

RESOLUTION NO. 2023 - 252

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

RE: Rules of Procedure for Advisory Council and Appointed Board Members

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

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

WHEREAS, on September 8, 2009, the Board adopted by motion the Rules of Procedure for Advisory Council Members ("Rules of Procedure"), which was then subsequently repealed and replaced with updated Rules of Procedure by Resolution No. 2014-037 on March 18, 2014, Resolution No. 2016- 068 on May 10, 2016, Resolution No. 2020-265 on December 8, 2020; and Resolution No. 2022-247 on December 13, 2022; and

WHEREAS, the Board wishes to adopt updated Rules of Procedure to provide procedures for the Planning Commission vacancies to reflect Board direction.

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

1. The Sarasota County Advisory Council & Appointed Board Member Rules of Procedure, attached hereto as Exhibit "A" and incorporated herein, are hereby adopted.

These Rules of Procedure shall govern the operations of the County's advisory councils and appointed boards except where in conflict with an advisory council or appointed board's enabling resolution or ordinance, or state or federal law. In the event of such conflict or inconsistency, state or federal law and the advisory council or appointed board's enabling resolution or ordinance shall take precedence.

3. This Resolution shall take effect immediately upon adoption.
4. This Resolution supersedes Resolution No. 2022-247.

BOARD RECORDS
FILED FOR THE RECORD

2023 NOV 15 AM 9:53

KARENE RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY FL

R2023-252

PASSED, DULY ADOPTED AND ORDERED the 14 day of November, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: 

Chair

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

By: 

Deputy Clerk

EXHIBIT A

SARASOTA COUNTY
ADVISORY COUNCIL & APPOINTED BOARD
MEMBER RULES OF PROCEDURE

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

Appointed Board - The term "council" or "councils" shall hereinafter equally refer to Advisory Council(s) and Appointed Board(s).

A. Appointments/Reappointments, Vacancies and Eligibility

1. Vacancies are advertised weekly on the Sarasota County (the "County") website, including descriptions of the councils, membership requirements, term length, meeting frequency, and contact information. Social media posts direct viewers to these advertisements.
 - a. Vacancies shall be advertised prior to the term expiration to allow the Board to fill them promptly and maintain a full membership roster.
 - b. Each vacancy shall be advertised for a minimum of three consecutive weeks.
 - c. If no applications are received, vacancies shall continue to be advertised as "Open Until Filled."
 - d. Staff is encouraged to use other outreach/recruitment methods appropriate for that particular council.
2. Interested parties shall complete and submit an application via the County website or by mail detailing their interest and qualifications.
 - a. Application instructions and forms are available on the County website or via the staff contact.
 - b. All submitted applications for the Planning Commission Advisory Committee vacancies shall be held indefinitely as "interest cards" and maintained as a pool of applicants on file to be made available to the Board for all future vacancies. This pool shall be referred to as the "Planning Commission Applicant Pool".
 - i. Interested individuals who wish to be considered for the Planning Commission Advisory Committee are encouraged to submit their application to the Planning Commission Applicant Pool, even if there is not a current vacancy.
 - ii. Whenever a vacancy occurs on the Planning Commission Advisory Board, the Board of County Commissioners may first consider applicants from the Planning Commission Applicant Pool without further recruitment efforts. The Board may choose to appoint a candidate directly from the Planning Commission Applicant Pool without the need for additional advertising.
 - iii. If the Board determines that no suitable candidate exists within the Planning Commission Applicant Pool, they may decide to advertise the vacancy.
3. Staff shall review all submitted applications, verify applicants' eligibility, and present all qualified applicants to the Board for consideration.
4. Members shall be selected by majority vote of the Board unless otherwise specified in the council's enabling resolution or ordinance, or as required by state or federal law.

5. Members must be Sarasota County residents, and members must maintain residency in Sarasota County throughout their term.
 - a. If specifically authorized by the enabling resolution or ordinance, a person residing outside the County may serve as the appointed representative of a named entity located within the County.
6. Unless specifically required by the council's enabling resolution or ordinance, or by state or federal law, members cannot be employed by Sarasota County at any time during the term.
7. Unless specifically required by the council's enabling resolution or ordinance, or by state or federal law, members may not hold elective office.
8. Standard member terms are three years beginning from the date of appointment; and expiring on the last day of the expiration month.
 - a. Member terms shall be staggered to ensure a majority of terms does not expire in any given year, in order to maintain a quorum.
 - b. For a new council, initial terms may be set at two or four years to achieve staggered terms.
 - c. Vacancies created by resignation (unexpired terms) and vacancies that are not filled promptly (expired terms) will be advertised and filled for the remainder of the three-year term in order to maintain staggered terms.
 - d. Staff shall communicate with applicants/appointed members to ensure they are aware of the term length and term expiration date.
9. Reappointments are not guaranteed.
 - a. All vacancies will be advertised pursuant to the procedures specified in Section A.1. above.
 - b. Incumbent members will be contacted and given the opportunity to reapply.
 - c. All qualified applicants will be presented to the Board for consideration with incumbents identified.
10. Service is limited to four consecutive three-year terms (or twelve years) on a specific council.
 - a. When a member reaches a term limit on a specific council, the member may reapply for membership on that council after an absence of one year.
 - b. A member that has reached a term limit may apply for openings on and serve on other councils during the one-year waiting period.
 - c. The Board may waive the term limit if the incumbent is still interested in serving and there are no other applicants.
11. Student appointments are for a period of one year.
 - a. Students must have completed the Boys & Girls Club ("B&GC") STAR Leadership curriculum and be referred by B&GC staff to be considered for appointment.
 - b. Eligible students may be placed on councils that have identified a student member in their enabling resolution or ordinance.
 - c. Students may be considered for reappointment if still a student and in good standing at the time of reappointment.
12. Adult members must be at least 18 years of age to serve on a council.
13. Council members may be removed or replaced by a majority vote of the Board.
14. Concurrent service on multiple Sarasota County boards or councils, as well as other entities' boards, is permitted as long as they are strictly advisory in nature.
 - a. In accordance with Article II, Section S(a), Florida Constitution, a person may not

serve on multiple boards that are considered "final decision-making authorities"; this restriction includes boards run by entities other than Sarasota County.

B. Orientation

1. New members must attend Orientation within six months of appointment.
 - a. Orientation is scheduled through Administration.
 - b. Orientation is offered quarterly; schedule is available on scgov.net.
 - c. Content includes Rules of Procedure, Florida's Sunshine Law, public records laws, Code of Ethics for public officers, and County budget overview.
2. New County liaisons and support staff are also required to attend orientation within six months of their appointment to that position.

C. Meetings

1. Each council will meet as appropriate in order to fulfill its mission and duties.
 - a. Meetings must be held in a facility that is located within Sarasota County, open to the public, large enough to accommodate anticipated public attendees, and has no exclusionary policy.
 - b. No fee can be charged for attendance or parking.
2. Unless otherwise specified in the enabling resolution or ordinance or by state or federal law, a simple majority of existing membership shall constitute a quorum.
 - a. No business may be conducted in the absence of a quorum.
 - b. If a quorum does not materialize at the date, time, and location of an advertised meeting, member attendance shall be recorded and counted towards the Board's minimum attendance requirement.
3. Meetings shall be open to the public and must be properly noticed in accordance with Section 286, F.S. ("Sunshine Law") and the Florida Constitution.
 - a. A seating area shall be provided for members of the public, separate from the members of the council.
 - b. The public may observe all proceedings but may only contribute during designated public comment periods.
 - c. Participants and observers shall abide by the Sarasota County Civility Code (Resolution No. 2001-145).
4. An agenda shall be prepared and distributed in advance of each scheduled meeting by the staff liaison, with input from the council Chair.
5. The agenda must include a designated opportunity for public comment before a vote is taken, except for routine procedural matters, such as scheduling or election of officers.
 - a. Items for which a vote is to be taken will be included on the agenda.
 - b. Members of the public desiring to provide public comment shall sign up to speak and include the item number or topic they wish to address.
 - c. Public comment related to topics not on the agenda may be moved to the end of the meeting.
 - d. Public comment is limited to three minutes per person and speakers may neither defer nor combine their time to another speaker.
6. Meetings shall be audio recorded. Summary minutes shall be produced in accordance with Robert's Rules, typed and retained by the staff liaison in accordance with record retention requirements, recorded with Board Records, and posted on scgov.net.

7. Participation in meetings by telephone or other audio/video means is allowed only if the member's absence is due to extraordinary circumstances. Staff must be notified in advance **and** a quorum must be present in person at the meeting location.

D. Council Responsibilities

1. Act as a conduit for citizen input to the Board.
2. Make recommendations or provide advice only to the Board on matters set forth in the enabling resolution or ordinance. Shall have only the authority specifically granted by the Board and shall be subject to all Board policies, as may be amended from time to time or as may be adopted.
 - a. No member of a council may appear before or submit a report to the Board in his/her capacity as a council member on an item(s) that has not been formally voted on by the council.
 - b. No member of a council may appear before or submit a report to the Board in his/her capacity as a council member to provide a dissenting or minority opinion on an item formally voted on by the council.
 - c. If communicating to any external entity or group regarding council business, any such communications must be clearly identified as the member's personal views and that the member is not speaking on behalf of the council.
 - d. Failure to abide by these rules may result in removal of the member from his/her position on the council.
3. Serve without compensation.
4. Comply with all applicable requirements of Florida's Sunshine Law, public record laws and the Code of Ethics for public officers.
5. Incur no expense or obligation unless authorized in advance by the Board.
6. Appoint subcommittees if needed.
 - a. Subcommittees shall be created by majority vote, and the members recorded in the council minutes.
 - b. Only current council members may serve on a subcommittee.
 - c. Subcommittees must meet in accordance with the Sunshine Law and follow all requirements stated in Section C.
7. May adopt additional procedures of operation (bylaws) provided no conflict exists with Florida State law, County Ordinances, these Rules of Procedure or the enabling resolution or ordinance.
 - a. In the absence of bylaws, Robert's Rules of Order will be the standard.
 - b. Local and state decisions take precedence over Robert's Rules.
8. Provide an annual update to the Board.
 - a. Includes information on the work of the council in the form of a written report and/or presentation, including accomplishments and recommendations.
 - i. Recommendations that would have a fiscal impact must include an analysis of that impact and identify a source of funding.
 - b. Report content must be approved by a majority vote of the council before it is presented to the Board and shall not include the personal opinions of the presenter.
 - c. May be scheduled as a discussion item, presented by the Chair of the council or designee, or on the consent agenda, as appropriate.
 - d. Annual reports shall be reviewed by County staff and Office of the County

Attorney, in accordance with agenda management procedures.

9. If a council wishes to communicate with the Board outside of the annual report, such correspondence shall be directed to the Board in writing via staff liaison.
 - a. Content must be approved by a majority vote of the council and the Chair must approve the drafted correspondence before it is sent to the Board.
 - b. The staff liaison shall also include staff's position, if different from the council's recommendations, along with any relevant comments or concerns.
 - c. By majority vote, a council may appoint its Chair or another member to meet individually with the County Commissioners to discuss matters relevant to the council. Such meetings shall be coordinated by the staff liaison or designee.
 - d. If a council wishes to share information with an entity other than the Board, it may do so only through the Board, using the process described in 9.a-c. above. Councils shall not communicate directly with other entities, including, but not limited to, other advisory councils, elected boards, or appointed boards (except for Board-authorized joint meetings of related Sarasota County councils).

E. Member Responsibilities

1. Meet the Board's 65 percent minimum attendance requirement.
 - a. Attendance percentage shall be computed on a calendar year basis for councils meeting six or more times per year, and on a biennial (two-year) basis for councils meeting less often.
 - b. Late arrival or early departure resulting in less than 50 percent participation in a regularly scheduled meeting will be considered an absence.
 - c. Approved leave of absence may be granted, subject to the following:
 - i. Not to exceed 90 consecutive days per three-year term.
 - ii. May be granted for medical reasons (self or family), for religious observance or for approved public service (e.g., Red Cross disaster volunteer).
 - iii. Requires approval of department director after consulting with the council Chair.
 - iv. An approved leave of absence shall be reflected in the meeting minutes.
 - d. If a member falls below the 65 percent attendance requirement, staff will use the following procedure:
 - i. Email - staff will contact the member by email to remind him/her of the attendance policy.
 - ii. Phone - if the member does not respond to the email within seven days, staff will attempt to contact the member by phone to remind him/her of the attendance policy.
 - iii. Certified letter - if the member does not respond to email or phone contact, staff will send a certified letter asking the member to respond or resign, indicating that if no response is received within 30 days of the date of the letter, the member will be considered to have resigned by default.
 - iv. Written resignation/confirmation - Resignations shall be submitted in writing (letter or email).
 1. If a verbal resignation is received, staff shall request a written resignation.
 2. If not received within 15 days, staff shall send a written confirmation of the resignation thanking the member for his/her service.
 - v. Recognition - When a member resigns, either voluntarily or by default,

- staff shall send a letter thanking him/her for his/her service.
- vi. Board notification - the department director shall notify the Board of the resignation via email by forwarding a copy of the resignation, confirmation or thank you letter.
 - vii. Vacancies created by resignation will be advertised by the staff liaison and filled for the remainder of the vacated term.
 1. If less than one year remains in the term, staff may ask the Board to appoint the new member for an additional term.
2. Stay current on issues before the council.
 3. File Financial Disclosure, when required.
 - a. Filing is currently required for the following councils:
 - i. Board of Zoning Appeals
 - ii. Planning Commission
 - iii. Building Code Board of Adjustments and Appeals
 - b. Sections 112.3144-112.3148 Florida Statutes set forth requirements for filing financial disclosure forms.
 - c. Form 1 must be filed with the Supervisor of Elections within 30 days of appointment, then annually for as long as the member serves on that council.
 - d. Form **1F** must be filed with the Supervisor of Elections within 60 days of leaving office.

F. Liaison Responsibilities

1. The department director is the assigned liaison for all councils supported by his/her department. With the approval of County Administration, the director may delegate liaison responsibilities to an appropriate division manager or designee. The director may be assisted by administrative and other staff as appropriate.
2. The department director shall ensure the voted recommendations of the council are submitted to the Board. The director shall also include staff recommendations if different from the council recommendations, along with any relevant comments or concerns.
3. The department director will ensure the following tasks and responsibilities are completed:
 - a. Advertise vacancies, interact with applicants, and prepare appointment applications for the Board agenda.
 - b. Schedule annual reports to the Board.
 - c. Schedule council meetings and subcommittee meetings; assist with preparation and distribution of agendas and related documents for all meetings, and distribute to members at least three days prior to the meeting.
 - d. Maintain files relevant to the council, including applications, member data, attendance records, agendas, minutes, correspondence, etc., according to record retention requirements.
 - e. Provide Memorandum of Voting Conflict form (Form BB, Florida Ethics Commission on Ethics) to members upon request and maintain such forms with the meeting minutes.
 - f. Track attendance, record meetings and prepare summary minutes for regular and subcommittee meetings.
 - g. Advise new members of appointment; provide information about the council; provide training on use of County-provided email; schedule orientation attendance.
 - h. Ensure appropriate staff is involved to provide advice and guidance to the council

as needed.

- i. Maintain the council's webpage on scgov.net, including current membership roster, as well as posting approved agendas, minutes and supporting materials, as appropriate.
- j. Participate in new member recruitment to ensure a full member roster, including advertising in County publications, as well as reaching out to appropriate industry associations, businesses and individuals, and other methods.
- k. Work with County Administration and the Office of the County Attorney to bring governing documents into compliance with Board directives.
- l. The Planning Commission Advisory Committee Liaison shall maintain the Planning Commission Applicant Pool cited in Section A. 2 above and poll the continued interest of each applicant prior to submitting the current list of appointment applications to the Board for appointment.

G. Electronic Communications

1. Each council member will be issued a County email address to be used for all business related to his/her council.
 - a. Ensures easy access and retrieval of emails in the event of a public records request.
 - i. Florida Statutes specifically provide for the retention of public records, including email, for access by the public and media.
 - ii. All email on these accounts, including deleted email, is archived by the County in accordance with public records laws.
2. Resolution No. 2009-025, adopted March 17, 2009, mandates use of County-provided email accounts by council members for all email correspondence related to the business of their council.
 - a. Applicants for appointment to a council must acknowledge the email policy as part of the membership application, which shall be retained by the staff liaison in accordance with records retention requirements.
 - b. If an email related to council business is received on a personal email account, the member shall forward that message to his/her County-provided email account and respond from there, alerting the sender to please use the County address exclusively for future council correspondence.
3. Email accounts cannot be used to communicate with fellow council members about public business in which foreseeable action may be taken by that board. This would be a violation of the Sunshine Law.
4. Members shall not communicate via text messaging regarding council business, as the County is unable to capture these records in accordance with Florida Statutes.
 - a. If a member receives a text message related to council business, he/she shall create a public record by forwarding the message, or capturing and forwarding a screenshot of the message, to his/her County-provided email account and shall alert the sender by phone or email that he/she is unable to correspond via text message regarding council business.

H. Staff Liaison/Council Relationship

1. Councils shall not direct the activities of staff assigned to support their council.
 - a. Requests for extensive research or additional administrative support must

- be approved by the department director, Administration, or the Board.
2. Only the liaison shall distribute pertinent materials to all council members. Members wishing to share materials with other council members shall provide them to the staff liaison for distribution. This is to ensure Sunshine Law compliance.
 - a. County sustainability policies encourage electronic distribution of paperwork.

I. Voting

1. Pursuant to Section 286.012, Florida Statutes, all council members, including the Chair, shall vote unless they have disclosed a Voting Conflict as defined in the Code of Ethics for Public Officers and Employees.
 - a. Memorandum of Voting Conflict (Form 88) is available from the staff liaison.
 - b. Forms are filed with the meeting minutes.
2. Voting at a public meeting cannot be by secret ballot.
3. An affirmative vote of a simple majority of the members present shall constitute adoption of a motion.
4. A motion is lost on a tie vote.

the first of the two...
the second of the two...
the third of the two...

the fourth of the two...

the fifth of the two...

the sixth of the two...

the seventh of the two...

the eighth of the two...

the ninth of the two...

the tenth of the two...