

**SPECIAL WORKSHOP MEETING  
BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
TUESDAY, JANUARY 17, 2023 – 2:30 P.M.  
AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPEARANCES AND PRESENTATIONS**

None

**OLD BUSINESS**

1. Commission Policy Manual

**NEW BUSINESS**

None

**MISCELLANEOUS**

Workshop Meeting- Wednesday, January 25, 2023- 6:00 p.m.

Regular Meeting- Wednesday, February 8, 2023- 6:00 p.m.

Workshop Meeting- Wednesday, February 22, 2023- 6:00 p.m.

**ADJOURNMENT**

“Persons are advised that, if they decide to appeal any decisions made at this meeting, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

“The Town maintains a tape recorder for all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately ensure a verbatim record of the proceedings. Therefore, you may wish to provide a court reporter at your expense.”

**RESOLUTION \_\_\_\_-22**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF REDINGTON SHORES, FLORIDA, REPEALING RESOLUTION 08-21 (RULES OF PROCEDURE); REPEALING THE COMMISSION POLICY MANUAL ADOPTED MAY 13<sup>TH</sup> 2020; ADOPTING COMPREHENSIVE NEW TOWN COMMISSION RULES OF PROCEDURE; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 5(F) of the Town Charter provides that the Town's Board of Commissioners (the Commission) may determine its rules of procedure; and

**WHEREAS**, on May 13<sup>th</sup> 2020, the Commission adopted a document entitled Commission Policy Manual which set forth a variety of provisions regarding Town operations including the authority of the Mayor Commissioner and the roles of the Commission members; and

**WHEREAS**, the Commission Policy Manual was adopted prior to the Town's creation of a Town Administrator position; and

**WHEREAS**, the Commission Policy Manual has become outdated and no longer reflects the way in which the Commission members function and interact with the Town's daily administration; and

**WHEREAS**, the Commission also adopted Resolution 08-21 in the spring of 2021 setting forth certain procedural rules related to the setting of Commission meetings and workshops, and the conduct of Commission meetings; and

**WHEREAS**, certain provisions in Resolution 08-21, including the distribution of agenda materials and the timing of Commission workshops are not consistent with actual current Town practice as has been more recently decided by the Commission; and

**WHEREAS**, neither the Commission Policy Manual nor Resolution 08-21 set forth a detailed process for the Commission to follow during times when it is sitting in a quasi-judicial setting; and

**WHEREAS**, the Commission finds that the adoption of a new, more comprehensive policy document governing the Commission agenda and meeting process, and taking into account the administrative role of the Town Administrator, is necessary and desirable; and

**WHEREAS**, the Town Administrator and Town Attorney have offered their respective recommendations and input on the content of a new Commission Procedures Manual, which input and recommendations have been considered by the Commission and which are reflected in the Procedures Manual adopted pursuant to this Resolution; and

**WHEREAS**, the Commission finds that adoption of the attached Commission Procedures Manual is in the best interests of the Commission, the Town, and the Town's residents.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Redington Shores, Florida, that:

**Section. 1.** The May 13<sup>th</sup> 2020 Commission Policy Manual is hereby repealed in its entirety.

**Section 2.** Resolution 08-21 is hereby repealed in its entirety.

**Section 3.** The document attached to this Resolution, entitled Procedures Manual for the Redington Shores Board of Commissioners is hereby adopted and shall become effective upon the effective date of this Resolution.

**Section 4.** The phrases, clauses, sentences, paragraphs and sections of this Resolution, inclusive of the attached and incorporated procedures manual, are severable, and if any phrase, clause, sentence, paragraph or section hereof is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Resolution.

**Section 5.** This Resolution shall become effective immediately upon adoption.

**DULY ADOPTED** with a quorum present and voting this \_\_\_\_ day of November, 2022.

\_\_\_\_\_  
MaryBeth Henderson, Mayor-Commissioner

**Attest:**

\_\_\_\_\_  
Tracy Campbell, Town Clerk

PROCEDURES MANUAL FOR THE REDINGTON  
SHORES BOARD OF COMMISSIONERS AND TOWN  
OFFICIALS

ADOPTED BY RESOLUTION \_\_\_-22

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# **PROCEDURES FOR THE REDINGTON SHORES BOARD OF COMMISSIONERS' MEETINGS AND TOWN OPERATIONS**

## **PREAMBLE AND STATEMENT OF INTENT**

Consistent with the requirements of Chapters 166, 163 and 286, Florida Statutes, and other applicable law, the Redington Shores Board of Commissioners has adopted these rules (hereinafter, the Commission Procedures) to govern its meetings, hearings, and workshops, and to address the workflow of Town administrative officials. As to meetings of the Board of Commissioners, while encouraging appropriate public participation and an informal and civil atmosphere, the Board of Commissioners intends to maintain the structure and decorum required for the orderly, efficient, and professional conduct of its business.

### **1. APPLICABILITY.**

These Commission Procedures shall govern the meetings, hearings, and workshops of the Redington Shores Board of Commissioners, and in accordance with Town Code § 5-6(b), to any subordinate boards, commissions or advisory committees created by the Commission. If any such subordinate bodies adopt their own additional procedures, such procedures shall not be materially inconsistent with these Procedures, and shall first be reviewed by the Town Attorney to ensure legality. These Procedures shall also be applicable to the Town Administrator and the administrative functions of the Town to the extent provided for herein.

### **2. OFFICIAL COMMISSION ACTION.**

- 2.1 APPLICABILITY; MATTERS FOR BOARD CONSIDERATION.** Any matters that relate to the Commission's duties, authority or powers under the Town Charter, Florida Statutes Chapter 166, or other applicable law, or which relate to the Town's property, legal or financial interests, or to the public health, safety or welfare of the Town and its residents, may be brought before the Commission for appropriate consideration or action.
- 2.2 DELEGATION OF AUTHORITY.** The Town of Redington Shores acts through its Board of Commissioners and the authorized actions of its employees, agents, and legal representatives. To the extent permitted by law, the Commission may delegate its authority to perform action on behalf of the Town. In delegating authority, the Commission shall provide sufficient guidelines and expression of its objectives to enable efficient performance of the action for which the authority has been delegated.
- 2.3 DESIGNEES.** Wherever these Commission Procedures delegate authority or responsibility to the Town Clerk (the Clerk) or the Town Administrator, such authority or responsibility is understood to extend to his or her respective designee.

### **3. COMMISSION OFFICERS.**

**3.1 SELECTION OF VICE-MAYOR.** Pursuant to § 13 of the Town Charter, the Mayor-Commissioner shall appoint a Vice Mayor-Commissioner with the consent of the Board of Commissioners.

**3.2 ADMINISTRATIVE OVERSIGHT DUTIES.** Pursuant to § 1-20 of the Town Code, the Town Administrator shall serve as the chief administrative officer of the town and shall be responsible for directing, coordinating and managing the administration of the town's business, as performed through the town's employees and contractors. Pursuant to § 1-20(H), the Board of Commissioners will conduct an annual review of the Administrator's performance using such method of review as the Commission establishes.

#### **3.3 QUORUM AND OFFICERS.**

3.3.1 A quorum exists when a majority of the Commissioners are present, physically or electronically. Unless otherwise provided by law, Charter or Town Code, a majority vote, where a quorum is present, constitutes action of the Commission.

3.3.2 In the absence of the Mayor-Commissioner, the Vice Mayor-Commissioner shall have all the duties and authority of the Mayor-Commissioner until the arrival of the Mayor-Commissioner. In the absence of the Mayor-Commissioner and Vice Mayor-Commissioner at the time scheduled for the opening of a public meeting or workshop, the remaining three Commissioners shall select a Commissioner to preside over the meeting until the Mayor-Commissioner or Vice Mayor-Commissioner becomes present, physically or electronically. In the absence of a required quorum, those Commissioners assembled, including a single Commissioner, if only one is present, may take measures to obtain a quorum, fix the time to which to adjourn or take a recess, and open and continue a public hearing on any scheduled matter to a time and date certain, but shall take no testimony and conduct no other business. Nothing in this Section 3.3 shall limit any procedure, rules, statutes, or other lawful authority governing the conduct of business in the event of a disaster or emergency.

3.3.3 A Commissioner seeking to attend all or any portion of a meeting via electronic means shall inform the Clerk with as much advance notice as possible. The Clerk shall inform the other Commissioners of the Commissioner's intent to appear electronically. The Clerk and Administrator shall ensure the chambers is appropriately equipped to permit any audio/video interaction needed. The term "appropriately equipped" shall mean that level of equipment allowing Commissioners attending electronically to hear fellow Commissioners and any person presenting at the microphone; allowing all other Commissioners and all persons attending in the Chambers to hear Commissioners attending electronically; and for matters expected to include video or graphic

presentations, the ability of Commissioners attending electronically to view via a video feed the same images seen by Commissioners physically attending.

3.3.4 It is generally expected that Commissioners will attend meetings in person whenever possible, and that Commissioners should not seek to attend remotely based solely on convenience. While electronic attendance is permitted where necessary, including when a Commissioner is incapacitated due to illness or injury or hindered by logistical circumstances from physically attending, a remotely-appearing Commissioner must otherwise be able to concentrate and give his/her attention to the business of the Commission

3.3.5 Given the importance of a Commissioner's ability to assess witness credibility, and to review documents, videos, photographs, and other exhibits admitted into evidence when the Commission is sitting in a quasi-judicial setting, Commissioners should make every effort to attend in person meetings at which a quasi-judicial matter is on the agenda.

#### **3.4 VACANCY IN OFFICE.**

3.4.1 Pursuant to § 13 of the Town Charter, should the Mayor-Commissioner become unable for any reason to discharge his or her duties and responsibilities, it shall be the duty and responsibility of the Vice Mayor-Commissioner to assume the duties and responsibilities of the Mayor-Commissioner until the Commission appoints a new Mayor-Commissioner.

3.4.2 Pursuant to § 5(D) of the Town Charter, in the event of a vacancy in the office of Commissioner, the remaining members of the Commission shall appoint a qualified registered voter of the Town to serve for such period as is set forth in the Charter.

#### **3.5 APPOINTMENT OF COMMISSION MEMBERS TO OTHER BOARDS.**

The Commission may appoint individual Commissioners to serve on any county, state or federal board, commission, committee or workgroup either when a Town appointment is required by law or interlocal agreement, or where the governmental entity at issue has invited the Town to appoint a representative, unless accepting such appointment would constitute dual office holding. While individual members of the Board of Commissioners may elect privately to serve on non-governmental boards or committees (such as non-profits or homeowner association boards), such service shall be a private matter, the Commission will not make such appointments, and the serving Commissioner's actions on such private boards or committees shall not constitute Town action for any purpose.

#### 4. MEETINGS.

4.1 **TYPES OF PUBLIC MEETINGS.** The Commission shall have the authority to hold the types of meetings set forth below:

4.1.1 **Regular Meetings.** The Commission may establish and announce a regular meeting schedule. The schedule may include regular and special meetings, including meetings primarily focused on items considered under or specifically related to the Town's Comprehensive Plan or Land Development Code which may also be designated Land Use Meetings. All regular meetings shall ordinarily commence at 6 p.m. in the Town Hall Chambers. Any noticed regular meeting may be commenced earlier or later, postponed or canceled, or held in a different location pursuant to a motion adopted at a regular meeting, except that no quasi-judicial proceeding shall be conducted on a date or at a time different than the date and time which had been noticed for that matter to be heard.

4.1.2 **Special Meetings.** A special meeting of the Commission may be called by the Mayor-Commissioner, the Vice Mayor-Commissioner, or may be set by a majority of the Commissioners present at a meeting of the Commission. Whenever a special meeting is called, it shall be posted on the Town's website and notice shall be given by the Clerk to Commissioners, the Town Attorney, and any persons entitled to notice as a matter of law, stating the date, hour and place of the meeting, and the purpose(s) for which the meeting is called. At least twenty-four (24) hours must elapse between the time the meeting is noticed and the time the meeting is to be held. While the Commission's discussion of topics need not be confined to the matters noticed for a special meeting, the Commission may not take any action on a matter not included in the noticed special meeting agenda.

4.1.3 **Emergency Meetings.** An emergency meeting may be called by the Mayor-Commissioner or the Vice Mayor-Commissioner. An emergency meeting may be called only when the official calling the meeting believes that circumstances exist that may involve serious legal, financial or safety consequences for the Town or its residents requiring immediate consideration or action by the Commission. Whenever such emergency meeting is called, the Clerk, or if she or he is unavailable, the Town Administrator, or if he or she is unavailable the official calling the meeting, shall make a diligent and good faith attempt to telephonically or by email notify each Commissioner, the Clerk, the Town Administrator, the Town Attorney, members of the local news media, and any persons entitled to notice as a matter of law, informing them of the date, hour, and place of the meeting, the nature of the emergency, and the purpose(s) for which the meeting is being called. No other business shall be transacted at the meeting other than Commission actions required to respond to the emergency, and the minutes of each emergency meeting shall include the nature of the emergency and shall set forth the efforts made to provide notice.

- 4.1.4 **Workshops.** The Commission may hold workshops from time to time for consideration of matters that are not ready for Commission action or for mere informational gathering purposes. No final vote or other approval action may be taken at workshops.
- 4.1.5 **Public Notice.** The Clerk shall provide public notice of all meetings and workshops in accordance with law. The minutes of all meetings shall include the Clerk's confirmation that the meetings were noticed as provided for by law.

## 4.2 CLOSED SESSIONS.

- 4.2.1 **Litigation Meetings.** The Town Attorney and other attorneys representing the Town may meet in private session with the Commission to discuss pending litigation to which the Town is a party before a court or administrative agency so long as such meetings are noticed, held and reported, and the records thereof preserved and made available to the public upon conclusion of the litigation in compliance with Florida Statutes § 286.011(8).
- 4.2.2 **Risk Management Meetings.** Portions of the Commission's meetings and proceedings that are conducted pursuant to the Town's risk management program and that relate solely to the evaluation of claims filed with the risk management program, or that relate solely to offers of compromise of such claims, may be held in private session, so long as such meetings or portions of meetings are held and a record thereof is preserved in compliance with Florida Statutes § 768.28(16). In accordance with Florida Statutes § 768.28(16)(d), the minutes of risk management meetings and other records thereof are exempt from public disclosure until termination of all litigation and settlement of all claims arising out of the same incident.
- 4.2.3 **Collective Bargaining Meetings.** As provided in Florida Statutes § 447.605, all discussions between the Commission and the Town Attorney relative to collective bargaining shall be closed and exempt from the provisions of Florida Statutes § 286.011.

## 4.3 PREPARATION OF AGENDA.

- 4.3.1 **Administrator and Clerk.** The Town Administrator shall confer with the Clerk prior to all scheduled Commission meetings and workshops to set an agenda. Once set, the Clerk shall prepare and publish the agenda, and assemble the accompanying agenda materials for posting on the Town website and distribution to Town officials. Commissioners must receive either electronic or paper copies of the agenda materials by noon on the Friday before all regular Commission meetings.

- 4.3.2 **Town Attorney.** The Town Attorney will notify the Administrator if she or he requests an item be placed on the agenda, and may add supplemental items to the agenda whenever, in the discretion of the Town Attorney, such items require Commission attention at that meeting to preserve the Town's legal interests or position.
- 4.3.3 **Commissioner.** Any Commissioner may confer with the Administrator prior to the agenda's being finalized to request an item be placed on the agenda. If sufficient time remains to allow the item to be added to the agenda and published, and any applicable notice requirements can be met, the Administrator shall add the item. However, an individual Commissioner cannot add an item to an agenda if the Town cannot meet legal notice requirements by the date set for the meeting.
- 4.3.4 **Items Not on Agenda.** Matters that do not require separate public or other legal notice may, with the consent of the majority of the Commissioners present, be added to the agenda of any regular (but not special or emergency) meeting, and may thereafter be considered and acted upon.
- 4.3.5 **Adoption Not Required.** The Commission is not required to adopt or approve the agenda for any meeting. Advertised meeting agendas are presumed to be approved by the Commission. The Commission reserves the right, once a meeting has been convened, to add, remove, or relocate any agenda items as it deems necessary or advisable, except that quasi-judicial matters may not be begun prior to the time set forth in the notice.

#### 4.4 **CONTINUANCE OF MEETINGS DUE TO EMERGENCY.**

Where necessary to continue a public meeting due to an emergency and where the full Commission is not assembled, the Mayor-Commissioner, Vice Mayor-Commissioner, a Commissioner, the Clerk, the Administrator, or the Town Attorney are hereby delegated authority to continue the meeting to a date certain or indefinitely. The continuance shall be announced at the time and place where the meeting was scheduled to begin and, where possible, shall be publicly announced prior thereto to provide reasonable public notice thereof.

For purposes of this rule, an "emergency" means an emergency as defined in Florida Statutes § 252.34(3), or as declared by the Governor of Florida, the Board of County Commissioners, or the Town Commission, or a natural or manmade disaster or threat thereof that in the reasonable judgment of the Mayor-Commissioner or the Town's chief law enforcement officer renders the meeting environment unduly dangerous to the Commission, staff or the public.

## 5. CONDUCT OF MEETINGS.

5.1 **GENERALLY.** On the day and at the hour set for each meeting, members of the Commission, the Clerk, the Administrator, and the Town Attorney shall be seated and the business of the Commission shall be taken up in accordance with the agenda advertised for the meeting. The Administrator, at his or her discretion and in light of the anticipated agenda items, may require that either the designated Town Planner or Town Building Official also be in attendance. The presiding officer may, with the assent of the Commission, take business out of order if she or he determines that such a change will expedite the business of the Commission, will accommodate a large group of residents present to address a particular item, will accommodate recognition of a public official present to make a presentation, or will otherwise be in the Town's best interest.

### 5.2 RULES OF DEBATE.

5.2.1 **Questions Under Consideration.** When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to recess, to end debate, to 'lay on the table' (i.e., to postpone indefinitely), to continue or defer to a date uncertain (i.e., to postpone until the occurrence of an independent event which will definitely occur at an unknown time), to continue or defer to a date certain, or to amend a motion currently on the floor. These types of motions shall have precedence in the order in which they are mentioned, and motions to adjourn, recess, or to end debate shall be decided without debate. Upon the request of the Town Administrator or Town Attorney, made prior to final action on any matter, that the matter be deferred or continued to a future Commission agenda, the Commission shall vote on whether to defer or continue the matter as requested prior to continuing to consider the matter.

5.2.2 **Motions/Seconds by the Mayor-Commissioner.** The Mayor-Commissioner may second any motion. As the presiding officer, the Mayor-Commissioner may not make any motion unless she/he relinquishes the gavel to the Vice Mayor-Commissioner. The Mayor-Commissioner shall not recover the gavel and resume presiding over the meeting until the motion is withdrawn or acted upon.

5.2.3 **Discussion.** Every Commissioner desiring to speak shall notify the presiding officer and, upon being recognized, shall confine him or herself to the question under debate. At her or his discretion, the presiding officer may allow two members to dialogue with each other to obtain information or clarification on an issue under discussion. Otherwise, all comments should be directed to the presiding officer.

5.2.4 **Interruption.** A Commissioner, once recognized, shall not be interrupted when speaking unless it is to call that Commissioner to order or as herein otherwise provided. If a Commissioner, while speaking, is called to order

(a “point of order” is used to object to point out an approved procedure is not being followed or to point out a personal affront), or if a question of personal privilege is raised (a “point of personal privilege” is an opportunity to raise issues such as disruptive noise, inadequate ventilation, or introduction of a legally confidential subject in the presence of those not entitled to knowledge thereof), the Commissioner who had the floor shall cease speaking until the question of order or privilege is addressed or ruled upon by the presiding officer. If ruled in order, the challenged Commissioner shall thereafter be permitted to proceed. A ruling of the presiding officer on a point of order may be overturned by a majority vote of the Commission.

**5.3 ADDRESSING THE COMMISSION.** A member of Town staff who addresses the Commission shall be identified and shall use a microphone to allow her or his comments to be heard by those in attendance and properly recorded by the Clerk. All residents or other persons addressing the Commission shall do so from the speaker’s lectern facing the Commission unless a disability requires a different location and use of a portable microphone. Time limits on members of the public addressing the Commission shall be as set forth below or as otherwise established by the Mayor-Commissioner or the Commission, and shall be monitored and enforced by the Clerk.

**5.3.1 Public Comments as to Consent Agenda Items.** Subject to sections 5.4.2 and 5.4.3, before voting on the consent agenda at any regular or special meeting, the Commission shall allow individual members of the public to address the Commission as to any consent agenda items. Persons commenting on the consent agenda shall be limited to three (3) minutes for each such item, but shall be limited to a total of ten (10) minutes to address all consent agenda items she or he desires to address. Public comment prior to approval of the consent agenda items is not permitted to the extent the comment is directed at the adoption of minutes or ceremonial proclamations, or other similar ministerial acts.

**5.3.2 Public Forum.** Subject to § 5.4.2 and § 5.4.3, the Commission will provide on its agenda for regular (but not special or emergency) meetings, a period for public comments on matters which are *not* on the agenda, *and* which address matters which may be appropriate for the Town Commission to act on at a future meeting. This portion of the meeting will occur at the end of the meeting agenda, after the Commission has acted on all other agenda items. Each person speaking during the public forum shall be limited to three (3) minutes. At any special meeting or Commission workshop, the Commission may, in its sole discretion, permit members of the public in attendance to provide comments of no longer than three (3) minutes, but such comments must only address the subject being discussed at the workshop.

**5.3.3 Speaker Cards.** Persons wishing to speak on any matter on the agenda, including public forum, are required to complete the speaker information

cards available from the Town Clerk before the meeting. Cards are to be returned to the Town Clerk who will organize them by agenda matter and provide them to the presiding officer so each person desiring to speak can be called when the appropriate point during the meeting occurs. The presiding officer may, with the assent of the Commission, allow persons who did not fill out speaker cards to speak on a matter, but such persons will also be required to provide their name and address for the record. Persons refusing to provide their name and address will not be permitted to provide comments.

5.3.4 **Matters not on the agenda.** While Florida law does not require a matter to appear on a published agenda before it is acted on, the Commission always desires to provide notice to Town residents in advance of a vote. Therefore, as to matters not on the published agenda but which are added to the agenda at the meeting, the Commission will not ordinarily take action at the same meeting wherein a matter is first raised, but may direct that the item be placed on a future agenda. However, the Commission reserves the right to vote on matters added to the agenda where the matter is either minor in nature, addresses a matter of internal Town operations or staffing, or where a deadline (such as a grant application deadline) would not provide enough time for the item to wait to the next agenda.

5.3.5 **Public Forum not created.** Nothing in this section 5.3 is intended to create a general public forum for discussion, debate or comment on any matter an individual desires to discuss. Town Commission meetings occur so as to conduct the pending Town business and, to that end, must proceed as efficiently as possible.

5.3.6 **Right to Speak.** Pursuant to Florida Statutes § 286.0114, subject to the Commission's right to maintain orderly conduct and proper decorum, members of the public shall be given a reasonable opportunity during the decision-making process to be heard on a proposition before the Commission. However, the statute also provides that an invitation for comment need not be afforded where: (a) an official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, where providing for comments would cause an unreasonable delay in the ability of the Commission to act, (b) the act involves no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations, (c) the meeting is exempt from the Sunshine pursuant to law, or (d) the meeting is one in which the Commission is acting in a quasi-judicial capacity.

## 5.4 **ORDERLY MEETINGS.**

5.4.1 The presiding officer shall preside at the meetings and shall initially rule upon all procedural questions. In making a ruling, the presiding officer may consult with the Town Attorney, as parliamentarian, as to the applicable rules of order. The ruling of the presiding officer on a

procedural issue can only be overturned by a Commission majority vote.

- 5.4.2 All persons in attendance at a Commission meeting, hearing, or workshop shall conduct themselves in a civil manner and refrain from actions that disrupt the meeting or hinders the Commission in performing its duties. To these ends, such persons are prohibited from:
- committing acts of violence toward any person;
  - making threats of violence or speaking "fighting words" that are likely to provoke violence;
  - disrupting the proceedings with excessive commotion or excessively loud shouting or other noise or use of obscene or crude language;
  - interfering with the rights of others to speak, hear, see, or attend the proceedings;
  - being unduly repetitious or presenting matters not relevant to the agenda item under consideration;
  - speaking on a subject about which the Commission has already taken a position or about which the Commission has voted not to receive further comment;
  - making ad hominem (in a way that is directed against a person rather than the position they are maintaining) attacks or insults against any person;
  - continuing to speak after the allotted time has expired or after having been ruled out of order; or
  - speaking on a subject that is clearly outside the purview of section 2.1
- 5.4.3 The presiding officer shall rule out of order any person(s) violating these provisions for orderly meetings. In appropriate situations (e.g., if such person(s) refuse to cease such violations), the presiding officer may have such person(s) removed from the meeting, hearing, or workshop by law enforcement personnel, or take such other actions as may be reasonably necessary to maintain order and enforce these requirements.

## **5.5 PUBLIC HEARINGS.**

- 5.5.1 **Explanation of Terms.** For purposes of these Commission Procedures, unless the context requires otherwise, the following terms have the definitions set forth or the usages explained below:

"Public Hearing" - refers to a hearing where the public is both invited and entitled to be heard on a matter pending before the Commission, typically requiring an advertisement on the Town website or in a local newspaper of the matter to be considered. Some examples are hearings to consider adoption, repeal, or amendment of ordinances, or in some cases, resolutions.

"Quasi-Judicial Hearing" - refers to a type of public hearing in which the Commission is required to assume a more adjudicatory role, as distinguished from a legislative role. In quasi-judicial hearings, certain procedural requirements are imposed by law. The following types of public hearings shall be conducted as quasi-judicial hearings: individual parcel zoning atlas amendments; development agreements if accompanied by a quasi-judicial development application; developments of regional impacts ("DRI"); consideration of a general development plan or site plan application; an appeal to the Commission of an administrative determination if provided for by Town Code; and such other hearings as may be required by law to be treated as quasi-judicial.

"Applicant(s)" - means person(s) who has/have duly made formal application for Commission action or approval in a quasi-judicial context of an item affecting their legal or property rights.

"Proponent(s)" - in a quasi-judicial setting, means person(s) other than an applicant, who support an applicant's position; or, in other settings, means person(s) who favor adoption of an ordinance or resolution or an affirmative decision on a matter under consideration by the Commission.

"Opponent(s)" - in a quasi-judicial setting, means person(s) who oppose an applicant's position; or, in other settings means persons who oppose adoption of an ordinance or resolution or an affirmative decision on a matter under consideration by the Commission.

"Affected Persons" - means an applicant in a quasi-judicial hearing or an opponent or proponent whose interest and involvement in a public hearing matter is such that he or she would have legal standing under Florida law as a party in court or administrative litigation challenging Commission action in the matter.

5.5.2 **Conduct of Public Hearings (Non-Quasi-Judicial)**. Public hearings involving (a) non-quasi-judicial matter(s) shall ordinarily proceed in the following manner:

- 5.5.2.1 Initial Presentation by Staff. Town staff shall make the initial presentation to the Commission regarding any item under consideration.
- 5.5.2.2 Public Comment. After presentation by staff, the presiding officer shall open the public comment portion of the public hearing for the purpose of hearing persons who want to be heard on the item under consideration.
- 5.5.2.3 Closing of Public Comment. The presiding officer shall close the public comment portion of the public hearing upon the conclusion of the comments of the last appropriate speaker or the expiration of the speaking times allowed under the procedures. Thereafter, unless time for public comment is extended or public comment is re-opened in accordance with these procedures, no additional public comments shall be allowed except in specific response to questions by staff or Commissioners.
- 5.5.2.4 Staff Response and Summary. After public comment is closed, staff shall be allowed an opportunity to respond, to summarize, or to further explain staff's position and to advise of changes in staff's position, if any.
- 5.5.2.5 Inquiry, Clarification and Comments During Presentations. It is the intent of the Commission that its public hearings be orderly and to that end interruption of presentations is ordinarily to be avoided. It is also the intent of the Commission that a complete record of relevant facts be established and a complete understanding of the matters under consideration be obtained. Accordingly, the presiding officer, at any time during a public hearing, may allow Commissioners to comment or make inquiry of persons addressing the Commission, or of staff or other persons in attendance, or may allow staff, Town consultants, or the Town Attorney to comment or make such inquiries.

### **5.5.3 Conduct of Quasi-Judicial Public Hearings.**

- 5.5.3.1 Oath or Affirmation. Prior to addressing the Commission at a quasi-judicial public hearing, each person who intends to provide testimony to the Commission (including citizens not affiliated with the applicant) shall declare, pursuant to oath or affirmation administered by the Clerk, or other duly authorized person, that the factual statements or representations that he or she will present shall be truthful and accurate. The form of oath or affirmation shall be substantially

similar to: “Do you swear, or affirm, that the factual statements and factual representations which you are about to give or present before or to this Commission during this public hearing will be truthful and accurate?” Any person who knowingly makes a false statement or representation under oath or affirmation shall be subject to criminal and other sanctions as provided by law, in addition to any consequences provided for under the Commission Procedures or any Town ordinance.

- 5.5.3.2 Introduction by Attorney and Staff. The Town Attorney will provide a brief overview of the steps in the hearing. The Town staff will then introduce the quasi-judicial matter to the Commission so as to provide an overview of the proposed matter, and identify issues the Commission will be considering.
- 5.5.3.3 Ex Parte Communications. Commission members may enter into the record factual matters which are not already contained in the record, when such Commission members have personal knowledge pertaining to the physical characteristics of a site, its surroundings, or other communications relevant to the matter being heard.
- 5.5.3.4 Applicant's Presentation. After staff presentation, the applicant(s) shall be allowed to make a presentation to the Commission. The applicant has the burden of proving that the proposal is consistent with the comprehensive plan and complies with the standards for approval in the Land Development Code.
- 5.5.3.5 Staffs Presentation. After the applicant's(s') presentation, staff shall present the staffs report and recommendation.
- 5.5.3.6 Public Comment. After presentation by the applicant(s) and staff, the presiding officer shall open the public comment portion of the quasi-judicial hearing for the purpose of hearing persons who want to be heard on the item under consideration.

- 5.5.3.7 Closing of Public Comment. The presiding officer shall close the public comment portion of the public hearing upon the conclusion of the comments of the last appropriate speaker or the expiration of the speaking times allowed under these procedures. Thereafter, unless time for public comment is extended or public comment is re-opened in accordance with these procedures, no additional public comments shall be allowed except in specific response to questions by staff or Commissioners.
- 5.5.3.8 Staff Response and Summary. After public comment is closed, staff shall be allowed an opportunity to respond, to summarize, or further explain staff's position and to advise of changes in staff's position, if any.
- 5.5.3.9 Applicant's(s)' Rebuttal Presentation. After staff response, Applicant's(s)' rebuttal shall be allowed in quasi-judicial matters. Rebuttal shall only address comments made in the previous presentations.
- 5.5.3.10 Factual Errors. Any person(s) who believe that the rebuttal presentation includes an error of fact may be allowed an opportunity to point out such error of fact. This relates to a demonstrable falsehood or misstatement of objective fact. It is not an opportunity to argue the merits of a proposal.
- 5.5.3.11 Commission and Staff Inquiry. After staff and applicant(s) have made presentations as outlined above and the public comments portion of the hearing is closed, the Commission shall have a final opportunity to comment or ask questions of any applicant(s), staff member or other persons who provided testimony. The Mayor may allow staff to respond to comments of an applicant(s) or Citizen at this time.
- 5.5.3.12 Inquiry, Clarification and Comments During the Quasi-Judicial Presentations. It is the intent of the Commission that its quasi-judicial public hearings be orderly and to that end interruption of presentations is ordinarily to be avoided. It is also the intent of the Commission that a complete record of relevant facts be established and a complete understanding of the matters under consideration be obtained. Accordingly, the presiding officer, at any time during a public hearing, may allow Commissioners to comment or make inquiry of persons addressing the Commission, or of staff or other persons in attendance or may allow Town staff or the Town Attorney to comment or make such inquiries. In quasi-judicial hearings, affected parties may ask questions, through the

presiding officer, of the person(s) who make a presentation to the Commission. The presiding officer may allow the affected parties' question(s) to be posed during the presentation or may require the question(s) to await the conclusion of the presentation, in accordance with the above stated intent of the Commission.

**5.5.4 Time Periods for Public Hearing Matters.** The following time limits shall apply to presentations in public hearings:

- 5.5.4.1 an applicant in a quasi-judicial matter shall be entitled to a total of fifteen (15) minutes without interruption;
- 5.5.4.2 persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption;
- 5.5.4.3 all other persons shall be entitled to speak three (3) minutes each without interruption;
- 5.5.4.4 an applicant's rebuttal shall be limited to five (5) minutes, unless otherwise set by the presiding officer; and
- 5.5.4.5 pointing out factual errors shall be limited to one (1) minute, unless otherwise set by the presiding officer.

**5.5.5 Other Procedural Guidelines.**

- 5.5.5.1 Registration of Speakers. Persons who desire to make presentations at a public hearing shall, prior to the time at which the item is to be heard, register with the designated staff on the forms provided, and shall provide such information as required to organize the agenda and order of presentation. Five (5) or more persons associated together as Proponents or opponents of an item may be required to select a spokesperson.
- 5.5.5.2 Limit on Presentations. No person who has made a presentation for or against an item at a given meeting shall be allowed to make additional comments as of right except where due process requires it.
- 5.5.5.3 Authorization of Group Representatives. Before a person representing an organization or group speaks, that person shall state whom he or she represents and establish how he or she received authorization to speak on behalf of such organization or group of persons, which must include submission of a written authorization. In quasi-judicial hearing matters, anyone representing an organization

must present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration, unless the presiding officer waives this requirement. The Commission may make further inquiry into the representative authority of such person. Only one ten-minute time allotment per hearing is allowed for each organization or group of persons represented at the hearing.

5.5.5.4 Interruption of Presentations. Notwithstanding any provisions herein, the presiding officer, a Commissioner, the Town Planner as to Land Use items, or the Town Attorney may interrupt and request termination or other appropriate limitation of any presentation or discussion of matters that should not appropriately or legally be considered by the Commission under applicable Florida Statutes, decisions of Florida or federal courts, or Town code provisions in deciding the item then under consideration.

5.5.5.5 Experts. In quasi-judicial proceedings, persons purporting to offer expert testimony shall identify any educational, occupational, and other expertise that they possess that is relevant to their qualifications to speak regarding the matter under consideration. Persons purporting to offer expert testimony in other contexts, such as legislative proceedings, may likewise be required to identify their expertise. Any Commissioner, the Town Planner, or the Town Attorney may inquire further as to such expertise.

5.5.5.6 Additional Time for Presentations. The presiding officer or Commission may allow more than the allotted time for presentations by an Applicant, Proponent, or an Opponent, or other speaker regarding an item, if the additional time is requested. To conserve time and facilitate an orderly meeting, preference shall be given to such requests when they are made in advance of the meeting to the Town Clerk, or in the case of land use items, to the Town Planner. If more than a total of one-half (½) hour is requested by an applicant, proponent, or opponent, the request must be submitted in writing not later than the day before the meeting at which the item is to be heard; provided, however, that even in the absence of a timely request for additional time to make a presentation, the presiding officer, without objection, or the Commission may grant such extension where, in its discretion, it determines it is necessary to do so because of the considerations of law, equity, or fairness.

5.5.5.7 Continued Public Hearings.

5.5.5.7.1 **GENERALLY.** In any matter where it is known that a scheduled public hearing will be continued to a future date certain, the staff report may be postponed or abbreviated and public comment may be limited to those persons who state that they believe they cannot

be available to speak on the date to which the public hearing is being continued. Such persons shall be allowed to make their comments at the then current meeting if there is a quorum; provided, however, that upon making their comments, such persons shall waive the right to repeat or make substantially the same presentation at any subsequent meeting on the same subject. This waiver shall not preclude such persons from making different presentations based on new information or from offering response to other persons' presentations, if otherwise allowable, at any subsequent meeting.

5.5.5.7.2 **REQUEST FOR A FULL COMMISSION.** Not more than one continuance of a public hearing shall be granted on the grounds of a desire to obtain attendance by the entire membership of the Commission. Once a request to continue has been granted on those grounds, further continuances may be granted only for other grounds and where good cause is shown.

5.5.5.8 **Termination of Presentations.** At any Commission proceeding, the presiding officer, unless overruled by a majority of the Commissioners present, may restrict or terminate presentations which in the presiding officer's judgment are irrelevant, frivolous, unduly repetitive, out of order, or in violation of these Commission Procedures.

5.5.5.9 **Written Comments.** Applicant(s) Proponent(s), and Opponent(s) of any matter under consideration by the Commission shall be entitled to submit timely written comments for consideration by the Commission. Relevant and admissible written comments submitted shall be considered and entered into the record of the meeting as provided elsewhere in the Commission Procedures. Written comments received by Commissioners regarding a matter that is the subject of a quasi-judicial public hearing shall be distributed to all Commissioners, the Town Planner and the Town Attorney and shall be made available for review by the applicant and the public in a project reading file maintained by the Town Planner (land use matters) and by the Town Clerk (for all other matters).

5.5.5.10 **Officials and Dignitaries.** Notwithstanding other provisions hereof, the presiding officer may allow any elected or appointed public official, or representative thereof, or other dignitary to appear and make presentations at any time with regard to matters under consideration.

## **5.5.6 Voting, Motions, and Reconsideration.**

- 5.5.6.1 Voting. Unless otherwise provided by law, when the Commission has finished discussion and is ready to vote on a question, the presiding officer shall call for the vote. Upon request, the Clerk shall read back or restate a motion before a vote is taken. Each Commissioner shall vote “yes” or “no” or abstain from voting (but only when legally required by Florida Statutes § 112.3143 or § 286.012). Immediately prior to, or after the vote, the presiding officer may allow any Commissioner to give a brief statement to explain his or her vote, which shall not be used to further argue in favor of or against the motion. A Commissioner 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, but this privilege shall not be available in quasi-judicial matters. The vote upon any question shall be by voice vote unless any Commissioner requests that a roll call vote or show of hands be taken. However, when necessary for the purpose of accurately ascertaining the outcome of a vote or for compliance with legal requirements, the Clerk may require a roll call vote, paper vote, or show of hands.
- 5.5.6.2 Form of Motions. A motion may be made to either “approve” a question, proposition, or application, or to “deny” a question, proposition, or application.
- 5.5.6.3 Preparation or Modification of Motions. Prior to a vote on any matter, a Commissioner may request that staff prepare or modify the motion during a recess called for that purpose. Alternatively, if advisable in the Commission’s discretion, staff may be instructed to prepare wording to be brought back to the Commission later for motion and vote at that meeting or a subsequent meeting of the Commission. The Town Attorney, the Town Administrator, or Town Planner may request that a motion and vote be delayed to allow preparation or revision of a motion, as provided hereunder.
- 5.5.6.4 Tie Votes. When the vote of the Commission is equally divided, the status quo ante shall be maintained. In such an event, a person who sought a change in status quo shall be considered to have had the request denied and shall have available the same remedies or rights of review that one would have had if the request had been denied by a majority vote of the Commission, unless, at the same meeting, the Commission votes to approve it with conditions or stipulations attached, or to table, defer, or continue the matter in an attempt to obtain action by a majority vote.

- 5.5.6.5 Routine Reconsideration. When a question has been decided by the Commission, a Commissioner voting on the prevailing side may move for reconsideration of the question at the same meeting or the next regular meeting of the Commission. If the question was decided by a tie vote, any Commissioner may move for reconsideration of the question at the same meeting or at the next regular meeting of the Commission or at the next meeting of the Commission where a full Commission is present. In no event shall the motion to reconsider be made later than (30) days after a vote on a quasi-judicial matter.
- 5.5.6.6 Reconsideration Due to Vote Based on Mistake. Upon a finding by a majority of the Commission at any time that there is reason to believe that a vote of the Commission within the previous one year was based upon material mistake of fact or erroneous information, the matter may be brought up for reconsideration. Upon a finding by a majority of the Commission at any time that the material mistake of fact or erroneous information was intentionally caused or allowed by the person or entity in whose favor the previous vote was cast, the vote may be rescinded and all rights, duties, or liabilities thereunder modified or rendered null and void ab initio. Prior to rescinding such a vote, the Commission shall, where necessary to insure due process of law, grant notice and opportunity to be heard to all persons who would be affected by such action.
- 5.5.6.7 Corrections of Clerical Errors. Any Commissioner may move at any time for correction of clerical or typographical errors inadvertently included in any matter previously passed by the Commission.
- 5.5.6.8 Effect of Approvals and Denials of Motions. When a matter is brought forward to a vote based on a motion to approve it or approve it with modifications, and such motion fails, the status quo ante shall be maintained and the matter shall be considered to have been denied. A denial shall not preclude a subsequent motion to approve with different modifications at the same meeting. When a matter is brought to a vote based upon a motion to deny it, and said motion fails, the matter shall not be considered granted and shall be treated as if no action has been taken on the matter. Such a vote shall not preclude a subsequent motion at the same meeting to approve or approve with modifications.
- 5.5.6.9 Reconsideration of Item(s) on Consent Agenda. Where the Commission votes to reconsider one or more items that were previously approved on the consent agenda, the Commission may specify which item(s) shall be reconsidered and reconsider

same without affecting the previous approval of the remaining items on the consent agenda or presentations upon request agenda.

5.5.6.10 Reconsideration to Resolve a Legal Dispute. The Commission may reconsider a prior decision, regardless of the time elapsed, when advised to do so by the Town Attorney for the purpose of resolving a legal dispute arising from the decision.

5.6 **ADJOURNMENT.** At the conclusion of business, the presiding officer shall call for a motion to adjourn the meeting. Alternatively, the presiding officer may inquire whether there is any further business to come before the Commission and if no one speaks, may adjourn the meeting without motion or vote.

## 6. CERTAIN FUNCTION OF TOWN OFFICIALS

Generally. The Commission shall have oversight of the work of the Town Administrator and Town Attorney. The Town Administrator shall have oversight of the work of Town employees.

Service to Applicants. While the Commission acknowledges that the Town's regulatory officials (primarily the Building Official and Town Planner) must, first and foremost, ensure that the laws, codes, regulations and industry standards associated with the planning, zoning and construction activities occurring in the Town are complied with, the Commission seeks to ensure that regulatory work is performed with an eye toward customer service. To that end, whenever the Town Planner and Building Official are reviewing applications, inspecting permitted work, rendering code interpretations, or interacting with applicants or interested members of the public, such professionals shall be helpful in responding to questions and explaining the codes. If lawful alternatives are available to assist an applicant, owner, or permittee accomplish the desired outcome, rather than saying no, Town staff should make all reasonable efforts to work positively with these individuals.

Town Planner. Those persons assigned by contract to provide the Town with professional planning services shall have primary responsibility for assisting the Town in the development, updating, and administration of the Town's comprehensive plan, planning code, zoning code, concurrency management code, and floodplain management code.

If the Town Planner determines, in her or his professional judgment, that developments in the law or in planning and zoning best practices, requires the creation or amendment of the Town's comprehensive plan or Town Code, the Town Planner shall first advise the Commission in writing of the matter and obtain authorization to proceed before beginning work on any such project.

Unless otherwise authorized by the Administrator, the Town Planner shall have no involvement in the administration of the Town's building code, including review of construction permits.

Town Attorney. The Town Attorney will undertake any work assignment directed by the Administrator or the Commission consistent with applicable law, Town Code, and the contract between the Town and the law firm. No attorney in the Town Attorney's office will be required to render legal services where to do so would violate applicable ethical standards or create a conflict of interest.

The role of the Town Attorney includes routine handling of legal issues that are the subject of requests for legal services from the Commission or Town Administrator pertaining to Town business. Where requests for legal services come from someone other than the Administrator or a majority of the Commission (e.g., an individual Commissioner, the Town Clerk, the Town Planner, the Building Official, or the Code Enforcement Deputy), the Town Attorney will use the following guidelines in responding:

A. Town Commissioners are charter officers and are entitled to legal advice regarding issues related to the performance of their duties as Commissioners. Therefore, unless precluded by other considerations, a Town Commissioner is entitled to a complete response to a request for legal services regarding such issues without further Commission action.

B. The Town Attorney will follow normal legal/ethical principles in determining the priority to be given to work assignments, such as the approach of deadlines, the significance of the matter at issue, the consequences of delay in responding, etc. Other things being equal, requests from the Commission, Administrator, or Town Clerk acting at the behest or direction of the Commission or Administrator, shall have priority over other requests.

C. The Town Attorney's office will not undertake legal work on a project that entails an inordinate commitment of time or other resources in the absence of direction from the Commission or Administrator.

D. The Town Attorney's office will not undertake to draft an ordinance, resolution, or other formal expression of Town policy if, based on prior Commission discussion of the same or similar issues, there is reason to believe Commission majority does not support it. In such cases, the individual Commissioner seeking the drafting assistance may ask her or his Commission colleagues to approve of the drafting work which, if approved, will then be performed by the Town Attorney.

E. The Town Attorney does not review the propriety or legality of proposed future actions or inactions of a Commissioner in the absence of a request to do so from the involved Commissioner. Such review would only be confined to the Commissioner's actions as a Commissioner (for instance, taking a vote on an ordinance).

F. When legal service has been undertaken on a matter, whether or not pursuant to Commission request, and it appears that completion of the service may demand considerably more resources than anticipated at the outset of service, the Town Attorney shall request Commission direction on whether to continue the service.

G. The Town Attorney's office will not review past decisions of prior iterations of the Commission for legality in the absence of a request from a majority of the current Commission, unless there is reason to believe that the past decision could result in serious future loss or damage to the Commission or the Town, and that legal review could lead to corrective action that would prevent or mitigate the loss or damage.

H. The Town Attorney ordinarily will not undertake legal service regarding matters outside the scope of the Commission's powers and duties, (e.g., review of actions of federal,

state, county or constitutional officers), unless said action appears to pose a serious impact or concern affecting the Town's interests, or unless directed to do so by a majority of the Commission and the work can be done within the Rules Regulating The Florida Bar.

I. The Town Attorney does not represent and does not furnish legal advice to Commissioners or other Town employees or contractors regarding their personal business or legal problems encountered outside the scope of their duties as Town officials or employees. Thus, the Town Attorney will not, absent contrary direction of the Commission, represent an individual Commissioner before the Florida Commission on Ethics. The Town Attorney may, however, defend the Town and individual Town officials or employees against public records or Sunshine Law claims where the Town Attorney and Town Commission believe the relevant Town officials acted lawfully. In the event the Town Attorney is unable to represent an individual Town official or employee due to a disunity of interest between the Town and such official or employee, the Town Attorney shall inform the Commission that the official or employee will require separate representation. These decisions will be guided by the provisions of Florida Statutes § 111.07 and § 111.071, and the Rules Regulating The Florida Bar.

J. Matters that ordinarily would not be addressed may be reviewed if it appears that failure to undertake such review and advise the Commission could adversely affect the interests of the Commission or the Town, or that the review deals with issues which the Commission will likely be required to consider in the future.

Town Building Official. The Town's Building Official is primarily responsible for the administration of the Town's Building Code and all applicable state laws and administrative regulations associated with construction occurring in the Town. To the extent that any given construction permit application requires a zoning site plan review in addition to plans review, the Building Official shall coordinate with the Town Planner to obtain that review. No Town official is authorized to provide any order or instruction to the Building Official as to how she or he interprets or administers the Building Code, including the permitting and inspection functions provided for therein.

Coordination Among Professionals. The Board of Commissioners expects and requires its contracted and employed professional staff to work together professionally and efficiently to ensure the best interests of the Town and its citizens and businesses are addressed. To that end, such professionals shall consult with each other at any time when the work of one has an impact on the work of another. By example, if the Town Attorney is working on the Town Code's chapter on building codes, he or she shall consult with the Building Official to ensure her or his views and input are obtained and incorporated.

Ordinances and Resolutions. The Commission wishes to obtain consistency in quality and format of the ordinances and resolutions it considers. Therefore, if any Town official should develop a draft resolution or ordinance, a copy thereof shall be provided to the Town Clerk and Town Attorney for review and revision before being placed on the Commission's agenda.

Code Enforcement. The Town's Code Enforcement Deputies, who are contracted through the Pinellas County Sheriff's Office, are not under the supervisory control of the Town or its officials. Rather, the Town Clerk, assisted as needed by the Town Attorney, will ensure that the appropriate officials with the PCSO have access to the Town Code, including all new ordinances not yet codified online with

MuniCode. Code Enforcement Deputies have the authorization to receive complaints of alleged code violations, to investigate alleged or suspected code violations, and to take all such enforcement actions as are provided for in Town Code and Florida law. No Town official, including elected officials, are authorized to order or direct a Code Enforcement Deputy to take, or not take, any particular action. Complaints of alleged violations received by Town officials, including potential violations observed by such officials themselves, shall be directed to the Town's Code Enforcement Deputies. While the Town Attorney is authorized to interface with the Sheriff's General Counsel as to how a given provision of Town Code is interpreted, and will work with the Code Enforcement Deputies in the development of individual case files in advance of Magistrate hearings, the Town Attorney does not provide legal advice to the Town's Code Enforcement Deputies.

Record Requests of Contracted Service Providers. From time to time, those companies or entities the Town contracts with to provide Town Planner services or Town Building Official services may directly receive public records requests or subpoenas for records of Town business. In such cases, the Town Planner or Building Official shall immediately provide a copy of such requests to the Town Clerk who, assisted as needed by the Town Attorney, will facilitate the response to the request to ensure all requirements of the Public Records Act are being followed.

## **7. CONFLICTS; USE OF OTHER RULES.**

**7.1 CONFLICT WITH LAWS.** In any instance where a procedure established by this procedures manual violates or is in conflict with federal or state law, Town Code, or a final order of a court or administrative agency binding on the Town, the procedures established hereunder shall be inoperative to the extent of such conflict. If any portion of this procedures manual is finally held by a court of competent jurisdiction to be invalid, such portion shall be deemed severable from the remainder and, to the extent possible, the remainder shall be operative without the invalid portion.

**7.2 ROBERT'S RULES OF ORDER.** In all cases not covered by these Commission Procedures, the most current edition of Robert's Rules of Order shall be used as a general guide and may be followed by the presiding officer, unless the Commission overrules the presiding officer.

## **8. PUBLICATION.**

Upon adoption of these Commission Procedures and any amendments to same, the Town Clerk shall cause same to be published on the Commission page of the Town's website, shall note on all future agendas that these Procedures may be reviewed on the Town website, and that persons attending Commission meetings will be expected to conduct themselves in accordance with the Procedures. Copies shall be provided by the Town Clerk via email as a PDF to all persons who request them. A copy shall be available for review by the public in Town Hall and at all meetings of the Commission.