and orderly functioning of the business of the Commission and to provide a basis for resolving questions of procedure when they arise.

POLICY/PROCEDURE:

- 1.01 **Governing Rules** — Except as may be provided in the charter or by these rules, or by questions of order, the methods of organization and the conduct of business of the Board of County Commissioners (Commission) shall be governed by the procedures set forth herein.
- 1.02 **Introduction** — The purpose of these rules is to provide for the smooth and orderly functioning of the business of the Commission and to provide a basis for resolving questions of procedure when they arise.
- 1.03 **Definition** — As used herein, the following terms shall be defined as follows:
Commission or Board shall mean the Charlotte County Board of County Commissioners; member or commissioner shall mean the individual elected or appointed to the Board of County Commissioners; county administrator shall mean the person appointed by the Commission in a full time or interim capacity or his or her designee; county attorney shall mean the person appointed by the Commission in a full time or interim capacity or his or her designee; the clerk shall mean the person elected or appointed to the position of the Clerk of the Circuit Court or his or her designee.
- 1.04 **Regular Meetings**
 - A. The Commission shall hold regular meetings on the second and fourth Tuesdays of each month unless otherwise approved by the Commission; and when the day fixed for any such regular meeting falls on a day designated by law as a legal holiday, such meeting may be canceled at the discretion of the Commission. Regular meetings shall commence at 9 a.m. Regular meetings may be otherwise postponed or canceled by resolution or motion adopted at a regular or special meeting by a majority of the Commission members present. All regular meetings shall be held in the Charlotte County Administration Center or such place or time as may be approved by resolution or motion adopted at a regular or special meeting by a majority of the Commission members present and shall be open to the public and all news media.
 - B. Meetings held for land use items shall be held at 2 p.m. on the fourth Tuesday of every month, unless otherwise approved by the Commission.
- 1.05 **Special Meetings, Emergency Meetings, Workshops**
 - A. **Special Meetings** — A special meeting of the Commission may be called by the chair or by a majority of the Commission members present at a meeting of the Commission. Whenever a special meeting is called, written and verbal

notice shall be given by the administrator to each member of the Commission, the clerk, the county attorney, any persons entitled, as a matter of law, to written or verbal notice, and the press, stating the date, hour and place of the meeting and the purpose(s) for which the meeting is called. Twenty-four hours must elapse between the time the meeting is noticed and the time the meeting is to be held. The minutes of the special meeting shall show the manner and method of notice.

- B. **Emergency Meetings** — An emergency meeting of the Commission may be called by the highest-ranking officer of the Commission available. An emergency meeting of the Commission may be called only when the person(s) calling the meeting believes that an emergency exists which requires immediate consideration or action by the Commission. Whenever such emergency meeting is called, person(s) calling the meeting and the county administrator shall make a good-faith attempt to notify each member of the Commission, the clerk, the county attorney, any person entitled to notice as a matter of law, and the press, stating the date, hour and place of the meeting, the nature of the emergency and the purposes for which the meeting is being called. If possible, this notice shall be in writing. No other business shall be transacted at the meeting, and the minutes of each emergency meeting shall show the nature of the emergency and the manner and method of notice.
- C. **Workshop Meetings** — The chair, or vice chair in the absence of the chair, may call a workshop meeting to discuss items of special importance or complexity which require longer than usual staff presentation and Board questions. The purpose of a workshop meeting is to allow staff to make presentations and to allow questions by the Commission. Public comment may be allowed at the direction and discretion of the Commission but will be no more than three minutes for each person unless the Commission wishes to extend the time limit. An agenda of the order of business at the workshop meeting shall be prepared by the county administrator and made available to the public at least seven calendar days before the workshop meeting. Official action may be taken upon any of the items discussed at the workshop meeting and any of the items of official business that require immediate consideration and decision by the Commission, provided public notice has been given and public input has been allowed.
- D. **Public Hearing Procedures** — The purpose for establishing these procedures is to provide fundamental fairness to the parties at the hearing. Should the Commission decide to grant any party additional time or other consideration, they should also provide the same amount of time or consideration to the other parties. Failure to strictly adhere to these procedures shall not invalidate any action of the Commission. The public is always invited to speak at a public hearing, however, the following time limits shall apply: Petitioner presentation – twenty minutes; public comments – five minutes per speaker; petitioner rebuttal – five minutes. These times may vary due to subject matter (for example, there may be no petitioner or applicant.)
1. **General Public Hearings**
 - a. Persons presenting testimony may be required to complete and sign the request to speak card.

- b. The chair then reads the description of the agenda item(s) to be considered.
 - c. The chair opens the public hearing.
 - d. The staff will then make a presentation for the agenda item being considered.
 - e. The chair then inquires as to whether there is any discussion or questions of staff.
 - f. The petitioner, if any, then makes its presentation, limiting the time to 20 minutes unless otherwise agreed.
 - g. Public input follows and unless otherwise determined by the chair, shall be limited to five minutes per speaker. Petitioner rebuttal is limited to five minutes.
 - h. A commissioner will make a motion to close public input.
 - i. After a second to the motion, and a vote on the motion, the chair closes public input and inquires if there is any discussion. Vote is taken to close the public hearing.
- A motion and a second is made on the matter, and after any discussion.
- k. The vote is taken.

2. **Quasi-Judicial Hearings**

The procedures to be followed for quasi-judicial hearings are generally the same as given above for general public hearings:

- a. Florida law requires that the County Commission's decision in a quasi-judicial action be supported by competent substantial evidence presented to the Commission during the hearing on the application. Competent substantial evidence is such evidence as a reasonable mind would accept as adequate to support a conclusion. There must be a factual basis in the record to support opinion testimony from both expert and non-expert witnesses. All testimony must rely on factual information.
- b. With leave of the Board, those who desire to be recognized with objector status may be provided additional time to present competent substantial evidence (e.g. through counsel, expert testimony or cross-examination).
- c. Disclosure must be made before or during the public meeting at which a vote is taken if any commissioner received any oral or written communications regarding the matter. The substance of the communication and identity of the person making the communication must be disclosed, allowing reasonable opportunity for others to refute or respond to the communication.
- d. Ex-parte Communications
 - 1) Definition: Written or oral communications regarding quasi-judicial matters pending before the Board received outside the record of the related public hearing.
 - 2) The County Attorney's Office suggests that commissioners refrain from participating in ex-parte communication whenever possible regarding a quasi-judicial matter to avoid the creation of the presumption of prejudice.

- 3) The presumption of prejudice may be overcome if the context of the ex-parte communication and the identity of the person is disclosed and made a part of the record at the public meeting before the final action on the matter.
 - 4) A written communication that relates to quasi-judicial action pending before the Commission (such as a zoning decision) shall be made a part of the record before the final action on the matter.
 - 5) If a commissioner conducts an investigation or site visit or receives expert opinions regarding a quasi-judicial action pending before the Commission, such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit or expert opinion is made a part of the record before final action on the matter.
- e. Commissioners shall not text or email or have any off the record discussions during quasi-judicial hearings.

1.06 **Quorum**

- A. A majority of the whole number of members of the Commission shall constitute a quorum. Any member of the Commission who announces a conflict of interest on a particular matter and a decision to refrain from voting or otherwise participating in the proceedings related to that matter shall be deemed present for the purpose of constituting a quorum. The Commission may entertain motions for continuances and may in its discretion grant such motions upon a showing of good cause. Lack of a full Commission for public hearings on land use items shall not be deemed good cause.
- B. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Commission, the chair or the vice chair, or in their absence, the administrator may adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the clerk.

1.07 **Meeting Attendees** — All meetings of the Commission shall be open to the public. Promptly at the hour set for each meeting, the members of the Commission, the county attorney, the county administrator, and the clerk to the Commission shall take their regular station in the Commission chamber, and the business of the Commission shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

1.08 **Call to Order** — The chair shall call the Commission to order at the hour appointed for the meeting. In the absence of the chair and vice chair, the administrator shall then 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.

1.09 **Chair Presiding Officer Duties**

- A. The Commission shall select a chair and vice chair at the second regular meeting following the first Monday in November of every year. The chair of the Commission shall preside at all meetings at which the chair is present. In the absence of the chair, the vice chair shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the Commission. The chair shall repeat every motion and 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 or order not otherwise covered. The chair may vote on all questions, the chair's name being called last when a roll call is requested. In the absence of the chair or in the event of the chair's inability to serve by reason of illness or accident, the vice chair shall perform the duties and functions of the chair until the chair's return to the county or recovery and resumption of duty.

- B. The chair, or vice chair in the absence of the chair, is authorized to sign any documents approved by the Commission.
- C. The chair shall have the authority to assign honorary or administrative duties to other members of the Commission with members' consent.

1.10 **Parliamentarian** — County attorney shall act as parliamentarian and shall advise and assist the chair in matters of parliamentary law. In the absence of a Rule of Procedure as provided for by these rules, the parliamentarian shall refer to Robert's Rules of Order on all rulings.

1.11 **Agenda**

- A. There shall be an official agenda for every meeting of the Commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the Commission shall be conducted in accordance with the official agenda.
- B. A portion of the agenda shall be designated as a consent agenda, and all items contained therein may be voted on with one motion, except that any commissioner may withdraw an item from the consent agenda, and it shall be voted on individually.
- C. 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 Commission present at the meeting.
- D. Additions, deletions, or corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion. Items may be added to the agenda by four-fifths vote of the Commission or when deemed necessary by the majority in emergency situations when the issues are time critical to the county or cost sensitive to the county. Non-agenda matters shall be confined to items that are informational only.
- E. The agenda shall be prepared by the administrator in appropriate form approved by the Commission. The administrator shall make available a copy of the regular agenda, and supporting documentation in the possession of the county, seven calendar days before every non-emergency meeting and post same on the county's public website. If the support information is not available, the agenda item may be removed from the agenda and considered at a later meeting. Matters may be placed on the agenda by any member of the Commission, the administrator, the county attorney and the clerk. Only a member of the Commission and the county administrator may place a citizen on the official agenda.
- F. A copy of each resolution or non-emergency ordinance shall be furnished to the office of the members of the Commission not later than seven calendar days before a vote may be called on the resolution or ordinance. The provisions of this rule shall be deemed waived unless asserted by a

commissioner before the Commission takes action on the resolution or ordinance in question.

1.12 Public Input: Addressing Commission, Manner, Time

Each person who addresses the Commission on an agenda item shall complete a public input card and submit the card to the receptionist. When the person's name is called, the person shall step up to the speaker's lectern and shall give the following information in an audible tone of voice for the minutes:

- A. name;
- B. and, if requested by any commissioner, the person may be required
 - to state place of residence; and
 - whether the person speaks for a group of persons or a third party; if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization; and
 - whether the person is being compensated.
- C. Persons desiring to address the Board shall keep their comments concise and to the point. Persons desiring to distribute documents to the Board shall provide same to the sheriff's deputy who in turn will distribute to the Board members. No one, except staff, may approach the dais. No question shall be asked a member of the Commission except through the presiding officer.
 - All remarks under public input shall be limited to no more than three minutes unless the chair extends the time and shall be addressed to the Commission as a body and not to any member thereof.
 - Any person addressing the Commission during a public hearing shall limit remarks to five minutes unless the Commission extends the time. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, without the permission of the presiding officer.
- D. No person who has addressed the Commission during any given public input on agenda items shall be allowed to make additional comments on the agenda item except with the permission of the Commission. The public may make additional comments on specific items being heard during a public hearing.
- E. For those matters in which input is heard by the Commission, the chair shall close the input portion of the meeting upon the conclusion of the last speaker's comments. No additional input shall be allowed, except in specific response to questions by members of the Commission or if an extension of time for public comment is approved by the Commission.
- F. Any person making slanderous remarks or who becomes boisterous while addressing the Commission shall be barred from making any additional comments during the meeting by the presiding officer, unless permission to continue or again address the Commission is granted by the majority of the Commission members present. Any person who becomes disruptive or interferes with the business of the Commission may be removed from the audience for the remainder of the meeting. If a law enforcement officer is the person removing the member of the public, the decision of whether to take action shall be made by the law enforcement deputy based on state and federal law.

- G. Any person shall be entitled to submit written comments/input for consideration by the Commission. Written comments submitted may be considered and entered into the record of the meeting.
- H. For public safety purposes, no signs, posters or placards mounted on sticks, posts, poles or similar structures will be allowed in County Commission meeting rooms.
- I. A member of the public may act as a spokesperson for a group of people and audience members may raise their hands to show support for their spokesperson's comments.
- J. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
- K. Prolonged conversations shall be conducted outside commission chambers.
- L. Clapping, whistling, heckling, gesturing, loud conversations, or other disruptive behaviors are prohibited.
- M. Comments at public hearings shall be limited to the subject being considered by the Board. Input at the end of every regular Board meeting shall be directed to county issues.
- N. All public comments/input shall avoid personal attacks, abusive language and redundancy.
- O. No person attending a board meeting is to harass, annoy or otherwise disturb any other person in the room.
- P. **Member Decorum** — To ensure every member has a fair opportunity to participate and meetings are conducted in an orderly fashion, the following procedures are in effect:
 - 1. **Confinement of Remarks** — In discussion, the remarks made by the Board members shall be confined to the motion or matter immediately before the body.
 - 2. **Personal Attacks Prohibited** — In discussion, a member may condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances may he/she attack or question the motives of another member. The issue, and not a person, shall be the item under discussion.
 - 3. **Breach of Decorum** — The chair shall immediately call as "out of order" any remarks outside the issue being addressed, or another member may call to the attention of the presiding officer and other members this breach of procedure, and the member shall immediately cease the breach of decorum and continue with his/her remarks confined to the issue.
 - 4. **Comments Addressed to Chair** — All discussion shall be made through the presiding officer, and one member may not interrogate another member or a person speaking from the public, except through the presiding officer.
 - 5. **Order of Discussion** — After a member has spoken or asked questions on a matter before the Board, other members shall be given the opportunity to speak. If no other member wishes to speak to the issue, the member may continue speaking to the issue.
 - 6. **Disruptiveness** — During discussion or voting, a member shall not disturb the other members in any way that may be considered disruptive to the proceedings or hamper the transaction of business.

7. **Rulings from the Chair** — The presiding officer may rule as “out of order” any action deemed inappropriate or dilatory and may interrupt a speaker for reasons he or she deems necessary.
 8. **Refusals to Comply** — If a member of the Board refuses to comply with these rules, the following procedure shall be used:
 - a. The member shall be “called to order” by the presiding officer or by a majority of the members present.
 - b. If a member refuses throughout the meeting to abide by the rules, the members present, by majority vote, may censure the member and have it entered in the official minutes of the meeting.
 9. Members are prohibited from using text messaging and instant messaging during public hearings or meetings.
- 1.13 **Clerk Minutes** — The clerk shall sit or appoint a deputy clerk as clerk of the commission. The clerk shall certify all ordinances and resolutions adopted by the Commission. The clerk shall duplicate the minutes and all resolutions and ordinances and shall furnish copies to persons desiring them at the prescribed rates.
- 1.14 **Reading Minutes** — Unless a reading of the minutes of a meeting is required by a majority of the Commission, such minutes, when approved by the Commission and signed by the chair and the clerk, shall be considered approved without reading.
- 1.15 **The Record**
- A. **Automatically included in the record** — The following documents shall automatically be included in the records of the Commission:
 1. Agenda packet or staff report.
 2. Any documents, exhibits, diagrams, petitions, letters or other materials presented to the Commission in support of, or in opposition to, an item to be considered by them shall be entered into the record, unless clearly inadmissible and irrelevant. The Commission may accept wholly or partially inadmissible items into the record, provided that members of the Commission shall not consider those items, or parts thereof, which are inadmissible. In the event the Commission has any question as to the relevancy and admissibility of any item placed into the record, the Commission may request an opinion from the County Attorney’s Office. The Commission, the clerk, county attorney and county administrator shall be provided hard copies of any PowerPoint or electronic displays prior to their presentation. In addition, administration should be provided with a duplicate electronic copy in an acceptable format for posting to the county website prior to presentation of the item to the Commission. All presentations, except as stated below, will be uploaded to the county website before consideration by the Board. Procurement presentations which are called for by the Board after rejection of the Professional Services Committee recommendations will be uploaded to the county website following the conclusion of the meeting where final selection of the firm occurs.
 - B. **Custodian** — The Clerk of the Circuit Court shall be custodian of the record.
 - C. **Correction of errors in the record** - In the event the Commission determines that there was an error, either of commission or omission regarding the

placement of an item into the record, any member of the Commission may move to correct such errors, and such act of correction shall be done upon a majority vote of the members of the Commission present.

- D. **Exhibits** — Unless an oversized exhibit is absolutely essential, documentary paper or photographic exhibits shall not exceed 24 inches by 36 inches and, if mounted on a backboard, shall be removable therefrom.
- E. **Substitution of copies of exhibits** — A person submitting an exhibit for the Board's consideration in support of, or in opposition to a pending matter, must file the original thereof with the clerk. The Commission may approve substitution of a copy or duplicate thereof after viewing the original and the copy or duplicate. In the case of a written document, the person may furnish the clerk with an exact duplicate and, upon verification thereof, the clerk may return the original to said person. Alternatively, the clerk may, in the clerk's discretion, and at the expense of the person requesting the return of the original, make or arrange for the making of a copy of the exhibit after which the original may be returned to the person requesting it.

1.16 **Method of Voting**

- A. **General** — The vote upon any ordinance, resolution, motion or other matter may be voice vote, providing that the chair or any other member of the Commission may require a roll call vote to be taken. Upon every roll call vote, the names of the commissioners shall be called alphabetically by surname, except that the names shall be rotated after each roll call vote, so that the commissioner who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the presiding officer shall always cast his or her vote last. Upon relinquishing the chair, the chair shall vote in alphabetical order with the other commissioners. The clerk shall call the roll, tabulate the votes and announce the results.

B. **Voting**

- 1. **Voting** — Unless otherwise provided by law, ordinance or statute, when the Commission has finished discussion and is ready to vote a question, the chair shall call for the vote, and there shall be no further discussion by any member voting. Each member shall vote aye or no, and silence shall be considered an "aye" vote. When a matter is brought up for a vote on a motion to approve it and said motion fails, the status quo ante shall be maintained, and the matter shall be considered denied. Such a vote shall not preclude a subsequent motion at the same meeting to approve with modifications to the motion.

After any vote, any member may give a brief statement to explain his or her vote, and such explanation should be consistent with the vote registered. A member shall have the privilege of filing with the clerk a written explanation of his or her vote which shall become part of the record of the proceeding.

- 2. **Roll call** — Upon any roll call, there shall be no discussion by any member prior to voting, and each commissioner shall vote aye or no.
- 3. **Vote change** — Any commissioner momentarily absent for a vote on a particular item may record his or her vote, or any commissioner may change his or her vote before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, but not

thereafter, except with the consent of all the commissioners who voted thereon.

4. **Abstention**

- a. No commissioner may abstain from voting on any matter before the Commission upon which official action is to be taken unless there is or appears to be a possible conflict of interest pursuant to Sections 112.311, 112.313, 112.3143 or 286.012, Florida Statutes. In such cases, said commissioner shall comply with the disclosure requirement of state law.
- b. If a commissioner has a conflict with an item appearing on the consent portion of the Commission's agenda, that commissioner does not have to pull the item for the purpose of abstention if prior to the vote on the consent agenda the commissioner:
 - 1) publicly discloses the nature of interest in the matter from which the commissioner is abstaining, and
 - 2) notifies the clerk of the conflict.
- c. The commissioner must supply the clerk with a completed Form 8B "Memorandum of Voting Conflict" form within 15 days after the vote occurs. Form 8B shall be received by the clerk and incorporated into the meeting minutes as an exhibit.

1.17 **Rules of Debate**

- A. **As to the Chair** — The chair may second any motion, or, after relinquishing the chair, may make any motion. The chair shall not resume the chair until after the Commission has acted upon the matter under consideration.
- B. **Getting the floor, improper references to be avoided** — Every member desiring to speak for any purpose shall address the chair and, upon recognition, shall confine discussion to the question under debate, avoiding all personalities and indecorous language.
- C. **Interruption** — member once recognized shall not be interrupted when speaking unless it is to call that member to order. If a member while speaking is called to order, the member shall cease speaking until the question of order is determined by the chair; and, if in order, the member shall be permitted to proceed. Any member may appeal to the Commission from the decision of the chair upon a question of order, whereupon without debate the chair shall submit to the Commission the question, "Shall the decision of the chair be sustained?" and the Commission shall decide by a majority vote of those present at the meeting.
- D. **Privilege of closing debate** — Any commissioner may move to close debate after every commissioner has had one opportunity to comment and call the question on the motion being considered which shall be non-debatable. By request of a commissioner, members of the Commission shall be polled to decide whether debate may be reopened.
- E. **Renewal** — Once the period for consideration of any ordinance, resolution, decision or motion has expired, then neither the same ordinance, resolution, decision or motion nor its repeal may be brought for discussion before the Commission for a period of six months.
- F. **Reconsideration** — An action of the Commission may be reconsidered only at the same meeting at which the action was taken or at the next regular

meeting. For land use items, an action by the Commission may be reconsidered only at the same land use meeting at which the original action was taken or at the next land use meeting. A motion to reconsider may be made only by a member who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A commissioner who was absent at the time the vote was taken shall be deemed on the prevailing side. Such motion shall not be entertained in any one of the following instances: (1) if the approved action has been partially or fully carried out; (2) if a contract, when the other party to the contract has received written notification by the county 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 action reconsidered; 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. This rule on motions for reconsideration may not be suspended.

G. **Tie votes** — Whenever action cannot be taken because the vote of the commissioners has resulted in a tie, the proposed ordinance, resolution or motion that produced the tie vote shall fail; however, there is no prevailing party for purposes of a motion to reconsider. Whenever action cannot be taken due to a tie vote, the status quo shall continue, and the item can be placed on a future agenda for consideration.

1.18 **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.

1.19 **Adjournment** — A motion to adjourn shall always be in order and decided without debate, except that the motion shall contain a time to hear the balance of the agenda if same has not been completed.

1.20 **Ordinances, Resolutions, Motions, Contracts**

A. **Preparation of ordinances** — The county attorney, when requested by at least three commissioners, shall prepare ordinances which shall be delivered to the administrator for inclusion in the agenda.

Copies of all proposed ordinances or resolutions shall be furnished to each commissioner and shall be made available to all interested persons at the normal copying cost.

B. **Approval of documents by county attorney** — All ordinances, resolutions and contract documents, before presentation to the Commission, shall have

been reduced to writing and shall have been approved as to form by the county attorney.

- C. **Passage of approval of ordinances** — Any action of the Commission which provides for a new law or a penalty to be imposed shall be by ordinance. Ordinances may be introduced and adopted by title and shall be read by title only before consideration by the Commission. The adoption of all ordinances shall require the affirmative vote of a majority of the total membership of the Board. Ordinances must be sponsored by a member or members of the Commission, except that either the administrator, clerk or the county attorney may present ordinances, resolutions and other matters, of an administrative nature, to the Commission for consideration, and any commissioner may assume sponsorship thereof by moving that such ordinance, resolution or other matter be adopted in accordance with law; otherwise, they shall not be considered.
- D. **When action to be taken by motion, resolution or ordinance** — All actions of the Commission may be taken by motion, resolution or ordinance. Approval of purely administrative matters may be accomplished by resolution or motion duly adopted and recorded in the minutes of the meeting. No resolution or motion shall be adopted by the Commission without the affirmative vote of the majority of all the members present.
- E. **Emergency ordinances** — The Commission at any regular, special or emergency meeting may enact or amend any ordinance with a waiver of notice requirement by a vote of four members of the Commission declaring that an emergency exists, and that the immediate enactment of such ordinance is necessary.

1.21 **Committees**

- A. Whenever the Commission deems it necessary or desirable that the Commission shall be represented at meetings, conference or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, or departments, agencies or officials of the county government, the Commission may nominate members of the Commission to represent the Commission at such meetings, conferences or other occasions, with the consent of the nominated member. Such representative shall have no power to act for or on behalf of the Commission or to make any commitment or binding obligation on behalf of the Commission or the county. Such representatives may report to the Commission with regard to such meeting, conference or other occasion.
- B. The Commission may establish special committees of the Commission and/or citizens as specific needs arise. The Commission shall make nominations to such committees with the consent of the nominated person. Any special committees may be abolished by the Commission when its continued existence no longer is necessary.

- 1.22 **Evaluations of Commission's Appointees' Performance** — The Commission shall annually evaluate the performance of the county attorney, the county administrator and the economic development director. The chair may designate a time for the review of the Commission's appointees; however, if no time is designated, the evaluation shall take place in September of each year. The chair shall distribute evaluation forms, if any, and request input from each

commissioner. Each commissioner shall forward the completed evaluation to the administrator's assistant. The administrator's assistant shall take the evaluations of all commissioners and develop a composite evaluation, averaging the numerical scores of each commissioner. The composite evaluation shall be placed on the Commission's agenda within three weeks. The agenda package for the Commission shall include the composite evaluation and the evaluation of each commissioner. The Commission shall review the composite evaluation and adopt it by majority vote of the members present. The chair may make recommendations on tenure, salary and other matters related to the appointees.

1.23 **Suspension of the Rules** — Unless otherwise stated, any of the rules of order adopted by this Commission may be temporarily suspended for the meeting in session by a majority of those commissioners present at said meeting, except as noted in Rule 1.17F.

1.24 **Effect of These Rules of Procedures** — In any instance where the procedure established by these rules of procedure is in conflict with state law, county ordinance or court order, or has the effect of violating any applicable law, ordinance or ruling, or order of a court or administrative agency, or rights thereunder, the procedures established hereunder shall be inoperative to the extent of such conflict or violation.

1.25 **Publication** — Upon adoption of these rules of procedure and any amendment hereof, the county administrator shall cause same to be posted on the county's website. Copies shall be provided by the county administrator to all persons who request them at the standard charge. Copies shall be available for review by the public at all meetings of the Commission.

1.26 **Effective Day** — These rules shall become effective upon adoption by the Board of County Commissioners.

SCHEDULED REVIEW DATE:

Annually

AMENDED: September 22, 2020