

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2023-31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE BOARD'S RULES OF PROCEDURE; PROVIDING FOR REPEAL OF ALL PRIOR RESOLUTIONS PROVIDING RULES OF PROCEDURE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Alachua County Board of County Commissioners (Board) believes that a set of Rules of Procedure should be utilized to facilitate the efficient transaction of the public's business; and

WHEREAS, the Board's rules of procedure provide guidelines for the conduct of its meetings; and

WHEREAS, the Board desires to amend its Rules of Procedure by repealing prior rules of procedure and adopting an amended and restated set of Rules of Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:

1. That Exhibit A, titled *Alachua County Board of County Commissioners Rules of Procedure*, shall constitute the rules of procedure that govern the Board's transaction of public business.
2. That any resolution in conflict with the rules of procedure established by this Resolution is hereby repealed.
3. That this Resolution shall take effect on May 9, 2023.

DULY ADOPTED in regular session, this 9th day of May, 2023.

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

ATTEST:



Jess Irby (Jun 5, 2023 18:31 EDT)
J.K. "Jess" Irby, Esq.
Clerk of Court

BY: 

Anna Prizzia, Chair
Board of County Commissioners

APPROVED AS TO FORM



County Attorney

(SEAL)

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Rules of Procedure for Meetings
of Alachua County Board of County Commissioners

Policy No.: 21-01
Revision No.: 03

Effective: May 9, 2023

OVERVIEW: It shall be the policy of the Board of County Commissioners of Alachua County, Florida (herein, "Board"), that this Policy is adopted and completely supersedes any previous policy concerning the rules of procedure for the Board. It is the policy of the Board that these Rules of Procedure shall govern all official meetings of the Board. This Policy shall also apply to boards and committees created by the Board which have quasi-judicial or legislative authority, except to the extent that such board or committee has an inconsistent ordinance or resolution adopted by the Board of County Commissioners. The Board intends to grant the Chairperson ("Chair") broad discretion in the running of its meetings, whether consistent or inconsistent with these rules, which can be overruled by a majority vote of the Board.

PROVISIONS:

The members of the Board, County Manager, County Attorney, staff, and the public shall adhere to these rules, to wit:

I. 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 *The Standard Code of Parliamentary Procedure* (formerly known as *Sturgis Standard Code of Parliamentary Procedure*) in all cases for which they are applicable. These Rules shall also apply to boards and committees created by the Board which have quasi-judicial or legislative authority, except to the extent that such board or committee has an inconsistent ordinance or resolution adopted by the Board of County Commissioners. When applied to these lower boards or committees, the term "Board of County Commissioners," "Board," or "Chair" shall equally refer to the lower boards or committees and their respective chair persons.

II. Open to the Public.

A. Meetings Open to Public. All meetings of the Board shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section

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286.011, Florida Statutes (Fla. Stat.). Being open to the public and public participation may be accomplished through hybrid communications media technology ("CMT"). CMT, for purposes of these Rules, shall include, but is not limited to, electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video which meets the intent of permitting attendance at public meetings.

- B. Exempt Meetings. The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions, Section 447.605(1), Fla. Stat., meetings regarding risk management claims, Section 768.28(16)(c), Fla. Stat., litigation meetings pursuant to Section 286.011(8), Fla. Stat., and any other exempt meeting provided by law. The Board shall follow all statutory requirements for exempt meetings.
- C. Seating Capacity. Due to the need to comply with seating capacity requirements of the Fire Code and to address other health and safety concerns, there may be occasions when entrance by the public to the Board's physical meeting rooms shall be restricted or limited. When the County Manager anticipates, prior to the start of a meeting, that the number of meeting attendees will exceed the Board meeting room capacity, the County Manager will take reasonable actions to accommodate the anticipated attendance and participation in the meeting, such as arranging "over-flow" seating or moving the meeting location to a meeting room with greater capacity. When it becomes clear during the course of a meeting that the number of meeting attendees will exceed the Board meeting room capacity, the County Manager will attempt to arrange "over-flow" seating for those wishing to participate.
- D. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in Board meeting rooms. Other signs, placards, banners, or other similar items shall not disrupt meetings or interfere with others' visual rights.
- E. Persons with Disabilities. All persons with disabilities shall be provided with the assistance necessary to enable them to effectively participate in Board meetings, consistent with Section 286.26, Fla. Stat.

III. Types of Board Meetings.

- A. Regular Meetings. Regular Meetings are those meetings of the Board which are routine, and routinely take place on the second and fourth Tuesdays of a month in Jack Durand Auditorium, Room 209, County Administration Building, 12 SE First

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Street, Gainesville, Florida. Regular Meetings may include Public Hearings which will, when possible, be scheduled during the day time, or no earlier than 5:01pm if there is great public interest or as prescribed by law.

1. Initiation and Notice of Regular Meetings. The Board will adopt a calendar of meetings annually which will include all anticipated dates and times for Regular Meetings in the up-coming calendar year. The Board will follow all legal requirements for providing notice to the public of Regular Meetings.
2. Location of Regular Meetings. The physical location of Regular Meetings should take place in publicly-owned and publicly-accessible buildings. Public attendance may be accomplished through CMT, if available.
3. Adjustment of Dates, Times and Locations of Regular Meetings. The Board may adjust the date, time and/or locations of a Regular Meeting to accommodate a holiday schedule or other special circumstances. Notice of changes in date, time and/or location of a Regular Meeting will be given to the public as far in advance of the meeting as possible, but at least 24 hours before the start of the previously-scheduled Regular Meeting or the start of the adjusted Regular Meeting, whichever comes first.
4. Cancellation or Postponement of Regular Meetings. The Board may cancel a Regular Meeting at any previously held meeting where official actions may be taken. In emergency situations or when it becomes clear that a quorum of members will not be present, the Chair or the County Manager may cancel a Regular Meeting, even if that meeting is scheduled to start within the next 24 hours.
5. Regular Meeting Agenda. A draft agenda should be available to the public at least 24 hours before the start of a Regular Meeting, though this is not required by law. Upon motion by a Commissioner, an agenda may be amended at any time during the course of a Regular Meeting.
6. Official Actions of the Board at Regular Meetings. Actions may be taken on all issues appearing on the agenda and on issues not appearing on the agenda during the course of a Regular Meeting. The Board will take action on issues requiring a Public Hearing only if all legal prerequisites have been met.

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7. Public Participation. The public shall participate consistent with Section VIII (Citizen Input: Addressing the Board). Public participation prior to the taking of official actions during Regular Meetings shall be permitted, unless the official action being taken is purely ministerial, consistent with Section 286.0114(2), Fla. Stat. Unless expanded or extended by the Chair, two designated public comment periods on issues not appearing on the agenda will be allowed for no more than 30 minutes each, with the first period starting around ½ hour after the beginning of the morning session of the meeting (currently 12 noon) and with the second period starting around ½ hour after the beginning of the evening session of the meeting (currently 5:30pm). If there is no evening session, then the second public comment period will start at the close of all business on the agenda.

In other situations where more than one meeting is held on any day, the Chair has discretion to limit or eliminate the public comment periods in the additional meetings, as he or she deems necessary for the orderly conduct of the Board's business. Members of the public may only speak during one of these two designated public comment periods during the course of a meeting, or a morning and evening regular meeting. Each speaker will be permitted 3 minutes to speak to issues not appearing on the agenda. The Chair may authorize members of the public to speak for an additional 3 minutes on issues appearing on the agenda if those members of the public make a request to do so and are unable to attend the remainder of the meeting. Members of the public commenting on issues appearing on the agenda during the first public comment period (starting around ½ hour after the beginning of the morning session) will not be entitled to speak on those issues during the remainder of the meeting. Members of the public wishing to speak on quasi-judicial matters should be encouraged to speak during the hearings on those matters, since the Board's decisions in those matters may only be based on evidence in the record of the hearings. Public speakers who meet the definition of "lobbyists" per Sec. 68.02, Alachua County Code, shall disclose that they are lobbyists when addressing the Board of County Commissioners.

Public participation may be accomplished through CMT, if available. Comment offered by the public participating through CMT will be given as much weight and consideration as comment offered by public attending physically. The Board currently offers the opportunity for the public to participate through a phone call-in during the first period of public comment (starting around ½ hour after the beginning of the morning

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session) during regular meetings only, for those not attending physically. This CMT opportunity is subject to the guidance below and may be discontinued at any time by the Board.

- The Chair will recognize all physically present members of the public wishing to comment first.
- As time permits in the 30-minute first period for comment, CMT callers will have the opportunity to use 3 minutes to comment on issues not appearing on the agenda and an additional 3 minutes to comment on issues appearing on the agenda.
- CMT callers will be permitted an opportunity to speak on a first-come, first CMT speaker basis.
- CMT callers commenting on issues appearing on the agenda during the first public comment period (starting around ½ hour after the beginning of the morning session) will not be entitled to speak on those issues during the remainder of the meeting.
- CMT callers should follow all announced or posted direction, including the number to call and other technical direction. CMT callers must follow all decorum expectations and will end their comments when instructed to end.
- CMT callers shall participate consistent with Section VIII (Citizen Input: Addressing the Board), as applicable.

B. Special Meetings, Workshops and Policy Meetings (collectively, "Special Meetings"). Special Meetings are those meetings of the Board which are not previously on the Board's calendar of meetings and are scheduled by the Chair or County Manager. Generally, Special Meetings will not include Public Hearings, but they may if all legal prerequisites have been met.

1. Initiation and Notice of Special Meetings. The Chair or the County Manager will schedule Special Meetings and announce the date, time and location of the Special Meeting at a previous meeting, if possible. The Board will follow all legal requirements for providing notice to the public of Special Meetings.
2. Location of Special Meetings. The physical location of special Meetings should take place in publicly-owned and publicly-accessible buildings. Public attendance may be accomplished through CMT, if available.
3. Adjustment of Dates, Times and Location of Special Meetings. The Chair or the County Manager may adjust the date, time and/or location of a Special

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Meeting to accommodate availability or preference of Commissioners. Prior notice of changes of date, time and/or location of a Special Meeting will be given as far in advance of the adjustment as possible, but at least 24 hours before the start of the previously-scheduled Special Meeting or the start of the adjusted Special Meeting, whichever comes first.

4. Cancellation of Special Meetings. The Board, Chair or County Manager may cancel or postpone a Special Meeting consistent with this section and Florida Law. If a Board member or the County Manager wants to propose the cancelation or postponement of a meeting within the 24 hours prior to the scheduled start of the meeting being canceled or postponed, the vote to cancel or postpone the meeting should happen at the meeting being canceled or postponed and should be taken after public input. In emergency situations or when it becomes clear that a quorum of members will not be present, the Chairperson of the Board of County Commissioners or the County Manager may cancel a Special Meeting, even if that meeting is scheduled to start within the next 24 hours.
5. Special Meeting Agenda. An agenda should be available to the public at least 24 hours before the start of a Special Meeting, though this is not required by law. Upon motion by a Commissioner, an agenda may be amended at any time during the course of a Special Meeting.
6. Official Actions of the Board at Special Meetings. Actions may be taken on all issues appearing on the agenda and on issues not appearing on the agenda before the Board during a Special Meeting.
7. Public Participation. The public shall participate consistent with Section VIII (Citizen Input: Addressing the Board). Public participation prior to the taking of official actions during Special Meetings shall be permitted, unless the official action being taken is purely ministerial, consistent with Section 286.0114(2), Fla. Stat. Unless expanded or extended by the Chair, one designated public comment period on issues not appearing on the agenda will be allowed for no more than 30 minutes at the close of all business on the agenda. Members of the public wishing to speak on quasi-judicial matters should be encouraged to speak during the hearings on those matters, since the Board's decisions in those matters may only be based on evidence in the record of the hearings. Public speakers who meet the definition of "lobbyists" per Sec. 68.02, Alachua County Code, shall disclose that they are lobbyists when addressing the Board of County

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Commissioners. Public participation may be accomplished through CMT, if available. Comment offered by the public attending through CMT will be given as much weight and consideration as comment offered by public attending physically.

8. Remote Workshops. Notwithstanding any provision to the contrary, workshop meetings, where no action will be taken, may be held via CMT. These "remote workshops" must also have both a physical location where the public can attend and an option for the public to attend remotely.
- C. Emergency Special Meetings. Emergency Special Meetings are those meetings of the Board which, in the judgment of any Commissioner, the County Manager or the County Attorney, is imminently necessary to protect the health, safety or welfare of the County and its citizens or to protect a legal right of the County. Emergency Special Meetings shall be limited to the topic of the emergency and ancillary issues related to the emergency. Unless permitted by law, Emergency Special Meetings will not include Public Hearings.
1. Initiation and Notice of Emergency Special Meetings. Any Commissioner, the County Manager or the County Attorney may call an Emergency Special Meeting. The initiating official shall state the nature of the emergency in enough detail to enable the public to ascertain the emergency nature of the meeting. Notice for Emergency Special Meetings shall include the nature of the emergency and the date, time and location of the Emergency Special Meeting. The Board will follow all legal requirements for providing notice to the public of Emergency Special Meetings.
 2. Location of Emergency Special Meetings. The physical location of Emergency Special Meetings should take place in publicly-owned and publicly-accessible buildings unless publicly-owned buildings are not feasibly available due to the emergency. In all cases, Emergency Special Meetings shall permit public participation. Public attendance may be accomplished through CMT, if available.
 3. Adjustment of Dates, Times and Locations of Emergency Special Meetings. The initiator of an Emergency Special Meeting may adjust the date, time and location of an Emergency Special Meeting to facilitate the attendance of a quorum of Commissioners, the County Manager or the County Attorney. Prior notice of changes in date, time or location of an Emergency Special

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Meeting will be given to the public as far in advance of the meeting as possible.

4. Cancellation of Emergency Special Meetings. Any Commissioner, the County Manager or the County Attorney shall cancel an Emergency Special Meeting when it is determined that an Emergency Special Meeting is no longer imminently necessary to protect the health, safety or welfare of the County and its citizens or to protect a legal right of the County.
5. Emergency Special Meeting Agenda. No written agenda is necessary for an Emergency Special Meeting. At the opening of an Emergency Special Meeting, the Chair shall announce the nature of the emergency (the topic for the meeting).
6. Official Actions of the Board at Emergency Special Meetings. Actions related to the stated emergency may be taken to protect the health, safety or welfare of the County and its citizens or to protect a legal right of the County.
7. Public Participation. The public shall participate consistent with Section VIII (Citizen Input: Addressing the Board). Public participation prior to the taking of official actions during Emergency Special Meetings should be permitted unless allowing public comment would unreasonably delay the ability of the Board to act to deal with an emergency situation affecting the public health, safety or welfare of the County and its citizens¹ or the official action being taken is purely ministerial. Unless expanded or extended by the Chair, one designated public comment period on issues not appearing on the agenda will be allowed for no more than 30 minutes, starting around ½ hour after the beginning of the of the meeting. The Chair may authorize members of the public to speak on issues appearing on the agenda if those people are unable to attend the remainder of the meeting. Members of the public wishing to speak on quasi-judicial matters should be encouraged to speak during the hearings on those matters, since the Board's decisions in those matters may only be based on evidence in the record of the hearings. Public speakers who meet the definition of "lobbyists" per Sec. 68.02, Alachua County Code, shall disclose that they are lobbyists when addressing the Board of County Commissioners. Public participation may be accomplished through CMT, if available. Comment offered by the

¹ Section 286.0114(3)(a), Fla. Stat. (2015).

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public attending through CMT will be given as much weight and consideration as comment offered by public attending physically.

IV. Quorum and Remote Participation.

- A. Quorum. A physically-present 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 or, if required by the Florida Statutes, an extraordinary majority or unanimous vote of the members present.

- B. Remote Participation by a Commissioner. The Board may conduct its meeting or hearing, provided that a quorum of their voting members are present at a physical location, and provided the meetings otherwise comply with Chapter 286, Florida Statutes, and the Florida Constitution. Non-physically present commissioners may participate via CMT under specific circumstances, as provided below.
 - 1. Requirements for Participation. Participation by commissioners who are not physically-present ("remote commissioners") may be allowed if all of the following are true.
 - a. A quorum of commissioners are present at the meeting;
 - b. Remote commissioners supply the technology, and Internet or mobile connection necessary to meaningfully participate in the meeting (at a minimum hearing presenter, commissioners and the public, and being heard by commissioners and the public); and
 - c. The majority of physically-present commissioners make a finding that extraordinary circumstances exist to justify the absence of remote commissioners from the meeting. Extraordinary circumstances include, but are not limited to, medical treatments which preclude attendance; physical disabilities; and illnesses. Participation by remote commissioners should never be permitted solely for the convenience of the commissioner.
 - 2. Voting Limitation. A remote commissioner may cast a vote on any ordinance, resolution or motion.
 - 3. Minutes. The minutes of a meeting where remote commissioners participate shall reflect that a quorum of commissioners is present, that the present-commissioners made a finding that extraordinary circumstances exist to permit remote participation, and that commissioner(s) are participating remotely.

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4. Commissioners wishing to participate remotely should provide the County Manager with as much notice as possible to facilitate the set-up of equipment and to, if possible, test and trouble-shoot remote commissioners' CMT prior to the start of the meeting.
- C. **Loss of Quorum.** In the event that a Commissioner departs a Board meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored. In the event that a Commissioner refrains from voting on a particular matter due to a conflict of interest under Section 112.3143 or Section 286.012, Fla. Stats., and the abstention causes a loss of quorum, no further official action may be taken on that particular matter until or unless a quorum is restored.
- V. Presiding Officer.**
- A. **Chair.** The presiding officer is the Chair of the Alachua County Board of County Commissioners. The Chair presides at all meetings of the Board. The Chair's responsibilities shall include but not be solely limited to:
1. Opening the meeting at the appointed time and call the meeting to order, having ascertained that a quorum is present.
 2. Announcing the business to come before the Board.
 3. Recognizing all Commissioners, the County Manager, and the County Attorney, who seek the floor under correct procedure. All questions and comments are to be directed through the Chair. The Chair shall announce the decisions of the Board on all matters coming before it.
 4. Preserving decorum and order, and in case of disturbance or disorderly conduct in the Board meeting room, may cause the same to be cleared or cause any disruptive individual to be removed, consistent with Section VIII(C) (Citizen Input: Addressing the Board/Decorum).
 5. Calling to order any member of the Board who violates any of these Rules and, when presiding, decide questions of order.
 6. Expediting business in every way compatible with the rights of the Commissioners.

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7. For the Chair to make a motion, the gavel must be relinquished. A Commissioner who relinquishes the gavel should not return to it until the pending main question has been disposed of. The gavel shall be relinquished in the following order:
 - a. to the Vice Chair;
 - b. to other Commissioners based upon seniority.
 8. Declare the meeting adjourned.
 9. When time constraints dictate, the Chair may take the following actions outside of a Board meeting and without Board approval:
 - a. approve authorizations to advertise public hearings;
 - b. send proclamations and letters to the Alachua County State and Federal Legislative Delegations and other government officials in support of Alachua County municipality or community-based organization initiatives, such as legislative changes and grant requests, provided the Board has taken a position in support of the initiative in its legislative agenda or by some other action expressed its position on the issue presented; and
 - c. any action consistent with the Alachua County Code.
- B. Vice Chair. 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 or recovery and resumption of duty.
- C. Election. The Clerk shall preside over the election of the Chair and Vice Chair. Procedures for electing officers are as follows:
1. On the second Tuesday of November each year, or as soon thereafter as practicable, the Board elects a Chair from among its members. The Clerk calls for nominations for Chair. Nominations do not require a second. If there is more than one nomination, the Clerk conducts a roll-call vote. If a vacancy which is anticipated to last longer than 3 consecutive months occurs in the office of the Chair, the Board shall, at its next Regular Meeting, select a Chair from among its members for the remainder of the term.
 2. In conjunction with the election of the Chair, the Board shall elect a Vice Chair through like procedures. A vacancy in the position of Vice-Chair shall also be filled through like procedures.

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VI. Order of Business.

- A. Chair Discretion. This Section (VI. Order of Business) represents guidelines and best practices for conducting all Board meetings. The Chair may amend the order of business as may be necessary to conduct the meeting.
- B. Public Participation: Public participation will be allowed consistent with Section III (Types of Board Meetings), above.

Pooling Time for Participation in Legislative Items (for quasi-judicial time pooling, *see* Section VI(D)(5) (Order of Business/Procedures for Quasi-Judicial Public Hearings/Evidence): The Chair may allow pooling time for persons who are in attendance at the meeting and wish to give up their time to another in attendance at the meeting, if the Chair determines that pooling time will provide for more efficient conduct of a meeting or will provide for more effective, efficient public participation, or both.

For complex or controversial agenda items, or other agenda items where the Chair determines that it will help with the efficient running of the meeting, the Chair may require individuals to sign up to speak at public comment. For items or issues discussed over multiple meetings, the Chair may impose additional limits on public comment, including limiting individuals to speaking on an item or issue at only one meeting.

- C. Cancellation of Evening Sessions: The Chair or the Manager may cancel an evening session if there is no agendaed business.
- D. Proclamation. The Board has adopted a separate Proclamation Policy which is to be read to be consistent with these Rules. Any conflict should be resolved in favor of the Proclamation Policy, as the more specific policy.
- E. Procedures for Quasi-Judicial Public Hearings.

The procedures in this sub-section shall be a non-binding guide for quasi-judicial hearings before the Board except as provided by law or other, more specific policy. Procurement protests, under Chapter 22, Alachua County Code, are not guided by these procedures. These procedures are meant to provide due process (notice and opportunity to be heard) to parties and, in some cases, the public. Any rule that is inconsistent with due process, as applied to a particular hearing, should be adjusted to meet at least the minimum due process required by law.

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1. County Attorney reads quasi-judicial statement, in substantially the following form:

"Anyone wishing to testify or present evidence during this hearing will be sworn in prior to speaking. Through the Chair, all speakers may ask questions, seek clarification and respond to comments or presentations of staff or other speakers. Anyone presenting written materials to Commissioners for consideration must ensure that a copy of such materials is provided to the Clerk for inclusion in the Board's record of proceedings and official minutes.

"Florida law requires that the County Commission's decision in a quasi-judicial action be supported by competent substantial evidence presented during this hearing. Competent substantial evidence means that the Board's decision is based on enough, credible evidence that a reasonable person could agree. Persons presenting opinion or factual testimony may rely on any factual information in the record to support their testimony. Opinion testimony may be given by people qualified to give such an opinion.

"In a moment, the Clerk will ask for persons, other than staff and the applicant, who wish to participate as 'Parties' to identify themselves and explain to the Board why they believe that they are 'Parties.' 'Parties' are people who would be more directly or more substantially impacted by the Board's decision today than the public at large. If the Board grants you party status, you will be permitted a reasonable opportunity to present testimony and evidence, and to ask questions. Otherwise, you will be permitted to testify as a member of the public."

2. Ex-parte Communications:

Prior to presentation or discussion of any quasi-judicial item, the Clerk or the County Attorney shall make the following inquiry of Board members: "Has any Commissioner received any oral or written communications regarding the quasi-judicial items to be considered in this hearing? If so, please disclose the substance of the communication and identify the person making the communication."

Section 286.0115, Fla. Stat., provides that any person who is not otherwise prohibited by statute, charter provision or ordinance may discuss with any commissioner the merits of any matter on which the County Commission may

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take action. The following procedures, which remove the presumption of prejudice, shall be followed for ex-parte communication.

- a. The substance of any ex-parte communication with a Commissioner which relates to a quasi-judicial action pending before the Commission (such as a zoning decision) is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.
 - b. A County Commissioner may read a written communication from any person. A written communication that relates to quasi-judicial action pending before the Commission (such as a zoning decision) shall not be presumed prejudicial to the action. Such written communication shall be made a part of the record before final action on the matter.
 - c. Commissioners may conduct investigations and site visits, and may receive expert opinions regarding 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.
 - d. Persons who have opinions contrary to those expressed in an ex-parte communication shall be given a reasonable opportunity to refute or respond to the communication.
3. Swearing-in of Those Testifying. Prior to a person testifying before the Board on any quasi-judicial item, the Clerk will ensure that the person testifying is sworn-in, in substantially the following form. "Do you swear and affirm that the evidence and testimony you will be providing today is the truth to the best of your knowledge and belief?" A person should be permitted to testify whether they swear-in or not.
4. Identification of Parties:
- A. No later than 7 calendar days prior to the hearing, an individual or entity wishing to participate as a party in a quasi-judicial public hearing must provide the County with a written request to be considered as a party, unless otherwise provided. The request must include a factual basis for why the requestor believes that he or she should be allowed to participate as a party.
 - B. Any individual or entity who wishes to participate as a party to the

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proceeding may appear through CMT, if available, or in person to allow for participation in the public hearing.

C. At the outset of each quasi-judicial public hearing, the Board of County Commissioners, shall consider the written requests for party status and make a determination by a majority vote whether a requesting individual or entity will be considered a party to the proceeding and allowed to participate as such.

D. Any individual or entity wishing to participate as a party who has not complied with the requirements in Section (4)(A) may ask the Board of County Commissioners to consider a late request, either written or verbal. To grant a late request, the Board should determine that there is a factual basis for the individual or entity being permitted to participate as a party and that there is an appropriate justification for the request to participate as a party being late.

5. Evidence

A. Any evidence, testimony, argument or other information offered utilizing CMT, if available, shall be afforded equal consideration as if it were offered in- person and shall be subject to the same objections.

B. If an individual or entity intends to participate as a party and provide evidence, beyond testimony, at the public hearing, the individual or entity should provide electronic copies of all evidence to the Clerk or appropriate County staff no later than 5 calendar days prior to the hearing. Any evidence provided electronically will be entered into the record and provided to all potential parties, even if the evidence is provided by a non-party participant.

C. Witnesses are not required to be physically present to be sworn and may be sworn and testify through CMT, if available. To the extent possible by CMT, if available, testimony and evidence of recognized parties will be subject to reasonable cross-examination by other parties to the proceeding.

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- D. Parties will be provided a maximum of 15 minutes per individual party to make argument, testify, and present relevant evidence at the quasi-judicial public hearing. If four or more Parties have an express common interest or common representation, then the unified class of Parties will be provided a maximum of 60 minutes to make argument, testify, and present relevant, non-repetitious, non-slanderous evidence at the quasi-judicial public hearing. The Chair, at his or her discretion, may grant additional time for complex matters if the party needs additional time to provide relevant, non-repetitious, non-slanderous testimony or evidence. The Chair, at his or her discretion, may also grant additional time to a party to allow for questions from the Board or committee hearing the item.
 - E. Testimony and evidence offered during regular public comment on a quasi-judicial item will be considered and entered into the record of the decision.
 - F. Cross-examination shall be permitted of staff and parties, but not of public commenters. Cross-examination shall be in the form of questions and shall be clearly relevant, non-repetitious and non-slanderous. The Chair may direct that cross-examination be questions asked through the Chair if the Chair determines that the questioning is inefficient or abusive.
 - G. Objections to testimony, evidence and cross-examination shall be disposed of by the Chair. All determinations made by the Chair under this Section (D)(5)(G) may be overruled by a majority of the members of the Board who are present.
- E. Consent Agenda. On the portion of the agenda designated as "Consent," all items contained therein will be adopted with the adoption of the agenda. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Manager, or the County Attorney may withdraw an item from the consent

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agenda and it shall then be treated as a general business item and voted on individually.

VII. Voting.

- A. Voice Vote. Unless otherwise directed by the Chair, requested by a commissioner, or required by law, all votes shall be taken by voice.
- B. Tabulating the Vote. The Chair shall tabulate the votes and announce the results. At the request of any Commissioner, the Clerk shall take a Commissioner roll call of a vote.
- C. Every Commissioner who is in the Board meeting room when the vote is called must give his or her vote, unless the Commissioner has publicly stated that he or she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 (actual conflict) or 286.012 (in quasi-judicial proceedings, to assure a fair proceeding free from potential bias or prejudice), Fla. Stat. If any Commissioner who is present declines to vote "aye" or "nay," without declaring a conflict, his or her silence shall be counted as an "aye" vote.
- D. Voting Conflict. No Commissioner shall vote on a matter when the Commissioner has a voting conflict of interest as specified in Section 112.3143 or Section 286.012, Fla. Stat. A Commissioner abstaining from voting due to a voting conflict shall announce the conflict prior to discussion on the matter. Within 15 days following that Board meeting, the Commissioner shall file with the Clerk a Form 8B "Memorandum of Voting Conflict" which describes the nature of the interest in the matter. Form 8B shall be received by the Clerk and incorporated into the meeting minutes as an exhibit.
- E. Majority Vote; Extraordinary Majority Vote; Tie Vote. The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of at least the majority of the members of the Board who are present and eligible to vote. If an extraordinary majority or unanimous vote is required by the Florida Statutes, Alachua County Charter, or Alachua County Code, this shall require the affirmative vote of an extraordinary majority or unanimous members of the Board whether all members are present or not. In the case of a tie in votes on any proposal, the proposal fails.

VIII. Citizen Input: Addressing the Board.

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- A. The Board recognizes public's right to a reasonable opportunity to be heard² and the value of citizens expressing their opinions to 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 in order to complete County business in a timely manner. Public attendance and participation may be accomplished through CMT, if available.
- B. Addressing the Board.
1. All remarks shall be addressed to the Board as a body and not to any individual Commissioner. Questions may be asked through the Chair, though no Commissioner is obligated to reply. For the security of the County's network and the efficiency of the meetings, the public may only use the microphone or the overhead projector to present or support comments. Any time that it takes to setup documents will count toward that member of the public's comment time. The Chair should consider additional time for individuals needing and requesting accommodations or translation services on a case-by-case basis.
 2. Copies of all exhibits or documents shown to the Board shall be given to the Clerk for inclusion in the minutes of the meeting, unless due to the size or nature of the exhibit, it would be impracticable to include an exhibit or document in the minutes. If an exhibit is impractical to include in the minutes, then the Clerk shall make note of the exhibit and document it through photography, video and/or detailed description. In the case of a quasi-judicial hearing, all exhibits or documents, regardless of size or nature, shall be maintained by the Clerk at least until the period for appeal has lapsed.
 3. While the Board supports and encourages the open and vigorous expression of information and viewpoints, the Board will not permit within its meetings, in whatever form, the following types of speech which are not protected by the First Amendment to the United State Constitution:
 - a. Obscenity ("appeal to the prurient interest in sex," depict or describe sexual conduct in a patently offensive way, and lack "serious literary, artistic, political, or scientific value.");³

² Sec. 286.0114(2), Fla. Stat.

³ See Miller v. California, 413 U.S. 15, 24 (1973)

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- b. Defamation;
 - c. Incitement to imminent lawless action which is likely to produce such action;⁴
 - d. "Fighting words" ("likely to provoke the average person to retaliation, and thereby cause a breach of the peace.");⁵
 - e. True threats ("communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.");⁶
 - f. Child pornography;⁷ and
 - g. Speech integral to criminal conduct ("used as an integral part of conduct in violation of a valid criminal statute," for example, conspiracy or solicitation to commit a crime, offering or requesting illegal materials, or impersonating a governmental officer).⁸
4. The Board may, but is not required, to discuss a matter brought up during public comment, assign it to an advisory board, a committee or similar group, refer it to the County Manager and/or County Attorney for review and comment, and/or question the speaker and/or take other appropriate action.
5. At any time prior to or during the course of a Board meeting, the Chair may request that all persons who wish to address the Board sign in with the Clerk, give their names and the agenda item to which they want to speak. At meetings where a sign-in sheet is required, any person who does not sign in may be permitted to speak after all those who signed in have done so.
6. Employees of the County may address the Board on matters of public concern in their individual capacities. Employees should clearly indicate that they are speaking on their own behalf and not on the behalf of the County, their departments, or in their public position capacity. The Board will not discuss employee comments that address an active grievance/arbitration, employee appeal matter or a personnel dispute. The

⁴ See Brandenburg v. Ohio, 395 U.S. 444 (1969).

⁵ Chaplinsky v. New Hampshire, 315 U.S. 568, 574 (1942) (*but see*, "speech cannot be restricted simply because it is upsetting or arouses contempt." Snyder v. Phelps, 562 U.S. 443, 458 (2011)).

⁶ Virginia v. Black, 538 U.S. 343, 359 (2003).

⁷ New York v. Ferber, 458 U.S. 747, 764 (1982).

⁸ Giboney v. Empire Storage & Ice Co., 336 U.S. 490, 498 (1949).

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County Manager will advise the employee of the appropriate forum and process for presenting or discussing such matters.

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C. Decorum.

1. Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Board, or disturb any person having the floor. No person shall refuse to obey the reasonable orders of the Chair or the Board. Any person making irrelevant, repetitious, or slanderous remarks or who becomes boisterous while addressing the Board shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand may be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit.
2. If the Chair or the Board declares an attendee out of order, he or she will be requested to relinquish the floor. If the person does not do so, he or she is subject to removal from the Board meeting room or building, or the CMT meeting site, and may be arrested by the Sheriff subject to Section 810.08(1), Fla Stat.
3. The County Manager, or her/his designee, shall be Sergeant-at-Arms of the Board meetings. The Sheriff's Office is authorized to assist the County Manager in performing this duty. The County Manager shall carry out all orders and instructions given by the Chair or Board for the purpose of maintaining order and decorum at the Board meeting. In non-emergency situations, the following guidelines for handling disruptions apply:
 - a. If an individual refuses to relinquish the floor after being allowed to address the Board, the Chair will inform the individual that their time to address the Board has expired and the Chair will direct the individual to relinquish the floor.
 - b. If an individual causes disruption in the Commission physical or a CMT meeting site, the Chair will request that the individual causing the disruption cease the disruptive activity.
 - c. If the disruption continues:
 - i. The Chair will inform the individual causing the disruption that their actions are contrary to the orderly function of the meeting and that the individual is to cease such action or the Sergeant-at-Arms (County Manager/designee) will be instructed to remove the individual from the physical or CMT meeting site.
 - ii. The Chair may direct the individual to leave the physical or CMT meeting site. The Chair may inform the individual that,

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- if s/he is directed to leave and fails to do so, the individual may be subject to arrest.
- iii. If the disruption continues, the Chair may state substantially the following: "As the Commission Chair, I inform you that your actions are inconsistent with the orderly function of this meeting and you have failed to comply with the lawful order of the Chair. I am instructing the Sergeant-at-Arms (County Manager/designee) to have you removed from this meeting."
 - d. The guidelines outlined in Sections 3(a-c.) above are for the benefit of the Board. No person is entitled to the procedures outlined above before removal from a physical or CMT meeting site or a building or before being subject to arrest.
 - e. In no case may the guidelines in Section c. above be required when an emergency situation is created by a disruptive attendee.

IX. Adjournment.

No meeting should be permitted to continue beyond midnight without the approval of a majority of the Board in attendance. A new time limit must be established before taking a Board vote to extend the meeting. In the event that a meeting has not been closed or continued by Board vote prior to midnight, the items not acted on are continued to 9:00am on the following business day, unless state law requires hearing at a different time, or unless the Board, by a majority vote of members present, determines otherwise.

X. Suspension of These Rules.

The Board may temporarily suspend these Rules of Procedure to take some action that would otherwise be prevented by these Rules.

XI. Construction of These Rules.

These Rules provide for the efficient and orderly conduct of Board meetings only. No action taken inconsistent with these Rules shall be invalid solely because it was taken inconsistent with these Rules.












Item #11, 23-0683, 05092023


Final Audit Report

2023-06-05


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