

# Broward County Advisory Board Member Handbook



Presented by the Intergovernmental Affairs/Boards Section

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# Advisory Boards: A General Overview

## Purpose and role of advisory boards

Advisory boards, committees, authorities, agencies, commissions, councils, and task forces (“advisory boards”) are groups of individuals established by the County Commission through ordinance or resolution to provide advice and recommendations to the County Commission on a subject matter. The ordinance or resolution creating an advisory board specifies its powers, duties, and duration. Members of an advisory board (“members or appointees”) are appointed by the County Commission, unless otherwise stated in an advisory board’s enacting legislation.

Additionally, pursuant to federal or state law, Broward County Charter, or interlocal agreements, the Board of County Commissioners has created agencies, development and redevelopment authorities, and regulatory and adjustment boards, some of which have quasi-judicial functions. The County Commission has designated duties, powers, and functions to be carried out in compliance with the enabling acts of these boards.

Each Broward County board is overseen by a Department, Division, or Office assigned by County Administration, and each Director assigns a staff person to serve as the board’s coordinator. The board coordinator is responsible for all administrative duties required to appropriately staff the board including preparing and attending meetings. The County Attorney assigns a board attorney to each board to provide legal guidance to the board coordinator, the board members, and provide legal opinions when required.

County Administration through the Intergovernmental Affairs/Boards Section administers appointments and general questions of board coordinators, advisory board members, and other interested parties. All general questions can be submitted to [boards@broward.org](mailto:boards@broward.org).

## Serving on Boards and Committees

Section 1-233(b)(1), Broward County Code, requires that each appointee be a resident of Broward County and maintain residency in Broward County during the term of appointment, unless otherwise stated in the enacting legislation of the advisory board. Any appointee who fails to meet the requirements of their appointment, including residency if required to live in the district, is automatically disqualified and their appointment shall immediately cease and be deemed vacant.

A county employee may serve as an appointee if he or she is appointed by a body other than the County Commission. No county employee shall be appointed by a County Commissioner unless an exemption exists.

There are several boards which require appointees to meet specific categories - by profession, occupation, demonstrated interest or other specification such as registered voter - to serve on the advisory board. Any appointee who fails to meet the categorical requirements of their appointment is automatically disqualified, and their appointment shall immediately cease and be deemed vacant.

A person may only serve on one advisory board at a time. However, an elected county or municipal officer appointed in an official capacity may serve on more than one advisory board to which at least one such elected official is required to be appointed. In addition to serving in an official capacity, an elected county or municipal officer may serve on one advisory board in an individual capacity so long as such appointment does not otherwise violate the dual office holding provision of the Florida Constitution.

For specific eligibility requirements, refer to the enacting ordinance or resolution for the board or contact the Boards Administrator.

All appointees must keep contact information up to date such as address, phone number, email, employer or contractual relationship, and name change. Notify your board coordinator if any changes occur.

## Board Coordinator Functions

All advisory boards are assigned county staff for official administrative functions and the Office of the County Attorney for legal functions unless otherwise stated in the charter, ordinance, and resolution. The board coordinator is the county staff member assigned by the overseeing department, division, or office in which the advisory board is housed. The board coordinator acts as a link and communicator between the advisory board, County Administration, the Board of County Commissioners, and the Boards Administrator. A representative from the County Attorney's Office will attend an advisory board meeting as appropriate but is usually present during all meetings.

## Duties

1. Publicly notice the meeting and reserve the meeting room. Reasonably accommodate meeting room for teleconference ability.
2. Prepare the agenda and agenda backup materials and transmit copies to all members.
3. Announce the number of members as of the date of the meeting and the number that would constitute a physical quorum which will be included in the minutes of each meeting.
4. Set up the meeting room and ensure that the digital audio recording system is operable (if necessary) and coordinate the audio recording with the minute's secretary or minute's contractor (if applicable).
5. Ensure a guest speaker sign-in sheet is available and all guest speakers sign-in. The board coordinator maintains sign-in sheets in the file for each meeting. Guest speakers appear only in the minutes when they speak and are not reflected under the board's attendance at the beginning of the minutes (guest speaker sign-in sheet is for guests not members).
6. Contact new members immediately, notify the incoming members of the next meeting date, and acquaint them with the advisory board process and rules. Contact member immediately upon receiving a removal letter to notify them of their changed status on the advisory board.
7. Keep contact information up-to-date and notify Boards Administrator of any relevant changes in a member's residency status.
8. Maintain accurate information pertaining to changes in the advisory board's enacting ordinance or resolution. Ensure the Board Overview Document is updated on the Boards and Committees website.
9. Submit attendance sheet to the Boards Administrator within 2 weeks after the meeting is held.
10. Ensure that a complete and cumulative attendance record appears on the front of each set of minutes. If a regular scheduled meeting was held the attendance record will reflect members who attended and those who did not attend. Those who did not attend will count as missing a meeting. If there was no quorum the meeting will be cancelled and those who intended to participate via telephone will be marked absent.
11. Ensure that a complete file for each meeting is maintained. This includes video and/or audio of the meeting; member and guest sign-in sheet; copies of all material handed out or displayed during meeting presentations; and all agenda materials provided to the advisory board.

12. Distribute information to members (i.e., board member sends you information to distribute to other members).
13. Upload minutes to the assigned advisory board website found within the overseeing agency page. The upload should include agenda/minutes (together), handouts, and presentations. Contact your public information officer if you have questions on how to upload the documents and ensure compliance with ADA accessibility.

### Notification Requirement

An appointee shall notify the board coordinator at least two (2) business days prior to the scheduled meeting date as to whether they will or will not attend the meeting unless the occurrence of an excused absence makes notice impracticable. Failure to notify the board coordinator within that time shall be considered an absence. This notification requirement will allow time for cancellation if it is determined the meeting will not have a quorum present.

What if an advisory board request requires staff time that goes beyond what is anticipated for that advisory board (e.g., developing a parking study or a neighborhood survey)?

An advisory board request that will require staff time beyond what is anticipated for the advisory board should be included in the minutes under "Communications to Department." These types of policy decisions, which have a budgetary impact and require additional staff time, will be made by the Agency Director.

## Meetings

A meeting is when all the members meet to conduct the business of the advisory board. The enacting ordinance or resolution may provide the location and the frequency meetings will occur. It will also specify if and how special meetings may be called. A meeting is conducted based on an agenda prepared by the board coordinator prior to a meeting.

Under the Sunshine Law, any time two or more persons on the same advisory board communicate about any foreseeable matter that may come before the advisory board is considered a meeting (this includes subcommittees). In addition, meetings of two or more members of an advisory board to discuss board matters must be: (1) open to the public; (2) noticed to the public; and (3) minutes (written) taken and recorded.

## Public Notice

All meetings must be properly noticed at least 10 days prior to the meeting date. The sunshine advertisement form is found at: <http://www.broward.org/Commission/Pages/SunshineMeetings.aspx>.

### What types of communications qualify as a "Sunshine meeting"?

Communication may include the following:

1. Face-to-face
2. Written correspondence
3. Telephone
4. Email
5. Indirect communication (hand signals)
6. Through an intermediary, a person who separately speaks to both advisory board members and tells one what the other says regarding a matter that may come up before the advisory board.

If an advisory board asks one of its members to communicate a concern to another person or bring back information to that advisory board, the action qualifies as a meeting under the Sunshine Law. Even though it is a single advisory board member going to another person, the single advisory board member is acting as a "delegate" for the advisory board as if two or more members are in attendance. Under the Sunshine Law, this action would qualify as a "Sunshine meeting."

**Email: A board or committee member may send an email to their fellow members and board coordinator with their thoughts about a matter of business that has or will come before their board or committee. However, no reply emails are permissible. The subject of the email could only be discussed at a future board or committee meeting. Any reply email would be dialogue outside of the "sunshine." In these situations, it is recommended that the following footnote be added to the email:**

**"PLEASE NOTE THAT AS MEMBERS OF THE \_\_\_\_\_ BOARD/COMMITTEE/COUNCIL/TASKFORCE, TWO WAY COMMUNICATION BETWEEN MEMBERS IS PROHIBITED BY SUNSHINE LAW. DO NOT REPLY TO ANY BOARD/COMMITTEE/COUNCIL/TASK FORCE MEMBER. DISCUSSION SHOULD TAKEPLACE AT A SCHEDULED BOARD/COMMITTEE/COUNCIL/TASK FORCE MEETING."**

**Florida's Government-in-the-Sunshine Law**

The Florida Sunshine Law is a set of laws and rules which provide the public with a right of access to government proceedings. The Sunshine Law was designed to afford the public entrance into the process of governmental decision making. Section 286.011, Florida Statutes, provides the framework which governments must follow when conducting a meeting and what happens to the documents and files used in conducting a meeting.

### Consequences of unintentional or intentional violations of the Sunshine Law

If a government official is found guilty of *an unintentional violation* of the Sunshine Law, it is a non-criminal infraction punishable by a fine of up to \$500.

*A knowing or intentional violation* is a second-degree misdemeanor punishable by a fine of not more than \$500 and/or a jail term of not more than sixty days and the official may be subject to suspension or removal from office. Attorney fees and court costs may be awarded in a civil suit.

## **Public Records**

Public records include all documents, papers, letters, maps, books, videos, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics or means of transmission, made, or received pursuant to law or ordinance or in connection with the transaction of official business of the county.

An agenda does not have to be retained; however, minutes and notes kept by members and board coordinators that may be used for future meetings are considered public records. Such records must be kept for two years after the minutes have been adopted. After two years, the minutes must be archived. Additionally, all advisory board member notes are subject to the public records rules and are to be maintained for two years. If a member's term expires prior to the two-year period, they should submit their notes to the board coordinator or assistant.

## **Quorum**

### How do you determine if you have a quorum?

The enabling ordinance or resolution for the specific advisory board may specify the number of voting members needed for a quorum. Generally, county boards and committees refer to Section 1-233 (g) which states:

*"The number of members needed to constitute a quorum any advisory or other board shall be a majority of the total appointed board members. Once a quorum has been established by members who are physically present at a meeting, members who are not physically present may attend and participate in such meeting by telephone."*

If there is no quorum, the advisory board cannot meet.

### Basic Quorum Rules

Appointees who have notified the board coordinator that they cannot attend the meeting will be considered absent. The Chair of the board shall, in their discretion, determine whether the appointee's absence meets any of the criteria outlined in 1-233, Broward Code for an excused absence.

If a meeting is scheduled and enough members to constitute a quorum confirmed that they will be physically present at the meeting:

- Members present will be marked as attending.
- Members who telephone in will be marked as attending.



- Members not present will be marked absent.
- Members who did not confirm they were attending but were physically present at the meeting will be marked as attending.

If a meeting is scheduled and enough members to have quorum did not confirm that they will be physically present at the meeting, the meeting will be cancelled prior to the meeting date:

- Members, who intended to telephone in, will be marked absent.
- Members who did not confirm that they were attending will be marked absent.
- Members who confirmed they would be attending will be marked present and it will be noted on the attendance sheet that the meeting was cancelled.

If a meeting is scheduled and enough members to constitute a quorum confirmed that they will be physically present at the meeting, but quorum was not present at the meeting, the meeting will be cancelled:

- Members present will be marked as attending but it will be noted that the meeting was cancelled.
- Members not present will be marked absent.
- Members who telephone in will be marked absent.
- Members who did not confirm that they were attending but were physically present at the meeting will be marked as attending.

If a member excuses themselves because of a conflict of interest, leaving less than a quorum to vote on a matter, can the remaining members vote on the matter?

No. A quorum must be maintained for business to be conducted.

If a member momentarily leaves the room (e.g., for a drink of water) and less than a quorum remains, may business still be conducted?

No. The meeting must be stopped until the member returns.

How often do meetings take place? What happens if there is a need to continue a meeting?

The enabling ordinance or resolution will indicate how often an advisory board meets. Advisory boards shall meet quarterly unless any enacting legislation determines that meetings are required more or less frequently.

Special meetings may be called. The way special meetings are called is generally outlined in the ordinance or resolution or advisory board bylaws. If the enabling ordinance or resolution for a particular advisory board does not provide for the calling of special meetings, the advisory board may vote at their regular meeting to set a special meeting.

If there is a need for a regularly scheduled meeting to be continued to another date, a majority consensus or vote by the advisory board expressed on the record and reflected in the minutes is required. There is an understanding that the board coordinator may or may not be able to confirm a meeting room with audio recording equipment availability and minutes contractor arrangements.

## **Minutes**

Minutes are a written record of the activities that take place during a meeting. Florida law requires minutes of official meetings (Chapter 286, Florida Statutes) be maintained as a permanent record of the county. All advisory board meeting minutes are maintained by the board coordinator. The board coordinator is responsible for posting their minutes on the designated agency website (see FAQ).

### What should minutes include?

At a minimum, minutes should include:

1. A written record of the location and state and end time;
2. Names of the members in attendance;
3. Official actions taken by the advisory board;
4. A summary of meeting activities, including an attachment of any presentation slides used; and
5. Any announcement by board coordinator of the number of appointed members as of the date of the meeting and the number of members that would constitute a quorum.

An electronic recording does not replace the requirement for minutes pursuant to state law. Written minutes must be taken and should include an attachment of any presentation slides used in place of detailed narrative.

### Who can take minutes?

Minutes are taken by the board coordinator designated by their department director. Minutes can also be taken by the board member appointed to the secretary role. If necessary, minutes can be taken by a secretary or contractor.

### How are minutes corrected?

The board coordinator coordinates corrections to minutes. Members may make corrections to the minutes when approval of the minutes is scheduled on a subsequent agenda. The corrections are approved by a majority vote of the advisory board at the next meeting.

### What if someone intended to say something or thought they said something and wants to change or add to the minutes?

Making corrections that include what one thought or intended to say is not permitted. Clarifications of this nature are made at the following meeting when the minutes or the subject is considered. As such, the individual makes that clarification, and it is then reflected in the following meeting minutes.

## **Rules for Conducting a Meeting**

### Meeting Agenda

The physical structure of the meeting is determined by the agenda, a list of items to be considered at the advisory board meeting. After opening ceremonies, if any, the agenda includes approval of the minutes of the prior meeting.

The board coordinator with input from the advisory board Chairperson, prepares the agenda based on matters the advisory board is authorized to consider. The enabling ordinance or resolution contains information related to matters that can be considered by a board or committee. In addition, an advisory board may have requested at a prior meeting for an item to be placed on a future agenda. The County commission may also propose matters for consideration by advisory boards. Items of business not completed or postponed from the prior meeting will also be included on the agenda.

### May the board or committee bring up new topics or recommendations?

**Yes.** The proper place on the agenda to bring up new topics or recommendations is under the heading of “New Business.” For new topics other than those of a purely general nature, notice is required. The new topic should appear on the agenda for the next meeting.

**No.** New topics, other than something of a general nature, may not be discussed at the present meeting because they have not been properly noticed to the public. The discussion is limited to the rationale for consideration and whether it is appropriate to consider the topic or recommendation. If approved, such items will appear on future agendas.

A majority of advisory board members may vote to have an item within their authority placed on the agenda for their own discussion. If staff time and funds are required to do research or report on the topic and it goes beyond reasonable staff duties for that board, the board coordinator shall inform the department director and await direction.

### Communications to the County Commission

In all cases, when the advisory board has voted affirmatively to recommend issues for action or consideration by the Board of County Commissioners, the following process should be followed:

- A majority of the advisory board’s members present at the meeting must vote affirmatively to send an issue to the County Commission for consideration, information, or action.
- The assigned board coordinator communicates the request of the advisory board, either through resolution from the advisory board or via a transmittal letter signed by the Chair of the advisory board, to the mayor, and members of the Broward County Commission.

- The Board of County Commissioners may choose to act. If action is taken, the advisory board will be informed, usually through a letter from the Mayor or County Administrator to the Chair of the advisory board, indicating the action taken.

This process applies to most active advisory boards except for those with quasi-judicial powers. Advisory board members shall not take it upon themselves to relay the advisory board's position to entities outside county government, without the approval of the Board of County Commissioners. In those instances when it is necessary to transmit information, only the approved Broward County letterhead stationery, provided by the board coordinator, shall be used.

## **Conducting Advisory Board Business**

Advisory board business is generally conducted by motion.

### Are there rules for conducting a meeting?

There are no official rules outlined within Broward County's Administrative Code or Ordinances. However, it is recommended that parliamentary procedure or Robert's Rules of Order Newly Revised be used to orderly conduct business at meetings.

These "written" rules of order allow everyone to be heard and to make decisions without confusion. *Examples of parliamentary rules are:*

1. A quorum must be present for business to be legally conducted.
2. Every member has the right to make motions, speak in debate, and vote.
3. A member must be recognized by the Chair before speaking or making a motion.
4. Before a motion is brought before the board or committee, it must be seconded.
5. Only one question or motion can be considered at a time.
6. The basic principle of decision is that a proposition must be adopted by a majority vote.
7. Once a motion is seconded and before the board or committee, it must be adopted or rejected by a vote or be disposed of in some other way before any other subject can be introduced.

### What if a board or committee does not follow the agenda?

Failure to follow the published agenda may raise legal issues about public notice (i.e., the public is not made aware or not prepared to listen to the discussion and respond to a certain matter).

### Duties of the Advisory Board Chair

It is the duty and responsibility of the Chair to see the rules for conducting a meeting are followed. The duties of the Chair are outlined either in the advisory board's enacting legislation, bylaws, or both. Examples of the Chair's responsibilities include:

1. Enforce meeting rules.
2. He or she opens the meeting at the appointed time by calling the meeting to order, having determined that a quorum is present.
3. Announce that all speakers, including county staff, should sign-in.
4. Ask minute's secretary, or minute's contractor (board coordinator) to call the roll.
5. Announce the arrival of all members who arrive late.
6. Announce in proper sequence the business that comes before the advisory board.
7. Recognize members who are entitled to the floor.
8. State and put to vote all questions that legitimately come before the advisory board.
9. Restate all motions and amendments to motions.
10. Announce the name of the member who made the motion and the seconder and announce the name of those members, if any, voting no.
11. Ask the minute's secretary or minute's contractor (board coordinator) to call the roll to vote if a roll call vote is necessary.
12. Protect the advisory board from obvious frivolous or dilatory motions by refusing to recognize them.
13. Enforce the rules relating to debate and those relating to order and decorum within the advisory board and with the public in attendance.
14. Open the floor to public comment.
15. Expedite business in every way compatible with the rights of members.
16. Decide all questions of order, subject to appeal, unless submitted to the advisory board for a decision.
17. Respond to inquiries of members relating to parliamentary procedure or information.
18. Declare the meeting adjourned when the advisory board votes or at the time prescribed on the agenda.

Should the Chair fail to follow the agenda, both the board coordinator and board attorney must intervene to correct him or her. Additionally, staff time and each individual member's time will be wasted.

### Member's Responsibilities

Members must understand and follow the laws, rules, or policies that apply to their respective advisory board. Additionally, every member has the responsibility to:

1. Know how to make motions and carry on the business of the advisory board;
2. Amend motions if they do not express the need of the majority;
3. Know and observe the rules of debate and decorum in debate;
4. Immediately call a point of order when a rule has been broken ;
5. Appeal from the decision of the Chair on a point of order if not in agreement with the decision of the Chair;
6. Know the difference between the use of the motions;

7. Understand when one should consider abstaining from voting, step out of the room when abstaining and file a memorandum of voting conflict; and
8. Participate by contributing ideas, voicing meaningful concerns and opinions in debate, and voting for principle.

## **Decorum and Debate**

### Decorum

Decorum directly relates to the Sunshine Law. Sunshine Law provides the public with a right to attend and hear meetings and that a record of the meeting is documented and available for those who could not attend the meeting.

Sunshine Law also states that all meetings shall be subject to order and decorum.

*“Order”* is defined as customary or prescribed methods used in the conduct of deliberative, legislative, or public meetings, (i.e., parliamentary rules of order).

*“Decorum”* is defined as customs of formality that are followed by a presiding officer and members of a board or committee, propriety and good taste in conduct or appearance.

### Robert’s Rules of Order

Robert’s Rules of Order is the standard for facilitating discussions and group decision- making. Although they may seem long and involved, having an agreed-upon set of rules makes meetings run easier. Robert’s Rules will help your group have better meetings, not make them more difficult. Your group is free to modify them or find another suitable process that encourages fairness and participation, unless your bylaws state otherwise.

Here are the basic elements of Robert's Rules, used by most organizations:

**1. Motion:** To introduce a new piece of business or propose a decision or action, a motion must be made by a group member ("I move that.....") A second motion must then also be made (raise your hand and say, "I second it.") After limited discussion the group then votes on the motion. A majority vote is required for the motion to pass (or quorum as specified in your bylaws.) **\*This will be further discussed later in the “Motion” section.**

**2. Postpone Indefinitely:** This tactic is used to kill a motion. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again later. This is made as a motion ("I move to postpone indefinitely..."). A second is required. A majority vote is required to postpone the motion under consideration.

**3. Amend:** This is the process used to change a motion under consideration. Perhaps you like the idea proposed but not exactly as offered. Raise your hand and make the following motion: "I move to amend the motion on the floor." This also requires a second. After the motion to amend is seconded, a majority

vote is needed to decide whether the amendment is accepted. Then a vote is taken on the amended motion. In some organizations, a "friendly amendment" is made. If the person who made the original motion agrees with the suggested changes, the amended motion may be voted on without a separate vote to approve the amendment.

**4. Commit:** This is used to place a motion in committee. It requires a second. A majority vote must rule to carry it. At the next meeting, the committee is required to prepare a report on the motion committed. If an appropriate committee exists, the motion goes to that committee. If not, a new committee is established.

**5. Question:** To end a debate immediately, the question is called (say "I call the question") and needs a second. A vote is held immediately (no further discussion is allowed). A two-thirds vote is required for passage. If it is passed, the motion on the floor is voted on immediately.

**6. Table:** To table a discussion is to lay aside the business at hand in such a manner that it will be considered later in the meeting or at another time ("I make a motion to table this discussion until the next meeting. In the meantime, we will get more information so we can better discuss the issue.") A second is needed and a majority vote required to table the item being discussed.

**7. Adjourn:** A motion is made to end the meeting. A second motion is required. A majority vote is then required for the meeting to be adjourned (ended).

### Rules of Debate

1. A member, or member of the public shall be recognized by the Chair before speaking in debate.
2. Remarks must be confined to the merits of the pending question or topic under consideration.
3. When speaking in debate, a member shall refrain from attacking motives and avoid name calling.
4. All remarks shall be addressed through the Chair. Members do not address one another directly.
5. Makers of a motion are not permitted to speak against their own motion, although they may vote against it.
6. Do not interrupt anyone who is speaking except in special situations where the urgency justifies the interruption.
7. Obtain permission from the advisory board to read from any paper or book.
8. Members of the advisory board or the public shall not disturb the meeting by whispering or creating other ambient sounds.

What if a member or member of the public interrupts another member or a member of the public causing a meeting to be interrupted?

The Chair shall ask the member of the public or member to hold their questions and comments until they are recognized by the Chair.

What if a board or committee member walks away from the topic of discussion on the table?

If a member is speaking on a topic that is not within the authority of the advisory board or committee to discuss, another member may ask the Chair for a point of order to bring the meeting back to a topic within the authority of the advisory board.

#### What is the procedure for handling an item of business on the agenda?

Generally, to handle an item of business on the agenda, a motion is made prior to discussion. In small boards or committees, informal discussion of a topic is permitted without a motion. The board or committee may need to fully explore an issue or proposed action before deciding on the course of action to be taken.

### **Motions**

*Main motion* – a formal proposal by a member in a meeting to take certain action. A motion may bring its subject to the attention of the members, or the motion may follow upon the presentation of a report or other communication. A main motion is made only when no other motion is pending.

*Secondary motion* – this is made and considered while a main motion is pending because of its relationship to the main motion or because of the procedural or emergency character of the specific secondary motion.

*Substitute Motion* – is used to propose an alternative action to the main motion. Up to one main and two substitute motions may be on the floor at one time. If a substitute motion passes, it does away with the prior motions. If it fails, the previous motion comes back up for consideration.

*Friendly amendments* – editorial changes that may be allowed if nobody objects. Any member may object and deny such requests.

*Call the question* – is used to end debate and vote on the motion at hand. If seconded and passed, the main motion is then voted on. If no second or fails, discussion continues. (The Chair can choose to end debate.)

*Motion to table* – this is non-debatable. If seconded, discussion ends and must be voted on immediately. A subsequent motion to take from the table is required to reopen discussion.

*Motion to reconsider* – this can only be made by a member on the prevailing side of a previous vote. If seconded and passed, it rescinds the previous vote and brings the motion back for discussion.

#### How are motions made?

Board and committee members refer to Robert's Rules of Order when making motions.

#### Can the Chair make a motion?



In parliamentary terms, the Chair does not make motions to remain impartial and run an orderly meeting. It is good practice for the Chair to hand over the gavel when he or she wishes to make a motion, so that the Chair would not have two jobs at that time, (1) advocating the motion, and (2) running the meeting.

## **Voting**

A vote is a formal action of the advisory board members relating to a pending matter. A majority vote is required for approval of an action or choice by the advisory board. Majority means more than half of the votes cast by persons legally entitled to vote at a properly noticed meeting with a quorum.

Is it necessary to record how each member voted on every motion? What about a roll-call vote?

The vote of each member is recorded on every main motion or recommendation decided by the advisory board. The Chair asks for a roll call vote on all matters specifically listed on the agenda if any member dissents. If there are no dissenting members a voice vote is sufficient. If there are any dissenting votes, the Chair asks the board coordinator or minutes secretary to call the roll for a roll call vote.

Can there be a secret vote?

There can be no secret votes. Votes can be written, but the written vote is a public record.

## **Voting Conflicts**

What should a member do if he or she has a conflict of interest?

If a member has a conflict, the member should announce the nature of the conflict and get the required memorandum of voting conflict form which can be found on the Commission on Ethics site at: <http://www.ethics.state.fl.us/forms/> or request an electronic copy of the form from the Boards Administrator.

The member should remove themselves from the table and sit with the public. If the member wishes to address the advisory board, he or she must do so as a member of the public. The memorandum of voting conflict shall be filed within 15 days after the vote with the board coordinator. The board coordinator attaches the original memorandum to the minutes. Certain exceptions and waivers may be available. The county attorney assigned to the advisory board should be present during the vote to guide staff and members through the process.

The board coordinator should contact the county attorney assigned to the board or committee if a member is unsure as to whether there is a conflict. If the county attorney is unavailable, staff may contact the Intergovernmental Affairs/Boards Section at [boards@broward.org](mailto:boards@broward.org) or 954-357-7575.

Can the member abstain from voting?

Section 286.012, Florida Statutes, states that members must vote unless there is a legal conflict. If there is a legal conflict, the member must file a Form 8B – Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers and abstain from voting.

## Appointments, Terms, and Attendance

### Rules and Regulations

According to Chapter 112, Part III - Code of Ethics for Public Officers and Employees - a public officer “includes any person elected or appointed to hold office in any agency including any person serving.” This includes all board and committee members.

### Dual Office Holding

Section 5(a) Article II, Florida Constitution states: “An individual is precluded from holding two incompatible offices at the same time in order to assure the actuality of undivided loyalty.”

Boards subject to the Dual Office Holding prohibition:

- Central Examining Board of Electricians
- Central Examining Board of Engineered Construction Trades
- Central Examining Board of General Construction Trades
- Central Examining Board of Liquefied Petroleum Gas Contractors
- Central Examining Board of Mechanical Contractors
- Central Examining Board of Plumbers
- Consumer Protection Board
- Health and Sanitary Control Board
- Housing Finance Authority
- Human Rights Board
- Unsafe Structures Board

### General Terms of Appointment

1. A **fixed-term appointment** shall expire on the last day of the fixed term unless the appointee is removed for cause under applicable law.
2. If the appointment is **not for a fixed term**, the appointee shall serve until:
  - a. The appointee is removed by the appointing/nominating Commissioner or other appointing/nominating authority; or
  - b. The sooner of (1) or (2) below:
    1. A successor is appointed, or the incumbent appointee is reappointed, by a newly elected or newly appointed Commissioner; or
    2. Six (6) months after the official date on which a newly elected or newly appointed Commissioner enters office.

If a newly elected or newly appointed Commissioner fails to appoint a successor, or reappoint the incumbent appointee, within six (6) months of entering office, the County Administrator or their designee shall notify the appointee of the expiration of their term, and the board seat shall remain vacant until filled.

### **Attendance Requirements**

Members are expected to attend all scheduled meetings.

### Removal from an advisory board

The board coordinator shall notify the Boards Administrator when a member resigns from a board.

#### *Removal from boards based upon attendance:*

When an advisory board whose enacting ordinance or resolution adopts the attendance requirements of this subsection meets on a **quarterly or less frequent basis**, an appointee shall be automatically removed as a member if they have two (2) consecutive unexcused absences or has two (2) unexcused absences of properly noticed meetings in one (1) calendar year.

If any such advisory board meets **more frequently than quarterly**, an appointee shall be automatically removed as a member if they have three (3) consecutive unexcused absences or has four (4) unexcused absences of properly noticed meetings in one (1) calendar year.

#### *Other removal reasons:*

- Term ends
- Commissioner term ends
- Resignation
- Death
- Disqualification

#### *Effective date of Removal*

The automatic removal of an appointee is deemed effective when written notice of the reason for the removal has been sent by the County Administrator or their designee to the appointee.

### Excused Absences

The following are guidelines the Chair must use to determine an excused absence:

- a. When the member is performing an authorized alternative activity relating to outside advisory board business that directly conflicts with the properly noticed meeting.
- b. The death of an immediate family member, defined as a spouse, father, mother, stepparent, one who has stood in the place of a parent (in loco parentis), child, or stepchild domiciled in the member's household.

- c. The death of a member's domestic partner, or the death of a child, stepchild, parent, grandparent, or grandchild of a member's domestic partner.
- d. The member's hospitalization or receipt of necessary emergency medical treatment at or around the time of a properly noticed meeting.
- e. When the member is summoned to jury duty.
- f. When the member is attending a deposition, hearing, trial, or other legal proceeding for which attendance is required by a subpoena or by order of a court of competent jurisdiction.
- g. During the 12-week period after the birth of a member's or their domestic partner's child or after placement of a child with a member or their domestic partner for adoption or foster care.

## Public Participation in a Meeting

### Open to the Public

#### Does the public have a right to participate in a Sunshine meeting?

Section 286.0114, Florida Statutes, requires an advisory board to provide the public with an opportunity to be heard on a proposition before the board. The Chair will announce the manner of public participation at the beginning of the meeting and prior to a vote on any official action and provide members of the public an opportunity to be heard. The Chair is responsible for enforcing reasonable time limits that govern how long members may speak within the requirements of the law.

### Guidelines for Public Participation in a Meeting

When recognized by the Advisory Board Chair each speaker shall state their name, who they represent, and if asked, whether he or she is being compensated by the person(s) or organization(s) for which he or she speaks. A participant shall be required to complete a speaker form prior to addressing the advisory board.

Members of the public may be allocated up to 3 minutes to speak on an agenda item. However, the Chair may reduce the amount of time if such reduction is required due to the total number of persons desiring to speak regarding the agenda item, the remaining meeting time, and other agenda items remaining to be considered by the advisory board.

The opportunity for public participation is not available in emergency situations (affecting the public health, welfare, or safety), official acts involving no more than ministerial acts (e.g. approval of minutes), meetings exempt from Section 286.011, Florida Statutes, and meetings where the advisory board is acting in a quasi-judicial capacity. Any action taken by a board or commission that is found to be in violation of Section 286.0114, Florida Statutes, is not void because of such violation.

## Ethics

The Code of Ethics for Public Officers and Employees is found in Chapter 112, Part III, Florida Statutes. The goal of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.

### Gifts and Lobbying Prohibitions

#### Gifts

Section 26-70.31, Broward Code of Ordinances prohibits advisory board members from accepting a gift directly or indirectly, regardless of value, from any lobbyist registered with Broward County, or from any principal or employer of any registered lobbyist, or from a vendor or contractor of Broward County ("prohibited donors").

No advisory board member shall accept a gift, directly or indirectly, regardless of value, from any lobbyist registered with Broward County or from any prohibited donors. No advisory board member shall accept a gift with a value more than \$50 per occurrence from sources other than prohibited donors, when such gift is given to the member in their official capacity.

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service, that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. (Sec. 112.313(2), Fla. Stat.)

#### Lobbying

Chapter 26, Broward County Code, Article V: Conflicts of Interest, including the lobbying prohibitions in Section 26-70, Broward County Code specify the following:

Any person appointed to an advisory board is prohibited during their term of appointment and for a period of two (2) years after the appointment, from lobbying the division, office, or department that oversees the advisory board on which the individual served.

Any board member who lobbies or engages in lobbying activities with a county division, office, or department overseeing or affiliated with the board upon which the member currently serves, shall be disqualified as a member of the advisory board and their appointment shall immediately cease.

A public officer cannot vote on any matter that would inure to their special private gain or loss, or the gain or loss of any relative, principle or business associate.

A current or former public officer may not disclose or use information not available to members of the public and gained by reason of their official position, for their personal gain or loss, or the gain or loss of any other person or business entity.

## **Financial Disclosures**

### Who files a financial disclosure?

Certain advisory board members must file a Form 1 – Statement of Financial Interests because they are considered a local officer. The county Supervisor of Elections Office mails a limited financial disclosure form to the permanent resident of each of the members (listed on pages 3 and 4) no later than June 1<sup>st</sup> of each year. Members receive the form to file upon appointment if the member is required to file a financial disclosure.

## **Sunset Review**

Pursuant to Section 2.09(F), Charter, the County Commission shall adopt procedures to provide for the review of the performance of all boards, committees, authorities, and agencies at least once every four (4) years. As part of its review, the County Commission shall determine by resolution or ordinance that the applicable board, committee, authority, or agency (excluding those created by Charter) is needed to serve the public interest and the cost of its existence to the taxpayers is justified.

The following process is used during the sunset review period:

1. The Intergovernmental Affairs/Boards Section (IABS) contacts the County Attorney Office to generate a list of boards that are subject to sunset review.
2. IABS schedules meetings to review the status of the advisory board and recommend changes, if necessary, with the board coordinator, agency director or designee, assigned assistant county attorney, IABS staff, and Chair of the advisory board.
3. The recommendations are brought before the advisory board at their soonest scheduled meeting through the board coordinator. Input from the members is requested and documented.
4. After all the advisory boards have met and given their input, the draft recommendations are brought before County Administration for relevant changes and input.
5. The recommendations with the suggested changes from County Administration are then brought back to the advisory boards for their final review.
6. The draft recommendations are then brought before the Board of County Commissioners (BoCC) through an agenda item generated by IABS.
7. BoCC either approves the recommendations as is or sends specific directive(s) to the advisory boards with their recommended changes.
8. After final changes are made, the recommendations are set to be heard at the public hearing.

## Additional FAQ

What if two members of the same advisory board are also members of the same homeowner association or area group and an item that may come before the advisory board is coming up before the homeowner association or area group? Can the members participate and discuss the item at the homeowner association or area group meeting?

The two members should not participate and discuss any business which may come before their advisory board no matter where this may take place. Each member may voice their position at the non-county group but should not respond to each other's positions either directly or indirectly. If there is concern that the non-county group will involve possible sunshine discussion, it is best to give notice of the meeting, announcing which members will be there, and take minutes of the meeting and post the minutes on the website.

Are members allowed to use proxies or alternates? If a member sends a representative in their place, can the representative vote? Is the representative counted towards quorum?

Unless authorized in the advisory board's enabling legislation, members cannot use a proxy or alternate. If a member chooses to send a representative in their place, the individual will not be able to vote or count towards quorum.

Can advisory board members communicate on any subject, not related to the advisory board?

Yes. Advisory board members may speak to each other about anything NOT related to the advisory board or anything that will come up for a vote by the advisory board. Members may speak at city commission meetings or homeowner association meetings in the capacity of a private resident or citizen and not as a board member, unless authorized by the advisory board.

Advisory board members are prohibited from speaking to each other about advisory board business unless present at a properly noticed meeting.

Is the advisory board in charge of the board coordinator or attorney?

**The advisory board does not control the board coordinator or attorney.** The board coordinator helps meet the required objectives of the advisory board. A representative from the County Attorney's Office will attend a meeting as deemed appropriate. This assigned attorney is considered the board attorney and may also attend meetings where legal questions may arise during a meeting.

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Note this handbook is subject to change.

Amended: 2/8/22