

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING; HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
SEPTEMBER 15, 2021**

Meeting video link: <https://www.youtube.com/channel/UCULqjuGhS-qV966RU2Z7AtA>

Present were:

Vanessa Baugh, Chairman
George Kruse, First Vice-Chairman
Kevin Van Ostenbridge, Second Vice-Chairman
Reggie Bellamy, Third Vice-Chairman
Misty Servia
James A. Satcher III
Carol Whitmore

Also present were:

Dr. Scott L. Hopes, Acting County Administrator
William Clague, County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

Chairman Baugh called the meeting to order at 1:00 p.m.


INVOCATION AND PLEDGE OF ALLEGIANCE


The Invocation was delivered by Joan Irwin, Baha’l Faith, followed by the Pledge of Allegiance.


AGENDA

BC20210915DOC001

1. **BOARD OF COUNTY COMMISSIONERS BYLAWS AND OPERATING PROCEDURES**

 Dr. Scott L. Hopes, County Administrator, welcomed Commissioners to the meeting.


 William Clague, County Attorney, explained Florida Statute Home Rule allows the Board of County Commissioners to set their rules of procedure. There is case law that provides requirements on how quasi-judicial hearings are held. Most of the changes are related to legislative proceedings.


 Discussion ensued regarding how the presentation will go, and to concentrate on changes Commissioners anticipated.


Sections 1-3


Mr. Clague continued the presentation and explained the red line changes. Section 1, Applicability, allows having the same rules for Advisory Boards. Section 2.2 removes the delegation of authority, and Section 3.1 Specifies that a physical quorum is required by the Attorney General. Electronic quorums were allowed per the Governor’s Order due to COVID, which has since been rescinded. State law allows the County Administrator to call for a State of Emergency if a quorum is not available.


Discussion ensued to create a blanket policy to make changes as a result of COVID, you cannot make changes that are against State law, these procedures are only related to the Board, declarations of emergency are instituted to allow the procurement process to continue, there are policy changes outside the rules, and making special compensation for Commissioners who are unable to attend in person.


 Sarah Schenk, Assistant County Attorney, explained Section 3.3.2 pertains mostly to land use meetings.

 Mr. Clague suggested that the County Administrator can approve a Commissioner attending electronically as long as there is a still a quorum in person.

 Discussion ensued that the County Administrator, the Chairman, and the County Attorney should be notified if a Commissioner is not able to attend in person, tweak the wording in 3.3.1 and 3.3.2, and remove “allow,” there must be some mechanism to address meetings when a physical quorum is not in attendance, Section 3.5 does not call for Liaisons to regulatory/advisory boards due to a former County Administrator feeling it was best to not have Liaisons on Boards that receive funding from the County, not changing the representatives to regulatory boards so there is consistency, give everyone an opportunity to sit on boards to learn what each one does, Commissioners have the option to attend all regulatory/advisory board meetings, when there are new Commissioners, there will be changes to appointments to advisory boards, allow Commissioners to sit on a regulatory board for more than one year, consistency is power, recognize what people enjoy and provide the best representation for the County, allow the Chair to make appointments to boards, and if there is a conflict, bring the situation to the Board for a vote, these rules should last for years, Metropolitan Planning Organization is the most complicated Board to be on, make a list of vacancies, make the appointments and then have an appeal, District 2 has the largest crime rates, most Commissioners sit on two or three boards, and be fair to all Commissioners especially new ones.


 Dr. Hopes expressed concern regarding specific language that allows either the Chairman, or the Board to make the decision, which could lead to a Sunshine violation.

 Mr. Clague stated the decision and discussion could take place in a Board meeting, this is outside the scope of the rule, and there is no specific language to put into the procedures. Many of the Boards are governed by Florida Statute or Ordinances. Each appointment is unique, and in the past there was more continuity.

 Discussion continued regarding seeing who wants to continue in the seats they are in.

Section 4

Mr. Clague noted most of the changes in this section are grammatical and defining the types of meetings. Section 4.2 addresses Private Sessions (litigation, etc.)


 Dr. Hopes stated there may need to be changes to Section 4.2 regarding cyber security meetings.


Section 4.3 and 4.4.3


Mr. Clague noted that meetings between individual Commissioners was added to the procedures. Section 4.4.3 – Preparation of the Agenda, addressed items that are not on the agenda, and the Board has decided that if a member wants to add something to the agenda, it should be placed on Commissioner Agenda Items.


Discussion ensued regarding change “should” to “shall”, unless there is an emergency the interpretation of “urgent” and “unforeseeable”, the Board has the ultimate decision as to whether or not an item can be heard, should motions be made during Commissioner Comments, anything that requires action should be an agenda item, at times it is critical to


make sure there is a Board vote for direction to the County Attorney, there is no limit as to how many items a Commissioner can add to the agenda, make a motion when directing staff to do something, at times you do not realize an item needs action until there is discussion during a meeting, and not wanting to slow business down during a meeting.


 Mr. Clague clarified Florida law requires meetings to be noticed.


 Discussion continued regarding the nature of the item, and land use items must be advertised.

 Dr. Hopes stated there are two ways to amend an agenda, and there could be a majority vote to amend the agenda to have a particular topic voted on and to consider giving direction to staff to provide information on the topic at hand.

 Discussion ensued regarding the research limit of two hours for work assignments is limited to the County Attorney's office.

 Mr. Clague questioned the approach the Board wants to make regarding motions added to the agenda.

 Dr. Hopes explained the motion to amend the agenda would allow the Board and staff to have the opportunity to research and bring an item back or provide direction to staff. If the Board does not want to debate the item at the time, this gives the Board the opportunity to decide if they want to discuss something.

 Mr. Clague suggested backing out the changes to this section.

 Discussion ensued supporting Dr. Hopes' recommendation.

Mr. Clague recommended leaving Section 4.5 regarding the continuance of meetings due to an emergency as is.

RECESS/RECONVENE: 2:33 p.m. – 2:43 p.m. All Commissioners were present.


Sections 5.1 and 5.2

 Mr. Clague continue that there are no substantial changes.

Discussion ensued regarding hot microphones, voice activated microphones, or having a button to turn off microphones, the new system will be integrated with the agenda program, address the order of speakers, the meeting operations software should be upgraded by the end of the year, it is important to not make jokes or comments off the record, it is difficult to be recognized when a Commissioner is attending electronically, there are several different programs for interactive meetings, and using Microsoft Teams for meetings.

 Mr. Clague stated it is up to individual Commissioners to follow the rule as to waiting to be recognized.

Dr. Hopes suggested a time limit for debating an issue and a signal for when the speaker has finished speaking.

 Discussion continued that all Commissioners should be treated fairly and with respect.


Section 5.3 and 5.3.1


Mr. Clague continued with Section 5 Addressing the Board and Public Comments at meetings. The opening paragraph pertains to staff and there are no changes. Manatee County allows Citizens the opportunity to speak more than other Counties. He referenced future agenda items and suggested removing future agenda items, at Special Meetings. The current practice is to not have comments on future agenda items at Special Meetings.

Discussion ensued to remove public comments on future agenda items from Special Meetings and Work Sessions, the 10 minute allowance for public comment applies only to quasi-judicial hearings, online public comment registration, make sure the public has read and agrees to the pledge of civility, reconsider how much personal information is being collected on public comment forms, stating whether or not speakers are from Manatee County, no profanity at meetings, there is no violation of civil rights to impose the rules, and have citizens identify their District.


Section 5.4 - Orderly Meetings


Mr. Clague stated the public has the right to speak, but there must be a civil proceeding. The rules must be followed for every speaker.

 Discussion ensued that it is the sole discretion of the Chair to stop a speaker, but a majority of the Board can overrule the Chairman's decision, the best option is to control the offensive action as much as possible, once a Deputy is called in, the Deputy is in control, there should be no personal attacks on employees, criticizing an issue is okay, but not the person, the Chair must make the judgement regarding when someone is being disorderly, inform the public of the Board's expectations regarding proper behavior, and nothing can be added to the rule that would be legally defensible beyond what is already there.

 Chairman Baugh met with the Sheriff seeking advice regarding ejecting citizens from the meeting, and she was advised that the actions taken at as previous meeting were appropriate.

Discussion continued that public comment is three minutes, Commissioners need to be responsible and stay on point, and reading the rules warns the citizens.

 Mr. Clague stated Point of Order is used when Commissioners are in debate with each other and another Commissioner feels procedures are not being followed.

 Dr. Hopes reviewed the meaning of Point of Order as per Roberts Rules of Order. Roberts Rules of Order apply only when the Board's rules do not apply.

RECESS/RECONVENE: 4:11 p.m. - 4:16 p.m. All Commissioners were present.


Section 5.5 - Public Hearing


Mr. Clague stated there is quite a bit red lined, and the purpose of the changes is to make land use hearings more consistent.


Section 5.5.2 and 5.5.3

Mr. Clague stated the rule on Factual Errors (previously 5.5.3.9) is not a legal requirement and has been deleted. He explained this has been in the rules, but has not been evoked, and removing it is legally defensible. The public is given plenty of opportunity to make their comments. Rule 5.5.3.10 has been paired down regarding the Questioning of Witnesses. He continued to discuss Rule 5.5.5.3 regarding submitting written authorization to the Chairman and being allowed 10 minutes to speak for quasi-judicial hearings.


 Discussion ensued regarding defining a group.

 Sarah Schenk, Assistant County Attorney, did not recommend identifying groups prior to the hearing, but rather recommended a form to address specifics. The applicant has the burden to question how the person received their authority.

 Mr. Clague stated he did not see this specific of a rule in neighboring Counties. Manatee County has more detail in their rules regarding public speaking. Former Section 5.5.5.5 regarding additional time, was consolidated and allows the Chairman to use their discretion as to how much time they will grant. More flexible language is preferred.

 Discussion ensued regarding criteria to determine how much extra time is granted, the Board can question why an applicant needs additional time, and it is easier to defend a decision if procedures are followed.

Ms. Schenk stated the applicant has been allowed to request a continuance if there is not a full Board, but that has been taken out of the procedures.

 Discussion ensued that Commissioners can notify the County Attorney and County Administrator that they will not be able to attend a meeting, and it is difficult to sue a local government for continuing a hearing.

Section 5.5.6

Mr. Clague announced a change was made regarding reconsiderations, which should be made during the meeting the original motion occurred. The County had a Burt Harris Act claim against them, and was sued by a third party, because of the reconsideration. An ordinance can be repealed at any time, and if the ordinance involves property, it must be done in a very specific way. He recommended a second work session prior to adoption of the rules.

Dr. Hopes pointed out parliamentary authority was also cleaned up on page 20.

Commissioners expressed their appreciation for the changes.

BC20210915DOC002

2. MANATEE COUNTY GOVERNMENT STRATEGIC PLAN

Dr. Hopes stated this item will be continued.

BC20210915DOC003

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 4:54 p.m.

Minutes Approved: July 25, 2023