

RESOLUTION NO. 2024-0180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA RESCINDING AND REPLACING RESOLUTION 2022-210 AS AMENDED BY RESOLUTION 2024-092; PROVIDING FOR ADOPTION OF THE OPERATING POLICIES AND PROCEDURES OF THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR ORGANIZATION, POWERS, DUTIES, AND RESPONSIBILITIES; PROVIDING FOR LEGISLATION AND MEETING PROCEDURES; AND PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS.

WHEREAS, Chapter 125, Florida Statutes, provides for regular meetings as well as, special meetings of the Board of County Commissioners; and

WHEREAS, the Section 125.01, Florida Statutes, provides that the Board of County Commissioners may adopt a resolution to prescribe the rules, procedures, and policies related to the conduct of its meetings; and

WHEREAS the Board of County Commissioners finds that adoption of the following policies and procedures will further the public health, safety, and welfare, as well as the good governance of the County.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, THAT THE FOLLOWING BE RESCINDED AND ADOPTED:

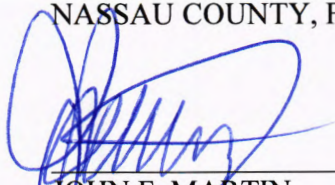
Section 1. *Rescinding Resolution 2022-210 as amended by Resolution 2024-092.*
Resolution 2022-210, adopted November 28, 2022, as amended by Resolution 2024-092, adopted May 15, 2024, are hereby rescinded in their entirety.

Section 2. **Operating Policies and Procedures adopted.** The Operating Policies and Procedures of the Nassau County Board of County Commissioners shall be as defined in “Policies & Procedures, Nassau County Board of County Commissioners” attached hereto as **Exhibit “A.”**

Section 3. It is the intent of the Board of County Commissioners to fully rescind, replace, and adopt the policies and procedures attached hereto, to confirm the use of the Rules of Decorum as they may be amended from time to time, and to repeal any conflicting provisions in prior resolutions.

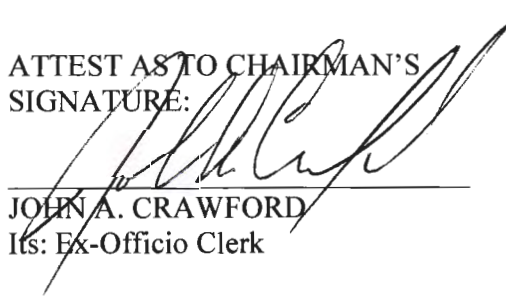
DULY ADOPTED by the Board of County Commissioners of Nassau County, Florida, this 9th day of December, 2024 and made effective upon signature.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



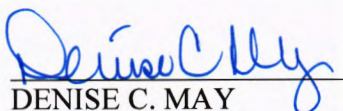
JOHN F. MARTIN
Its: Chairman

ATTEST AS TO CHAIRMAN'S
SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



DENISE C. MAY

EXHIBIT "A"

**OPERATING POLICIES & PROCEDURES
NASSAU COUNTY
BOARD OF COUNTY COMMISSIONERS**

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INTRODUCTION

AUTHORITY.

Except as may be provided by Florida Statutes these Operating Policies and Procedures (hereinafter “Policies and Procedures”), or by questions of order, the methods of organization and the conduct of business of the Board of County Commissioners (“Board”) shall be governed by the Policies and Procedures set forth herein.

PURPOSE.

These Policies and Procedures are intended to provide for the efficient and orderly operation of the Board. Non-compliance with any particular policy or procedure shall not independently be grounds for the invalidation of any Board action.

AMENDMENTS.

Any Commissioner may propose amendments to the Policies and Procedures. A proposed change to the Policies and Procedures must be submitted in writing to the Chair and the County Manager. Amendments to the Policies and Procedures can be accomplished only by a formal amendment by resolution approved by affirmative majority vote of the full Board.


APPLICABILITY.

The Board of County Commissioners wishes to provide for uniform policies, procedures, and rules of decorum for itself and its appointed boards, councils, and committees. Except as may be precluded by law, these Policies and Procedures as adopted shall be applicable to all appointed boards, councils and committees of the Board of County Commissioners.

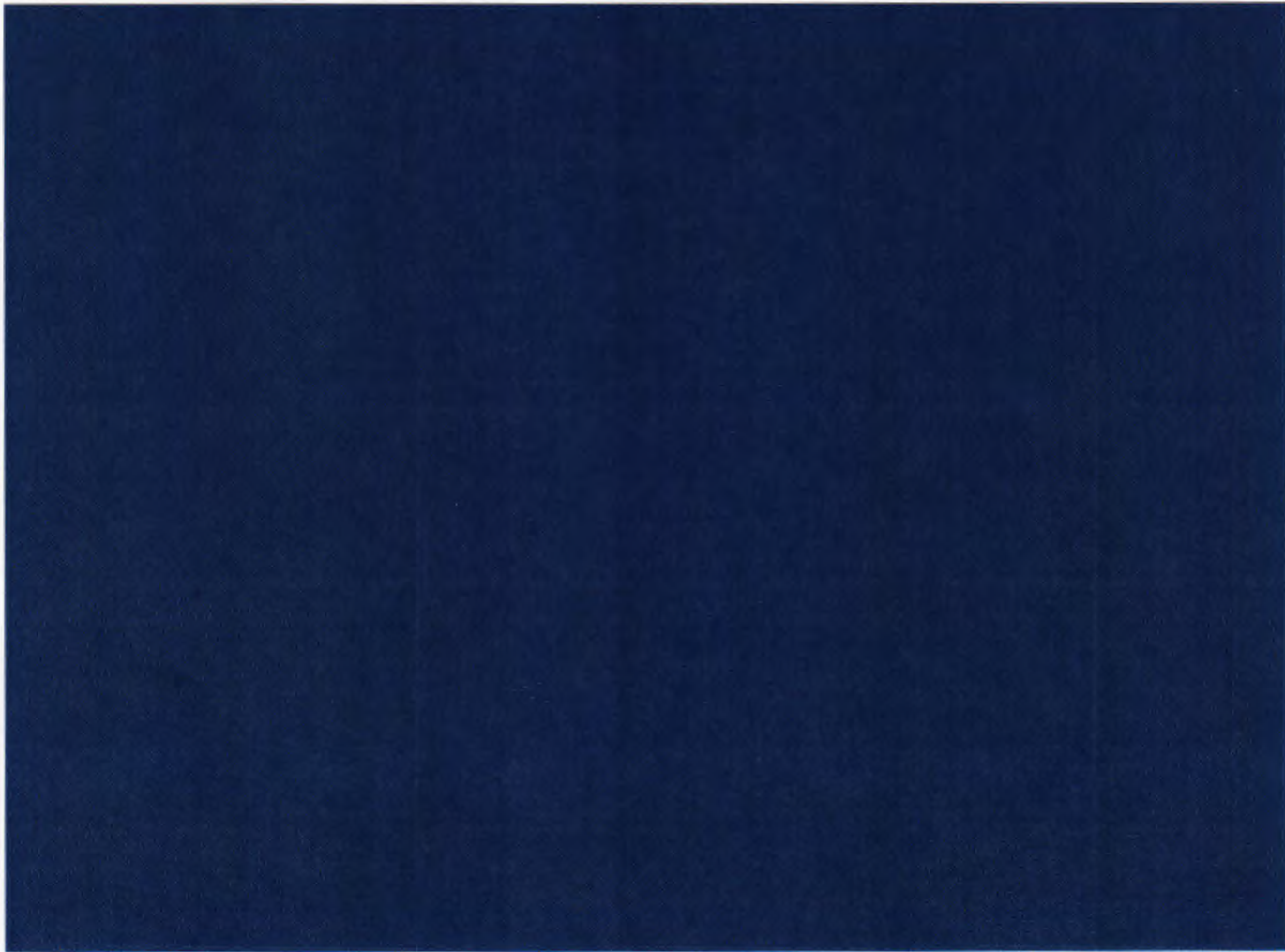
DEFINITIONS.

As used herein, these enumerated terms shall be defined as follows:

1. “Board” shall mean the Nassau County Board of County Commissioners.
2. “Commissioner” shall mean the individual elected or appointed to the Board of County Commissioners.
3. “County Manager” shall mean the person appointed by the Board to serve as the Chief Executive Officer in a full time or interim capacity or his/her designee.
4. “County Attorney” shall mean the person appointed by the Board to serve as Chief Legal Counsel in a full time or interim capacity or his/her designee.
5. “Clerk” shall mean the person elected or appointed to the position of the Clerk of the Circuit Court and Comptroller or his/her designee.
6. “Appointed boards, councils, and committees” shall mean any board, council or committee created by statute or by the Board, the members of which are appointed by the Board.



**SECTION 1
ORGANIZATION, POWERS, DUTIES, &
RESPONSIBILITIES**



SECTION 1. ORGANIZATION, POWERS, DUTIES, AND RESPONSIBILITIES

1.5 BOARD OF COUNTY COMMISSIONERS. The Board of County Commissioners shall exercise all legislative authority as provided by Chapter 125, *Florida Statutes*, in addition to any other powers and duties authorized by general law or special law. The Board shall set policy by means of ordinances, resolutions, and motions and assure that there are qualified people for implementing those policies by appointing a qualified County Manager and County Attorney.

1.10 NEWLY ELECTED COMMISSIONERS. The term of Commissioners elected to office shall commence on the second Tuesday following the general election as specified in Section 100.041, *Florida Statutes*. A swearing-in ceremony for newly elected Commissioners will be coordinated by the County Manager's Office. The County Manager and County Attorney shall develop and administer an orientation program for all new Commissioners. Newly elected Commissioners are encouraged to enroll in and attend the New Commissioner Training Program offered through the Florida Association of Counties.

1.20 COMMISSIONERS SUBJECT TO STANDARDS OF CONDUCT.

A. Each Commissioner is subject to the standards of conduct set out in Part III, Chapter 112, *Florida Statutes*. By personal example and by admonition to colleagues whose behavior may threaten the honor of the Board, each Commissioner shall watchfully guard the responsibility of office. Each Commissioner will attend and receive annual ethics training as required by Section 112.3142, *Florida Statutes*.

B. The manner in which a Commissioner performs his/her duties and responsibilities has a direct impact on the quality of life of the citizens in Nassau County; the morale and job performance of County staff; and the efficacy and accountability of the other Commissioners with whom they serve. Therefore, in addition to the statutorily required standards of conduct, Commissioners shall adhere to the following tenets and shall hold one another accountable for conduct inconsistent with these principles:

(1) Commissioners will **act collectively, not individually, when adopting and/or amending County legislation and governing policies, and when issuing decisions related to quasi-judicial matters**; and acknowledge that it is the role of the County Manager and staff to administer such legislation, policies, and decisions.

(2) In compliance with Section 1-26 of Nassau County Code of Ordinances, Commissioners will **not attempt to manage executive activities** (a) by intruding into daily operations or spheres of responsibility delegated to the County Manager as the chief executive officer or to administrators acting as County Manager designees; or (b) by undermining the County Manager's authority.

(3) Commissioners will **represent the interests of the entire County** when making decisions and will rely upon available facts and their independent judgment, while placing significant value on objective evidence and the recommendations provided by the County Manager

and other professional subject matter experts. Commissioners will avoid all conflicts of interest and avoid using their position as a Commissioner for personal, professional, or partisan gain.

(4) Commissioners will **demonstrate dignity, respect, and courtesy** toward those with whom they contact in their capacity as a Commissioner and will refrain from intimidation and ridicule of fellow Commissioners, the County Manager, County Attorney, staff, and other stakeholders in the County.

(5) Commissioners will **refrain from inappropriate language** including statements that are judgmental, malicious, threatening, disparaging, mean-spirited, vulgar, or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of the office.

(6) Commissioners will **focus on solving problems** and will maintain appropriate decorum and professional demeanor in the conduct of County business, working cooperatively and conscientiously with others as they request or receive information, examine data, or weigh alternatives in the decision-making process.

(7) Commissioners will **demonstrate patience** and refrain from demanding interruptive access to staff or immediate responses or services when requesting information that requires significant staff time in research, preparation, or analysis or that will result in staff neglect of more urgent duties. Such requests will be made through the County Manager for scheduling and prioritizing or through consensus of the Board.

(8) Commissioners will **devote sufficient time for adequate preparation** prior to Board meetings and will be in attendance, insofar as possible, at those meetings and all other scheduled events at which Commissioner participation is required. Commissioners will prepare themselves through study, inquiry, and thought so as to be informed thoroughly about issues to be discussed in public meetings and will be focused on the issues and discussions during those meetings and not distracted by outside influences or technology.

(9) Commissioners will **respect a diversity of opinions and encourage the open expression of divergent ideas** from fellow Commissioners, staff, and citizens of the County. Commissioners will actively and objectively listen to others' concerns or constructive criticisms.

(10) Commissioners will **refrain from any individual action that could compromise the integrity** of the County or fellow Commissioners and will delineate clearly for any audience whether they are acting or speaking as an individual citizen or in their capacity as a representative of Nassau County.

(11) Commissioners will **maintain confidentiality of privileged information** and will **abide by the Government in the Sunshine Law** in both its spirit and its intent. Commissioners will treat any information generated, stored, or sent through electronic means in the same manner as any written document that may be subject to Florida's Public Records Act, Chapter 119, *Florida Statutes*, and will not use electronic resources, including social media, to discuss with other Commissioners any matter that would be subject to the *Government in the Sunshine Law*, regardless of whether the communication occurs on a personal device or through a County-owned account or equipment.

(12) Commissioners will **promote constructive relations in a positive climate** with all employees as a means to enhancement of productivity and morale. Commissioners will support employment of best qualified persons for staff positions and will recognize the achievements of staff and others sharing Nassau County's mission.

(13) Commissioners will **update and improve their knowledge, contributions, and value to the County** by keeping abreast of current issues and trends through reading, continuing education, and training. Commissioners will study policies and issues of the County, State, and nation and will strive to attend training programs such as those offered through the Florida Association of Counties and other professional organizations with a continuing goal to improve their individual performance as a County Commissioner.

(14) Commissioners will **value and assist fellow Commissioners** by exchanging ideas, concerns, and knowledge gleaned from their own research or training. Commissioners will help build positive community support for the County in general, and with respect to particular actions, by cooperation and mutual exchanges of praise when deserved, apologies when mistaken, and recommendations when needed.

(15) Commissioners will, **while taking a stand for their individual beliefs, remain flexible enough to understand others' views.** Commissioners will recognize that they share in the responsibility for all Board decisions and will accept the will of the majority.

(16) Commissioners will **remember always that their first and greatest concern must be the safety and welfare of citizens and the staff of the County.**

C. The Board shall formally and publicly affirm the above tenets of conduct at its annual Reorganization Meeting.

1.30 COMMISSIONER CORRESPONDENCE AND COMMUNICATION.

A. FORMAL CORRSPONDENCE. All formal correspondence by a Commissioner in an official capacity shall be prepared on official Board letterhead. Official correspondence may not be prepared on unofficial letterhead or on plain paper, and official Board letterhead shall not be used for the personal correspondence of any Commissioner. All authorized communications approved by the Board to be sent by a Commissioner in an official capacity shall be paid for by the County as funds allow. Nothing in this rule prevents the use of email for informal correspondence. All correspondence shall be made and kept in compliance with public records laws.

B. USE OF COUNTY RESOURCES. Individual members of the Board may request, through the County Manager's Office, as capacity permits, to develop information relating to the Board's activities, the operation of County business, or the implementation of County policies. Distributed information must be informational in nature, factual, and not contrary or detrimental to the Board's official position on a matter. Information distributed must be nonpolitical, refrain from uncivil references to the personalities or opinions of any individual or group and must represent the best interests of the County as a whole. All information developed in whole or in part on behalf of the Board or an individual Commissioner, will be distributed after review by, and approval of, the County Manager or his/her designee.

C. MASS MAILINGS.

(1) When a Commissioner desires to send pieces of mail that are identical or nearly identical in content, or which are to serve a common purpose, the Commissioner shall seek the approval of the Board.

(2) Approval of the Board shall not be required to mail:

(a) Notifications of community meetings related to projects or initiatives that have been authorized by the Board and/or for which the County Manager has authorized staff engagement; or

(b) Notifications or informational items that serve a public purpose and that are intended and necessary to communicate critical information to the public. Such items must be reviewed by the County Manager prior to mailing to ensure compliance with this policy.

(3) This provision shall apply to mass mailings initiated by individual Commissioners and shall not be construed to restrict a Commissioner's ability to respond to communications received from his/her constituents or other persons having legitimate business with Nassau County.

D. PROHIBITED COMMUNICATIONS.

(1) Commissioners shall strictly adhere to the "blackout" period or "cone of silence" during the solicitation and procurement process. Which shall mean Commissioners are prohibited from any communication with a vendor responding to a Request for Proposal ("RFP"), Request for Qualifications ("RFQ"), or Invitation to Bid ("ITB") during the period for which such RFP, RFQ, or ITB is being considered by procurement staff.

(2) Upon receiving notice from the County Attorney, Commissioners shall not discuss pending litigation, or the threat of litigation, with any attorney, party, or party's representative, the media or public.

1.35 COMMISSIONER TRAVEL.

A. Commissioners are eligible for travel reimbursement in accordance with Section 112.061, *Florida Statutes*, subject to the availability of funding as authorized by the Board in the annual Budget.

B. AUTHORIZED TRAVEL.

(1) Travel outside of Nassau County, including airfare, when a Commissioner is acting as an official representative of the County, or acting as the Chair/Board appointed alternate due to the appointed Commissioner's absence.

(2) Attendance at regional or state conferences conducted by organizations primarily consisting of government officials such as, but not limited to, the Florida Association of Counties (FAC).

(3) Any other travel authorized by the County-wide Travel Policy (Travel and Related Business Expenses Policy of the Administrative Policies and Procedures).

(4) No reimbursement is authorized when travel is confined to the territorial limits of

Nassau County.

(5) Commissioners shall be entitled to mileage reimbursement in accordance with the Standard Mileage Rates issued by the Internal Revenue Service.

C. APPROVAL. Expense reports will be submitted for review and approval by the County Manager's Office, consistent with this Section and the Travel and Related Business Expenses Policy of the Administrative Policies and Procedures.

1.40 DUTIES OF THE CHAIR AND VICE CHAIR.

A. CHAIR. The Board shall annually elect one Commissioner as Chair by majority vote. This election shall be held at the annual Reorganization Meeting of the Board. In the event of a Chair vacancy, the new Chair shall be elected no later than the next regular meeting. In addition to his/her powers and duties as a Commissioner, the Chair shall have the additional powers and duties limited to the following:

- (1) Serve as presiding officer of the Board.
- (2) Call the Board into regular, workshop, special, and emergency session.
- (3) Execute ordinances, resolutions, and documents on behalf of the Board.
- (4) Serve as the official representative and ceremonial dignitary for the County government.

B. VICE CHAIR. The Board shall annually elect one Commissioner as Vice Chair by majority vote. The Vice Chair shall have all rights and duties of the Chair during the temporary absence, disability, or conflict of the Chair. Regular elections for Vice Chair shall be held in conjunction with the election for Chair. In the event of a vacancy in the office of Vice Chair, a new Vice Chair shall be elected not later than the next regular scheduled meeting.

C. VACANCIES.

(1) Whenever the Chair is unable to perform the duties as the presiding officer (i.e. death, resignation, removal from office, permanently disabled) the Vice Chair shall become the Chair until a successor is elected by the Board. When the Board elects a new Chair, he/she shall serve for the remainder of the unexpired Chair term and until a successor is elected.

(2) Whenever the Vice Chair is unable to perform his/her duties as Vice Chair (i.e. death, resignation, removal from office, permanently disabled) the Chair shall appoint a temporary Vice Chair to serve until the Board can elect a replacement. When the Board elects a new Vice Chair, he/she shall serve for the remainder of the unexpired Vice Chair term and until a successor is elected.

1.45 REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS.

A. REORGANIZATION MEETING. The Board shall hold a Reorganization Meeting each year prior to the regular meeting of the Board at the first available regular meeting following the third Tuesday of the month of November. The Reorganization Meeting will be held in the Board Chambers. The newly elected Chair and Vice Chair shall take over their duties the January 1st following the reorganization meeting. During an election year, the newly elected Commissioners will be sworn in before the reorganization of the Board.

B. PURPOSE OF REORGANIZATION MEETING. The purpose of the Reorganization Meeting includes the following:

- (1) Administer the Oath of Office to newly elected Commissioners.
- (2) Election of Chair and Vice Chair.
- (3) Annual Commissioner committee appointments.
- (4) Annual lower board, council, and committee appointments.

C. OATH OF OFFICE FOR NEWLY ELECTED COMMISSIONERS. The newly elected Commissioners will receive the oath of office by the judge or other official who has been selected by the incoming Commissioner to perform this duty. New Commissioners shall take an oath to support the Constitution of the United States and of the State of Florida, and to truly and faithfully discharge the duties of their office to the best of their knowledge and ability.

D. METHOD OF ELECTION OF CHAIR AND VICE-CHAIR. The Chair and Vice Chair shall be elected one at a time beginning with the Chair. The County Attorney shall preside over the nominations and the election of the Chair. The current Chair shall preside over the nominations and election of the Vice Chair. Each nomination for office serves as a motion. The nomination need not be seconded. The different names shall be repeated by the presiding officer as they are moved. The vote shall be taken after the presiding officer declares that nominations are closed and shall be taken on each nominee in the order in which they were nominated until one is elected by a majority of the votes. The newly elected Chair and Vice Chair shall take over their duties the January 1st following the reorganization meeting.

1.50 LOWER BOARD, COUNCIL, AND COMMITTEE APPOINTMENTS. After the election of the Vice Chair, each Commissioner shall submit to the Chair his/her requests for lower board, council, or committee appointments. The Chair shall appoint members of the lower board or committee over which he/she has appointment authority. Each lower board or committee appointment must be confirmed by affirmative majority vote of the entire Board. Necessary committee appointments shall be accomplished no later than the last Board meeting/work session in December of each year.

1.60 COMMISSIONER COMMITTEE APPOINTMENTS.

A. Commissioners will be appointed annually as Commissioner Liaison to various committees, boards, authorities, and councils by majority vote of the Board. The newly elected Chair shall preside over the nominations and appointment to outside committees, boards, authorities, or councils. In the event that a majority of the Board should desire that a different Commissioner serve as the Commissioner Liaison to a particular committee, board, authority, or council over which the Board has appointment authority, the Board, upon the affirmative majority vote, may remove the current Commissioner Liaison and appoint a different Commissioner Liaison in his/her stead.

B. Duties of each Commissioner Liaison include, but are not limited to:

- (1) Reasonably attempt to attend each meeting of the committee, board, authority, or council to which he/she is assigned as Liaison, and ensure that his/her alternate (if one exists) attends in his/her stead if he/she is unable to; and
- (2) Become knowledgeable with the procedures, authority and functions for the committee, board, authority, or council to which he/she is assigned; and

(3) Enhance and implement communication between the assigned committee, board, authority, or council and the Board; and

(4) Brief the full Board on important matters related to the assigned committee, board, authority, or council.

C. A Commissioner Liaison is not authorized to act on behalf of or in the place of the Board in relation to an assigned committee, board, authority, or council without specific and particular instructions by the Board. This provision shall not be interpreted to restrict the right of any Commissioner Liaison to exercise his/her right of free speech by informing any committee, board, authority, or council of the personal opinions or views of that Commissioner. In communicating with a committee, board, authority, or council, each Commissioner shall clearly state whether he/she is acting pursuant to a specific instruction from the Board or is speaking in his/her individual capacity with no authorization from the Board to influence, bind, or direct such committee, board, authority, or council.

D. When a Commissioner Liaison is assigned to a committee, board, authority, or council and that liaison position is established by virtue of a statute, ordinance, or resolution, the Commissioner shall participate on that body as required by the respective statute, ordinance, or resolution. As an appointed member to a committee, board, authority, or council, a Commissioner Liaison will, as a representative of the Board, in good faith support the position the Board has taken, if any, on a particular matter. Where the Board has not taken a specific position on a particular matter, the appointed Commissioner Liaison will consider any prior Board consensus discussions or associated formal action as a guideline for feedback and decisions. If appointed to a committee, board, authority, or council that is an advisory body to the Board, a Commissioner while sitting as a member of the Board is not restricted to voting the same way as the Commissioner voted on the advisory body in his/her liaison capacity.

1.70 COUNTY MANAGER. The County Manager is the Chief Executive Officer of the County and is responsible for the management and oversight of all departments and County employees, excluding the appointed office of the County Attorney and his/her staff. The County Manager serves at the pleasure of the Board and shall be responsible to the Board for the performance of such duties as prescribed by the County Manager's contract, County ordinances, direction from the Board and the laws of the State of Florida.

A. DUTIES AND RESPONSIBILITIES. All executive responsibilities and power shall be assigned to and vested in the County Manager, and consists of the following powers and duties:

(1) Carries out the directives and policies of the Board; enforces all orders, resolutions, ordinances, and regulations of the Board; and exercises all executive authority in addition to all powers and duties authorized by general or special law. Selects, appoints, and directs the Assistant County Managers, Deputy County Managers and Department Directors.

(2) Reports annually to the Board and to the citizens on the state of the County, the work of the previous year, recommendations for action or programs for improvement of the County, and the welfare of its residents.

(3) Prepares and submits the annual budget and capital programs to the Board and executes the budget and capital programs in accordance with appropriations and ordinances enacted by the Board.

(4) Ensures that all ordinances, resolutions, and orders of the Board and all laws of the State which are subject to enforcement by the County Manager, or by officers who are subject to

the County Manager's direction and supervision, are faithfully executed.

(5) The County Manager has the authority to reorganize, restructure, and rename any department or office of the County government, within the confines of the authorized budgetary resources, in order to maximize the efficiency and efficacy of the delivery of County services.

(6) Ensures the proper management of County personnel matters as follows:

- (a) Recommends to the Board total staffing positions required for operations and pay structure for all positions funded by the Board.
- (b) Selects, employs, and supervises all non-legal personnel and fills all non-legal vacancies and positions of employment under the jurisdiction of the County Manager. As used herein, the term "non-legal" shall refer to County personnel or functions that are not part of the Office of the County Attorney.
- (c) Suspend, discharge, or remove any non-legal employee under the jurisdiction of the County Manager pursuant to administrative procedures and policies.

(7) Carries into execution such other powers or duties as prescribed by the Board, including, by way of enumeration, but not limitation, those powers and duties prescribed in Section 125.74, *Florida Statutes*.


1.75 COUNTY ATTORNEY. The County Attorney is the Chief Legal Counsel to the County and is the head of the County Attorney's Office. The County Attorney serves at the pleasure of the Board, shall provide legal services to the Board, County Manager, County departments, and County boards, councils, committees, and agencies as specified by County ordinances.

A. DUTIES AND RESPONSIBILITIES. The duties and responsibilities of the County Attorney include:

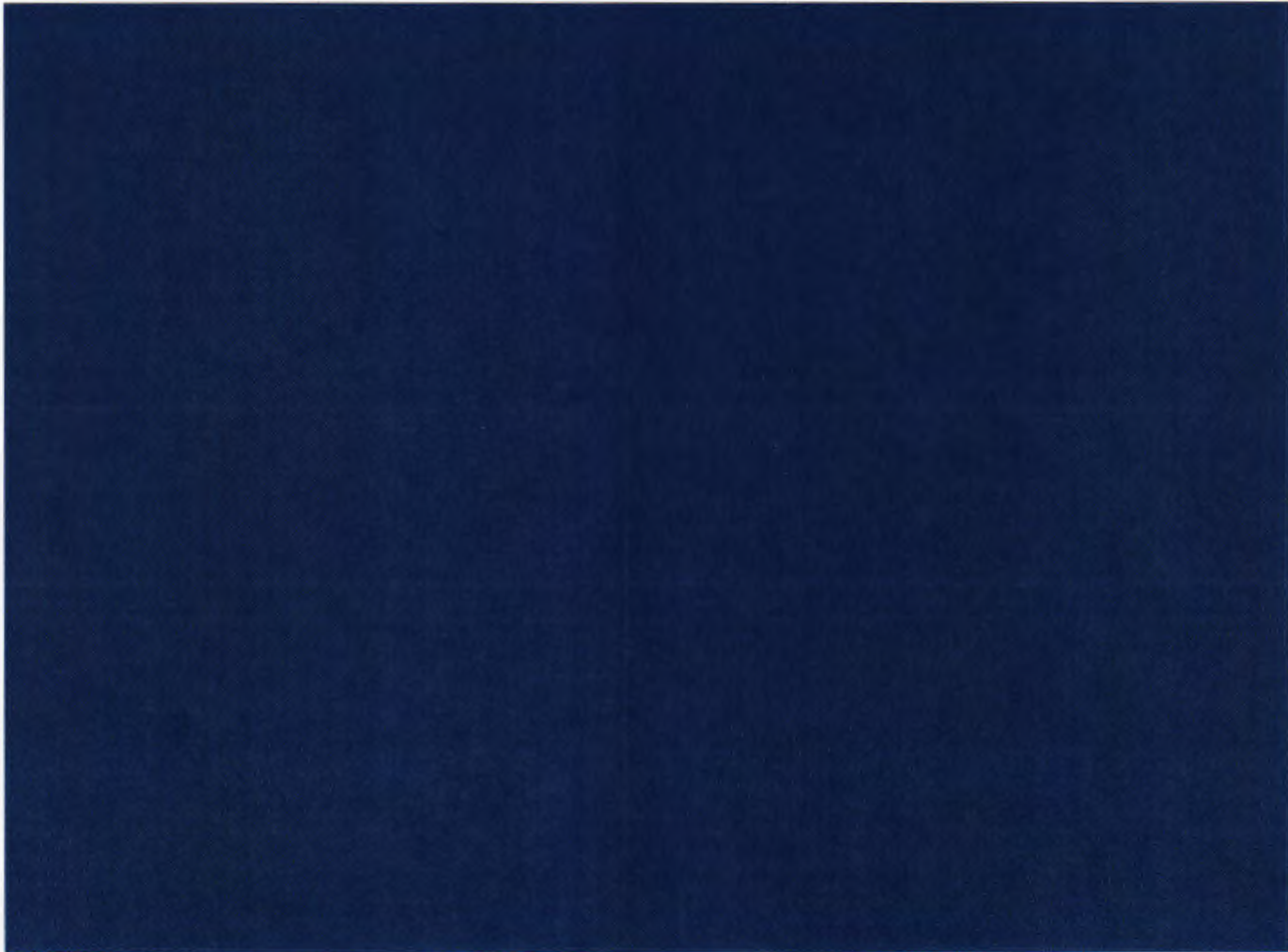
- (1) Provides advice and representation to the Board, County Manager, County departments, and County boards, councils, committees, and agencies as specified by County ordinances.
- (2) Provides advice and representation for Constitutional Officers created under Section 1(d) of Article VIII of the Florida Constitution, if requested by such officers and no conflicts of interest exist.
- (3) Prosecutes and defends all legal actions by and against the County as approved by the Board, or as directed by the Board; provided, however, the County Attorney is authorized and directed to take action on behalf of the County to protect the rights of the County in any legal action, whether pending or threatened.
- (4) Selects, employs, and directs Deputy, Senior Assistant, and Assistant County Attorneys and other paralegal and clerical positions as required to properly perform the duties of the office of County Attorney as funded by the budget adopted by the Board.

1.80 COMMISSIONERS' RELATIONSHIP TO EMPLOYEES.

Pursuant to Section 1-26 of Nassau County Code of Ordinances, individual Commissioners are prohibited from interfering with, or giving direction to, employees, officers, or agents under direct or indirect supervision of the County Manager or the County Attorney. This provision shall not be interpreted to prevent Commissioners, who are accountable to the citizens of the County, from making, in the performance of their duties, reasonable inquiries and requests for information from County employees, officers or agents. Neither the County Manager, the County Attorney, nor any other County officer or employee shall interfere with rights of Commissioners hereunder. The application, interpretation, or adjudication of any questions arising under this provision shall be the responsibility of the Board, whose determination shall be final.



**SECTION 2
LEGISLATION AND MEETING
PROCEDURES**



SECTION 2. LEGISLATION AND MEETING PROCEDURES

2.5 MANNER OF LEGISLATION. The Board shall take official action only by means of ordinances, resolutions, or motions.

A. ORDINANCES.

(1) For the purposes of these procedures, “ordinance” means an official legislative action of the Board, which action is a regulation of a general and permanent nature and enforceable as a local law.

(2) Board action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.

(3) All ordinances shall be introduced in writing and scheduled for public hearing after advertisement according to the requirements of Florida Statute and local regulation.

(4) Emergency Ordinances. By affirmative vote of a majority plus one, the Board may, without notice or hearing, adopt an emergency ordinance. The emergency ordinance shall contain a declaration describing the emergency, and shall be passed in accordance with Section 125.66, *Florida Statutes*.

B. RESOLUTIONS.

(1) For the purposes of these procedures, “resolution” means a legislative act of the Board concerning matters of County business or administration and is formal statement of policy concerning matters of temporary or advisory character or a provision for the disposition of a particular item of the business of the Board.

(2) Board action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. All resolutions shall be reduced to writing. A resolution may be put to its final passage on the same day on which it was introduced.

C. MOTIONS.

(1) For the purposes of these procedures, “motion” means a proposal that the Board (1) take certain action; (2) direct that a specific action be taken on behalf of the County; or (3) express itself as holding certain views.

(2) A motion, once approved by majority vote and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law. All motions shall be made and seconded before debate.

2.10 PREPARATION OF LEGISLATION. Legislation, in the form of ordinances or resolutions will usually be prepared by the County Attorney’s Office. With the exception of ordinances dealing with individual land use or zoning matters, the preparation of any ordinance may be pursued only upon an affirmative consensus by a majority of the Board unless required to comply with State or Federal law. Any ordinance or resolution not prepared by the County Attorney's Office shall be reviewed by the County Attorney's Office before presentation to the Board for consideration. All ordinances and resolutions prepared by or submitted to the County Attorney’s Office shall be approved by his/her office as to form.

2.15 GENERAL FORMAT OF LEGISLATION. Every ordinance or resolution shall embrace but one subject matter, and the subject shall be briefly expressed in the title. The title should be a general statement for ordinance or resolution in order to assist with computer searches and to aid the public. No ordinance or resolution shall be revised or amended by reference to its title only. Ordinances and resolutions to revise or amend shall set out in full the revised or amended section, subsection or paragraph of a subsection, and revisions shall be clearly demonstrated through the use of mechanisms such as “strike-throughs” for deleted content, and “underlines” for added content.

2.20 BUSINESS IMPACT ESTIMATE.

A. PURPOSE. The purpose of the Business Impact Estimate (BIE) is for use as a tool in the decision-making process that provides estimating of direct, quantifiable economic impacts upon citizens and taxpayers and as may be required by Section 125.66, *Florida Statutes*.

B. BIE PREPARATION.

(1) A Business Impact Estimate (BIE) shall be prepared by staff in conjunction with all ordinances presented to the Board in compliance with Section 125.66, *Florida Statutes*.

(2) The BIE will be included within the staff report provided to the Board and shall substantially follow the form as provided by the County Attorney.

(3) The BIE will include staff’s best efforts to quantify the direct economic impacts (i.e. estimated costs/revenues to County, businesses, etc.) of proposed ordinances on private for-profit businesses.

(4) The BIE will also include staff’s best efforts to identify, but not quantify, the number of businesses likely to be impacted by each ordinance proposal.

(5) In no event shall staff utilize paid consultants to aid in the preparation of an BIE without prior approval of the Board.

2.25 PROCLAMATIONS.

A. PURPOSE. The Board values the importance of taking the time to recognize and honor organizations, initiatives, and individuals who have made a positive impact on our community. Those honors are presented in the form of proclamations. A proclamation is an official document endorsed by the entire Board to commemorate a specific time period, event, or accomplishment impacting a large number of County residents. They may also be given for the purpose of raising awareness about an issue, to celebrate a milestone, or serve as an expression of support for individuals, community organizations, and businesses.

B. REQUESTING A PROCLAMATION. Proclamations and letters of commendation may be requested through the County Manager's Office as follows:

(1) Requests should be submitted a minimum of thirty (30) days prior to the regular Commission meeting requested in order to allow adequate time for the request to be reviewed and approved and comply with the Board's adopted policies for proclamations and letters of commendation.

(2) All requests should clearly include the name, address and telephone number of the person making the request, as well as who will be present to accept the proclamation, including name and title.

(3) Parties requesting a proclamation are required to provide a draft of the requested proclamation or written summary of the subject matter of the proclamation.

(4) Proclamations must be of significance, interest, or relevance to County residents, businesses, initiatives, or programs.

(5) Individuals requesting proclamations must be clearly associated with the entity, person, or subject matter being honored.

(6) Only one recognition/proclamation will be issued per year per organization, individual and/or event.

(7) The County reserves the right to edit for size and content, modify as to form, or deny any proclamation.

C. APPROVAL AND PRESENTATION.

(1) Proclamation and presentation requests are approved at the discretion of the County Manager.

(2) Reasonable attempts will be made to accommodate all requested dates.

(3) Generally, no more than four (4) recognitions/proclamations will be presented during a meeting.

(4) If a representative is not present, it will be at the Board's discretion if the proclamation will be recognized during the Board meeting.

(5) Proclamations must meet all criteria of the Proclamation/Recognition Policy.

2.30 MEETINGS GENERALLY.

A. VENUE. Unless otherwise noticed, all regularly scheduled Board meetings shall be held in the Board Chambers located at the James S. Page Governmental Complex, 96135 Nassau Place, Yulee, FL 32097 or such place or time as may be approved by a majority consensus of the Board and shall be open to the public. In case of special meetings, emergency meetings, or workshop sessions, the Board may select another meeting location within the County.

B. SCHEDULE. A meeting schedule will be distributed at the start of each calendar year listing the dates of all anticipated meetings of the Board. Meetings set to be conducted on a legal holiday or on the day after a legal holiday may be rescheduled. Meetings may be postponed or canceled by consensus of the Board. The Board has the discretion to revise the generalized schedule

by consensus to ensure the orderly and efficient execution of County business. The County Manager's Office shall maintain an on-going calendar of upcoming regular, special, and workshop session meetings.

2.35 REGULAR MEETINGS. Unless otherwise noticed, the Board shall hold regular business meetings on the second and fourth Mondays and the third Wednesday of each month. Regular meetings held the second and fourth Monday will commence at 5:00 p.m. Regular meetings held the third Wednesday of the month will commence at 9:00 a.m. Regular meetings may be otherwise postponed or canceled by a majority consensus of the Board.

2.40 WORKSHOP SESSIONS. In order to build consensus among the Commissioners, it is frequently advantageous for the Board to discuss in detail an issue or issues under its consideration without taking action. In such situations, the Board may hold a workshop session.

A. Unless otherwise noticed, workshop sessions shall generally occur on the third Wednesday of the month, commencing at 9:00 am or after the regular meeting on that day adjourns. Workshop sessions may be postponed or canceled at the discretion of the County Manager, in consultation with the Chair, or by a majority consensus of the Board. The County Manager and/or the Board may designate additional workshop sessions at any time during the month, including any regular meetings day. When so designated, that meeting date, or portion thereof, shall be publicly noticed as a workshop session.

B. The conduct of public comment at a workshop session shall follow that prescribed by Section 2.175 of these procedures, unless modified by the Chair.

C. An agenda of the order of business at the workshop session shall be prepared by the County Manager and, where possible, made available to the public at least seventy-two (72) hours before the workshop session.

2.45 SPECIAL MEETINGS. The purpose of Special Meetings is to provide flexibility when regular meetings need to be supplemented or rescheduled. Special Meetings may be in addition to any regularly scheduled meeting of the Board. Special Meetings may also be scheduled as joint session with the County's lower boards, councils, or committees, or with outside agencies. The decision to hold a Special Meeting shall be determined by majority consensus of the Board during a Board meeting. Special meetings shall be noticed and open to the public consistent with *Florida Statutes*.

2.50 EMERGENCY MEETINGS. The Chair, County Manager, or County Attorney may call an emergency meeting of the Board at any time to consider and take action upon a public emergency. No action shall be taken by the Board unless the Board first declares by motion or resolution that an emergency exists, and the action taken directly pertains to the emergency. Prior notice of the emergency meeting shall be given by the most appropriate and effective method(s) available under the circumstances. Continuity of government issues shall prevail. No other business shall be transacted at the meeting, and the minutes of each emergency meeting shall show the nature of the emergency and the manner and method of notice.

2.55 MEETINGS CANCELLATION. On occasion a need may arise that requires the cancellation of a previously scheduled Board meeting. The Chair, the County Manager, or the County Attorney may exercise authority and cancel a Board meeting. The Notice of Cancellation must also be posted on the County's website, social media sites, and the notice displays of the James S. Page Governmental Complex.

2.60 MINUTES. The Clerk shall take accurate minutes of the proceedings of every meeting of the Board, with the exception of statutorily closed sessions where no minutes are to be taken. Unless a reading of the minutes of a meeting is requested by a majority of the Board, such minutes, when approved by the Board and signed by the Chair and the Clerk, shall be considered approved without reading; provided that the Clerk delivered a copy thereof to each member of the Board at least two full business days preceding the meeting. The minutes of prior meetings may be approved by a majority of the members of the Board present, and upon such approval, shall become the official minutes.

2.65 BOARD MEETINGS OPEN TO THE PUBLIC. Unless exempt as set forth below, all meetings of the Board shall be open to the public in accordance with the *Florida Government in the Sunshine Law*, Section 286.011, *Florida Statutes*.

A. EXCEPTIONS. The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions (Section 447.605(1), *Florida Statutes*); meetings regarding risk management claims (Section 768.28, *Florida Statutes*); and litigation meetings pursuant to Section 286.011(8), *Florida Statutes*. The Board shall follow all statutory requirements for exempt meetings.

B. ACCESSIBILITY/SEATING CAPACITY. All meetings will be conducted in a building that is open and accessible to the public. Due to the need to comply with the fire code, there may be occasions when entrance by the public to the Board Chambers or other meeting room is limited. To the extent possible, alternative seating arrangements may be made.

C. PROHIBITED ITEMS. For public safety purposes, no signs or placards mounted on sticks, posts, poles, cardboard, or similar structures will be allowed in Board meeting rooms. Other signs, placards, or banners shall not disrupt meetings or interfere with a person's ability to observe the meeting.

2.70 PHYSICAL PRESENCE OF COMMISSIONERS.

A. A Commissioner may be physically absent from a Board meeting but participate and vote in the meeting only when ***all of*** the following conditions exist:

(1) The absent Commissioner is not needed for a quorum to be physically present at the meeting; ***and***

(2) The absent Commissioner can hear the proceedings, and when appropriate equipment is available, can see the proceedings and any testimony or evidence presented, for the entirety of the meeting; ***and***

(3) The absent Commissioner can clearly be heard, and when the appropriate equipment is available, be seen, in the meeting room, for the entirety of the meeting; ***and***

(4) The Commissioner is ***physically unable*** to attend the meeting and either:

(a) The Commissioner is undergoing medical treatment or experiencing physical infirmity; or

(b) An immediate family member (spouse, parent, child, or sibling) is undergoing dramatic medical treatment or experiencing grave physical infirmity.

B. A Commissioner seeking to participate in a meeting of the Board who must be physically absent due to the conditions outlined above shall provide notice to the County Manager in advance of such absence so that the installation of appropriate equipment can occur to enable that Commissioner to participate in that meeting. The County Manager shall inform the other members of the Board of the planned absence.

C. The requirement that Commissioners be physically present in order to participate and/or vote at a Board meeting may be waived during a declared Local State of Emergency to the extent permitted by law.

2.75 MEETING AGENDA.

A. There shall be an official agenda for every meeting of the Board, which shall determine the order of business conducted at the meeting. All proceedings and the order of business shall be conducted in accordance with the official agenda.

B. Any departure from the order of business set forth in the official agenda may occur upon majority vote of the Commissioners present at the meeting.

C. Additions, deletions, or corrections to the agenda may be considered by the Board and may be accepted through majority vote of the Commissioners present at the meeting. Items may be added to the agenda by majority vote of the Board or when deemed necessary by the majority in emergency situations when the issues are time critical to the County. Non-agenda matters shall be confined to items that are informational only.

2.80 SETTING THE AGENDA.

A. Placement of items on the Agenda is within the purview of the County Manager and shall follow the order of business pursuant to Section 2.105 below. In order to conduct efficient meetings, the County Manager shall have broad discretion in managing the items to be placed on the agenda, including the authority to add or delete items, except for those items specifically directed for placement on the agenda by the majority vote of the Board.

B. The County Manager shall make every effort to make the agenda and supporting materials available to the Commissioners, the public, and the media no less than three (3) days prior to the next regular Board meeting or Public Hearing, except when legally observed holidays affect distribution. The County Manager and County Attorney shall have the authority to expand agenda items up to the time of the meeting when it is essential, necessary, and in the County's best interest to do so upon motion and majority vote of the Board.

2.85 CONTINUING AGENDA ITEMS.

A. APPLICANT/APPELLANT CONTINUANCE REQUESTS.

(1) Any request from an applicant/appellant to continue a public hearing or other agenda item must be made in writing, with justification, and submitted by the applicant/appellant to the County Manager's Office no later than 48 hours before the scheduled public hearing or other agenda item.

(2) A maximum of two continuances may be granted by request of the applicant/appellant. If the applicant/appellant is not prepared to present after two continuances, the application must be withdrawn and resubmitted to start the process over, including a new

application fee. The Board may, by a majority vote, waive this limitation when it finds extenuating circumstances exist. Appeals shall not be continued more than twice and will be heard by the Board upon the third scheduling.

(3) Requests for continuances are not automatically granted, and the applicant/appellant, or its representative, should be in attendance at the meeting at which the public hearing or other agenda item is scheduled and be prepared for the Board to consider and act upon the item in question.

(4) The County may, by an affirmative majority vote of the Board, waive any of the provisions contained herein governing applicant/appellant continuance requests in conjunction with a declared Local state of Emergency.

B. ADMINISTRATIVE CONTINUANCES. The Board may, on the recommendation of the County Manager, the recommendation of the County Attorney, or on its own, determine that circumstances exist which make the continuation of a public hearing or other agenda item in the best interest of the public. Administrative continuance shall not apply to comprehensive plan amendments or land use amendments initiated by an applicant other than the County or where otherwise required by law.

(1) In such instances, the Board may:

- (a) Continue the public hearing or other agenda item to a date certain; or
- (b) Continue the public hearing or other agenda item indefinitely.

C. CONTINUANCE OF THE ENTIRE AGENDA. In cases of emergency or other extenuating circumstances, the Board may determine that all scheduled agenda item(s) will be continued. Under such circumstances, the County Manager or the County Attorney, as agreed between them on a case-by-case basis, are authorized to convene the Board meeting and announce its continuance to the alternative date and adjourn the meeting.

D. The County Manager is directed to ensure that additional and supplemental notice of continued items occurs, when deemed appropriate, in order that the public will be fully advised of any continuances that may occur under the factual scenarios described in this Section.

2.90 QUORUM.

A. A quorum for the transaction of business by the Board requires the physical presence of three (3) Commissioners or simple majority of members of a lower board. Except as provided in Section 2.70 C. of these Policies and Procedures, a quorum cannot be established with remote/virtual participation. Once a quorum has been established, a majority of Commissioners present at the meeting and eligible to vote shall be required to carry a motion, unless by statute, ordinance, or other regulation, an extraordinary vote of the Board is required for approval of an item in which case it must be as required by the specific statute.

B. If no quorum exists within thirty (30) minutes after the time designated for the meeting of the Board to commence or if a quorum is lost, the Chair, or the Vice Chair or, in their absence, the Commissioner with the most seniority, shall adjourn the meeting. The names of the members present, and the time of adjournment shall be recorded in the minutes by the Clerk.

C. Any member of the Board who announces a conflict of interest on a particular matter and a decision to refrain from voting or otherwise participating in the proceedings related to that matter shall be deemed present for the purpose of constituting a quorum.

2.95 PRESIDING OFFICER.

A. **CHAIR TO SERVE.** The Chair shall serve as the Presiding Officer unless unable to serve.

B. **DUTIES OF PRESIDING OFFICER.** The duties of the Presiding Officer shall include the following:

- (1) Call the meeting to order, having ascertained that a quorum is present.
- (2) Announce the order of business and insure the orderly disposition of the items on the agenda.
- (3) State every question coming before the Board.
- (4) Open and close all public hearings.
- (5) Invite public comment.
- (6) Announce the results of every vote.
- (7) Record the vote on all matters wherein the recording of the ayes and nays is required or requested.
- (8) Recognize all Commissioners who seek the floor under correct procedure.
- (9) Preserve order and enforce the rules of decorum and discipline.
- (10) Manage the meeting, including fair and efficient use of time and encouraging public participation throughout the meeting.
- (11) Expedite business in every way compatible with the rights of Commissioners, applicants, and appellants.
- (12) Declare the meeting adjourned at the conclusion of the agenda, or at any time in the event of an emergency affecting the safety of those present.
- (13) Sign each written measure passed by the Board during the meeting at which he/she is presiding officer.

C. **MOTIONS BY THE CHAIR.** The Chair shall have the same rights in debate as any other member and may make or second motions.

2.100 RULINGS BY THE CHAIR, APPEALS.

The County Attorney shall serve as the parliamentarian and advise and assist the Chair on parliamentary issues, including questions of order and priority of debate according to state law, adopted Policies and Procedures, or Roberts Rules of Order as they may apply. Any Commissioner may appeal the decision of the Chair in which event a majority vote of the Board present shall conclusively determine the ruling appealed. No other business, except a motion to adjourn or to lay on the table, shall be in order until the question on appeal has been decided.

2.105 ORDER OF BUSINESS FOR BOARD MEETINGS.

A. The business of all Regular Meetings of the Board should be transacted as follows unless the Board, by majority consensus, re-arranges agenda items to more expeditiously conduct the business before the Board:

- (1) Call to Order by the Chair.
- (2) Invocation.
- (3) Pledge of Allegiance.
- (4) Roll Call.
- (5) Consideration of Expansions or Deletions to the Agenda.
- (6) Proclamations, awards, recognitions, and special presentations.
 - (a) Unless authorized by the County Manager, there will be a limit of four (4) proclamations, awards, and/or recognitions per meeting.
 - (b) Special Presentations. A special presentation by a member of the public, another governmental agency, or a non-governmental organization or entity that requires discussion by the Board shall be limited to no more than (15) minutes for presentation prior to questions from the Board. The provisions of general law and these Policies and Procedures shall govern whether prior notice of the special presentation must be published. Upon conclusion of the presentation, the Board may take action. Unless otherwise authorized by the County Manager, the number of special presentations during a Regular Meeting shall be limited to three (3).
- (7) Approval of the Consent Agenda.
 - (a) Prior to a vote on the motion to adopt the Consent Agenda, the public shall have the opportunity to provide comments on any item on the Consent Agenda. Public comment will be consistent with the rules for appearance before the Board as proscribed in Section 2.175 of these Policies and Procedures.
 - (b) Following the public comment on the Consent Agenda items, the Chair shall inquire if any Commissioner wishes any item to be withdrawn from the Consent Agenda. If any member of the Board requests an item be pulled from the Consent Agenda and discussed separately, the Chair shall place the item at an appropriate place on the agenda for the current or a future meeting.
 - (c) A motion to approve the Consent Agenda will have the effect of adopting all items on the Consent Agenda except the items that were pulled. Consent Agenda Items that are pulled for discussion will be approved separately.
- (8) Consideration of Regular Agenda Items. The County Manager shall schedule all Regular Agenda items so that they may be acted on in the timeliest manner.
 - (a) Consideration of a Regular Agenda item may not last more than one hour unless the Board rules by majority consensus or passes a motion to extend the

one hour limit.

- (b) The public shall have the opportunity to provide comments on any item on the Regular Agenda. Public comment will be consistent with the rules for appearance before the Board as proscribed in Section 2.175 of these Policies and Procedures.

(9) Public Hearings. Legislative, Quasi-Judicial, or Appellate Public Hearings are conducted by the Board on matters as required by Florida law (e.g. adoption of an ordinance, consideration of a re-zoning, appeal of lower board decision or staff interpretation).

- (a) Public Hearings will not be scheduled on a “first come, first served” basis on the agenda, but rather the County Manager shall schedule Public Hearings so that they can be conducted in the most expeditious and timely manner.

(10) General Public Comment on Non-Agenda Items. A thirty (30) minute time period will be provided for discussion of items NOT on the agenda. There is a three (3) minute time limit for all speakers. Public comment will be consistent with the rules for appearance before the Board as proscribed in Section 2.175 of these Policies and Procedures.

(11) Staff Business.

- (a) County Manager’s Business.
- (b) County Attorney’s Business.

(12) Commissioner Business. This time allotment shall be available for Commissioners to share announcements such as community events, suggest future agenda items, report on Commissioner Liaison matters, propose advisory board appointments, or introduce an item of concern. Formal action may be taken on matters during Commissioner Business upon consent of a majority of the Board.

(13) Adjournment.

2.110 APPEALS OF BOARD DECISIONS; MEETING RECORD. If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, a record of the proceedings may be needed and, for such purposes, the person will need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

2.115 CONSIDERATION OF REGULAR AGENDA ITEMS. Non- public hearing items that do not appear on the Consent Agenda shall be presented on the Regular Agenda. Items appearing on the Regular Agenda require Board direction, a policy decision, or are otherwise of great significance necessitating separate attention and action.

A. Regular Agenda items shall be considered individually, and the order of presentation shall generally be as follows:

- (1) Chair announces item.
- (2) Staff presentation describing the agenda item to be considered, and providing the staff recommendation, if any.
- (3) Commissioner questions for staff (no debate).

- (4) Public comment, if any. Public comment will be consistent with the rules for public participation before the Board as detailed herein.
- (5) Public comment is closed.
- (6) Board discussion and follow-up as necessary.
- (7) Motion made.
- (8) Board discussion and amendments, if any.
- (9) Vote taken at the conclusion of the Board discussion.

2.120 LEGISLATIVE PUBLIC HEARINGS. Legislative public hearings are normally scheduled during Regular Meetings of the Board. Unless otherwise required by law or specifically directed by a majority vote of the Board, all legislative public hearings will be scheduled for the second and fourth Monday meetings and will be heard in the order as they appear on the agenda.

A. The procedures to be followed for legislative public hearings are, generally, as follows:

- (1) The Chair shall announce the item, the topic being considered, and open the public hearing.
- (2) Staff presentation describing the agenda item to be considered, and providing the staff recommendation, if any.
- (3) Commissioner questions for staff (no debate).
- (4) Applicant presentation (if applicable).
- (5) Commissioner questions for the Applicant (no debate).
- (6) After Commissioners' questions are answered, the Chair opens the floor for public comment. The Chair shall then invite all members of the public who have completed required comment cards and wish to speak in favor of or against an item to the podium in the order cards were received by the Clerk. Public participant testimony will be consistent with the rules for appearance before the Board as proscribed in Section 2.175 of these Policies and Procedures.
- (7) Campaign rhetoric is prohibited during public comment.
- (8) Following public comment (if any), the Chair closes the public hearing.
- (9) Board discussion and follow-up as necessary.
- (10) Motion made.
- (11) Board discussion and amendments, if any.
- (12) Vote taken upon the conclusion of the Board discussion.

2.125 QUASI-JUDICIAL HEARINGS.

A. QUASI-JUDICIAL POLICY STATEMENT. It shall be the general policy of the Board that the following statement of intent shall be applicable to all quasi-judicial public hearings, and that the Chair (or County Attorney) read this statement into the record prior to the commencement of any quasi-judicial proceeding before the Board:

“While the Board welcomes comments from all persons with an interest in this proceeding, Florida law requires that the Board’s decision in a quasi-judicial action be supported by competent substantial evidence presented to the Board during the hearing on the application. Competent substantial evidence is such evidence as a reasonable mind would accept as adequate to support a conclusion. There must be a factual basis in the record to support opinion testimony from both expert and non-expert witnesses. Persons presenting testimony may rely on factual information that they present, that is presented by County staff, that the applicant presented, or on factual information included in the County staff report to support their testimony. General objections, without specific evidence, does not constitute substantial competent evidence. The only material or relevant evidence is that which addresses the statutory or code requirements. Email communications received until the time of this meeting are part of the public record for the hearing but are not, without more, competent substantial evidence. All persons who present written materials to the Board for consideration must ensure that a copy of such materials is provided to the Clerk for inclusion in the Board’s record of the proceedings and official minutes.”

B. ORDER OF PROCEDURE FOR CONDUCTING THE HEARING. The order of procedure to be followed for quasi-judicial hearings shall generally be as follows:

(1) **Open the Hearing.** The Chair shall announce the item being considered and open the public hearing.

(2) **Ex-Parte Disclosure Statement by the Chair.** The Chair shall make the following inquiry of the Commissioners:

“Has any Commissioner received any oral or written communications regarding the quasi-judicial item? If so, please disclose the substance of the communication and identify the person making the communication.”

Disclosure must be made before or during the public meeting at which a vote is taken on quasi-judicial matters, so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication.

(3) **Staff Presentation of Application.** County staff will be sworn in by the Clerk and shall describe the quasi-judicial item to be considered and will make a presentation pertaining to the item. Unless otherwise authorized by the Chair, staff shall not exceed ten (10) minutes during its presentation. The Chair shall then inquire as to whether the Commissioners have questions for the staff members who made the presentation.

(4) **Applicant Presentation.** The applicant or his/her representative and witnesses will be sworn in by the Clerk and shall make a presentation pertaining to the application. The applicant will generally have up to fifteen (15) minutes to present the application including any witness

testimony. Time may only be extended by the Chair. Upon conclusion of the applicant's presentation, the Chair shall inquire as to whether Commissioners have questions of the applicant and the applicant's representatives or witnesses.

(5) **Public Participant Presentations.** The Chair shall then invite all members of the public who wish to present testimony or evidence to the board and who have completed required comment cards to the podium in the order cards were received by the Clerk. Public participant testimony will be consistent with the rules for appearance before the Board as proscribed in Section 2.175 of these Policies and Procedures.

(6) **Applicant Cross-Exam and Rebuttal.** There shall be an opportunity for applicants to cross-examine those presenting testimony or evidence and any rebuttal limited to ten (10) minutes.

(7) **Staff Summary.** Staff will have five (5) minutes to provide any final comments.

(8) **Close the public hearing.** Following public comment (if any), the Chair will close the public hearing.

(9) **Board discussion.** Board follow-up and discussion as necessary.

(10) **Board Motions to Approve or Deny.** The Chair shall then inquire if any of the Commissioners wish to put forth a motion. If there is a second to the motion, the Commissioners may discuss the motion after which the Chair shall call the vote. No motions shall be accepted by the Chair until the close of the applicant's rebuttal and the public participant portion of the hearing.

(11) **Motions.** All motions of the Board should include whether the Board member finds competent and substantial evidence in the record and/or testimony received to support the Board's decision to approve or deny the agenda item.

(12) **Notice to the Applicant if Application is Not Approved.** If a motion is not passed in favor of the application, the application shall be deemed to be denied and the applicant shall be so notified by the Chair. In the event of a tie vote, the application shall be deemed to be technically denied.

C. EX-PARTE COMMUNICATIONS. Section 286.0115, *Florida Statutes* provides that any person who is not otherwise prohibited by statute or ordinance may discuss with any Commissioner the merits of any matter on which the Board may take action. The following procedures, which remove the presumption of prejudice, shall be followed for ex-parte communication:

(1) The substance of any ex-parte communication with a Board member which relates to a quasi-judicial action pending before the Board (such as a zoning decision) is not presumed prejudicial to the action **if the subject of the communication and the identity** of the person, group or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.

(2) Ex-parte communication includes anyone who discusses the matter with a Board member prior to the hearing (e.g., any member of the public, an applicant, expert, etc.).

(3) A written communication to a Board member that relates to a quasi-judicial action pending before a Board shall not be presumed prejudicial to the action, if the written communication is made part of the public record for the hearing before final action on the matter.

(4) A Board member may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before the Board. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit or expert opinion is made a part of the record before final action on the matter.

(5) Disclosures made pursuant to the above must be made prior to final action on any quasi-judicial action to give reasonable opportunity to those with contrary testimony or information to be rebut or respond.

2.126 APPEAL HEARINGS.

A. APPEAL POLICY STATEMENT. Appeals allowed by the provisions of the Nassau County Code of Ordinances or Nassau County Land Development Code are record appeals and may only be based on the evidence and testimony officially received in the record of the hearing of the decision upon which the appeal is based.

B. APPEAL TIMELINESS. All appeals must be timely filed with the Clerk of Court according to the provisions of the Nassau County Code of Ordinances or Nassau County Land Development Code and must include the grounds upon which the appeal is based. Failure to timely file an appeal will result in loss of jurisdiction to hear the appeal.

C. PUBLIC COMMENT. A public comment period may be provided but *will not* be sworn and no evidence presented during this public comment period will be considered as the appeal hearing is limited to argument of facts and testimony received in the record of the hearing below.

D. ORDER OF PROCEDURE FOR CONDUCTING THE HEARING. The order of procedure to be followed for appeal hearings shall generally be as follows:

(1) **Open the Hearing.** The Chair shall announce the item being considered and open the public hearing.

(2) **Ex-Parte Disclosure Statement by the Chair.** The Chair shall make the following inquiry of the Commissioners:

“Has any Commissioner received any oral or written communications regarding the appeal item? If so, please disclose the substance of the communication and identify the person making the communication.”

Ex-Parte communications which were *NOT* part of the record below will not be considered for the purpose of the decision on appeal.

(3) **Staff Presentation of Application.** County staff will be sworn in by the Clerk and shall present their argument as to whether the decision below should be affirmed or reversed. Unless otherwise authorized by the Chair, staff shall not exceed fifteen (15) minutes during its presentation. The Chair shall then inquire as to whether the Commissioners have questions for the staff members who made the presentation.

(4) **Appellant Presentation.** Appellant or his/her representative will have five (5) minutes for cross-examination of any staff witness. The appellant will then be sworn in and shall present their argument as to what due process, requirement of law, or evidence was in error. If the appellant has witnesses, they will indicate the name, address, and subject matter of each witness. The appellant and/or representative shall have up to fifteen (15) minutes to present their argument.

Time may only be extended by the Chair. Upon conclusion of the appellant's presentation, The Chair shall inquire as to whether Commissioners have questions of the appellant or the appellant's representatives or witnesses.

(5) **Public Participant Presentations.** The Chair shall then invite all members of the public who wish to address the Board and who have completed required comment cards to the podium in the order cards were received by the Clerk. Public participant comments shall be consistent with the rules for public participation before the Board as detailed herein and *shall not* constitute new evidence for consideration.

(6) **Staff/Appellant Final Argument.** There shall be an opportunity for staff and the appellant or his/her representative to provide final arguments to the Board limited to ten (10) minutes each.

(7) **Close the public hearing.** Following public comment (if any), the Chair will close the public hearing.

(8) **Board discussion.** Board discussion and follow-up as necessary.

(9) **Board Motions to Affirm or Deny.** The Chair shall then inquire if any of the Commissioners wish to put forth a motion. If there is a second to the motion, the Commissioners may discuss the motion after which the Chair shall call the vote. No motions shall be accepted by the Chair until the close of the final arguments by staff and appellant.

(10) **Notice to the Applicant if Application is Not Approved.** If a motion is not passed in favor of the appeal, the appeal shall be deemed to be denied and the appellant shall be so notified by the Chair. In the event of a tie vote, the appeal shall be deemed to be technically denied.

2.130 BOARD TO PROMOTE AND PRESERVE DECORUM AND CIVILITY. The Board expressly recognizes that promoting and preserving decorum and civility best enables the Board to fairly and expeditiously conduct the business of the County. While the Board is in session, the Chair shall preserve order and decorum. A Commissioner shall neither by conversation, nor otherwise, delay or interrupt the proceedings or the peace of the Board, nor disturb any Commissioner while speaking or refuse to obey the orders of the Board or its Chair.

2.135 MANNER OF SPEAKING.

A. COMMISSIONERS. No Commissioner shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first being recognized by the Chair. When two or more Commissioners seek recognition by the Chair, the Chair shall name the Commissioner who is to speak first. No Commissioner shall be interrupted by another without the consent of the Commissioner who has the floor. A Commissioner, in speaking on any matter, shall confine him/herself to the question, or matter before the Board, shall not use abusive language, and shall avoid commenting on personalities or character of other Commissioners, former Commissioners, County Manager, County Attorney, staff, or the public.

B. THE PUBLIC. Members of the public and designated representatives shall address their comments to the Board as a whole and not to any Commissioner individually, any group of Commissioners, or to County staff. Imposing a demand for an immediate response from the Board, a Commissioner, or County staff, during public comment shall be considered out of order. Persons shall not address the Board with personal, impertinent or slanderous remarks, or become boisterous. A Commissioner shall not engage in dialogue with persons making public comment

unless the question or comment is directed through the Chair or made with the permission of the Chair.

2.140 DISRUPTION OF MEETING. Any person disrupting a Board meeting by making personal, impertinent, or slanderous remarks or through boisterous behavior while the Board is in session, may be removed from the meeting. Such removal may be requested by the Chair in his/her discretion, by consensus of the Board, or by the Sheriff's office if there is perceived to be an immediate threat to any person. No demonstrations of approval or disapproval from the audience shall be permitted; and if, after warning by the Chair, such demonstrations are made and result in a disruption of the meeting, the person(s) creating such disruption may be removed from the meeting. Alternatively, the Chair may recess the meeting until order is restored.

2.145 PROMPTNESS OF ATTENDANCE; ABSENCE FROM MEETINGS. Board members are expected to observe timely appearance at Board regular, work session, special meeting, or other official Board functions. Any member who is unable to timely attend any such meeting or function shall notify either the Chair or the County Manager, prior to the meeting, if possible so that notice may be conveyed to all Board members. Any member present at any meeting of the Board will give notice to the Chair if leaving the meeting for an extended period of time.

2.150 MOTIONS. A motion is a proposal that the Board (1) take certain action; (2) direct that a specific action be taken on behalf of the County; or (3) express itself as holding certain views. A motion should be seconded before debate. A motion must have a second before being considered for a vote by the Board. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

2.155 MOTIONS: HOW MADE, WITHDRAWAL.

A. Every motion shall be made orally, unless the Chair requests that it be reduced to writing. When a motion is made and seconded, it shall be stated by the Chair, and the mover shall have the floor. After a motion has been stated or read, it shall be deemed to be in the possession of the Board and shall be disposed of by vote of the Board.

B. The mover may withdraw a motion at any time before the same has been amended or before a vote shall have commenced, if a majority of the Board present consents.

2.160 MOTIONS TO RECONSIDER A VOTE.

A. GENERALLY. A motion to reconsider a vote of the Board may be made only at the same meeting at which the original vote occurred. A motion to reconsider may be made only by a Commissioner who voted on the prevailing side of the original vote. When a majority of the Commissioners present vote in the affirmative but the question is lost because the concurrence of a greater number is necessary for adoption or passage, any Commissioner may move for a reconsideration. If a motion to reconsider is lost, it shall not be renewed again.

B. ELIGIBILITY FOR RECONSIDERATION. A motion to reconsider a vote *shall not* be entertained:

- (1) If the approved action has been partially or fully carried out;
- (2) If a contract, when the party to the contract has been notified of the outcome;
- (3) If an ordinance, quasi-judicial, or other action taken after a required public hearing;

or

- (4) If the vote has caused something to be done that is impossible to undo.

C. EFFECT. Adoption of a motion to reconsider a vote shall rescind the original action; therefore, a new motion, second, and vote is required to take formal action on the item under reconsideration. If a motion to reconsider a vote is not brought forward in a timely manner, yet a Commissioner would like to revisit the issue, the item may be placed on a future agenda provided that (1) new information has been discovered that if known at the time of the original vote, the outcome likely would have been different; (2) a majority of the Board approves; **and** (3) none of the instances set forth above that would prohibit a motion to reconsider a vote exist.

2.165 RULES OF ORDER AND DEBATE. This section sets forth the rules of debate to maintain decorum, the various motions available for use by the Board, and related matters.

A. OBTAINING THE FLOOR. A Commissioner desiring to speak should address the Chair and, upon being recognized by the Chair to speak, should address his/her remarks and inquiries to the question under debate.

- (1) A motion must be accepted by the Chair before it is officially on the floor and eligible for debate.

- (2) When a motion is made and seconded, it is under consideration and no other motion shall be received thereafter, except: (a) to continue to a date certain, (b) to substitute, (c) to amend until the question is decided, or (d) to call the question. The motions listed in this paragraph shall have preference in the order in which they are listed.

- (3) The maker of a motion shall be entitled to the floor first for debate.

- (4) A Commissioner recognized by the Chair to speak should not be interrupted when speaking unless to call said Commissioner to order. In such an event, the Commissioner should cease speaking until the question of order is determined, without debate, by the Chair. If in order, the Commissioner may continue speaking.

- (5) A Commissioner shall be deemed to have yielded the floor when the Commissioner has finished speaking.

- (6) Non-member recognition shall be at the Chair's discretion.

B. POINT OF ORDER. Any member who believes that there has been a breach of the Board meeting procedures has a right to call immediate attention to the matter by raising a "point of order." A point of order (1) may interrupt a speaker who has the floor; (2) does not need to be seconded; (3) is not debatable; and (4) is decided by the Chair. By motion and second, a decision of the Chair on a point of order may be appealed to the Board and, without debate, the Chair shall submit to the Board the question, "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.

C. CHAIR MAY PARTICIPATE IN PROCEEDINGS. The Chair may make motions, second motions, and debate, subject only to such limitations of debate as are enforced by these rules on all Commissioners and Section 2.95C. of these procedures.

2.170 VOTING.

A. The votes during all Board meetings should be transacted as follows:

(1) All votes, with the exception of Quasi-Judicial votes of the Board, shall be taken by voice. In the case of any vote, if the Chair is in doubt as to the outcome, or upon the request of a Commissioner for any reason, the Chair shall call for a roll-call vote. Quasi-Judicial votes shall be by roll-call vote.

(2) When the Chair calls for a vote on a motion, every member, who was in the Commission chambers must give their vote, unless the member has publicly stated that he/she is abstaining from voting due to a conflict of interest, pursuant to Section 112.3143 or Section 286.012, Florida Statutes, or other Florida law.

(3) The passage of any motion, policy or resolution shall require the affirmative vote of at least a majority of the membership of the Commissioners who are present and eligible to vote, unless otherwise required by statute or ordinance.

(4) Any Commissioner shall have the right to express dissent from or protests against any ordinance, resolution or policy of the Commission, and to have the reason therefore entered in the minutes.

B. CHANGE OF VOTE. After announcement of the results of a vote, no vote may be changed unless a motion to reconsider the vote is approved.

C. PROXY VOTING PROHIBITED. A Commissioner shall not vote for another Commissioner, nor shall any person not a Commissioner cast a vote for a Commissioner. Commissioners must be present and cast their own vote.

D. TIE VOTE. A tie vote shall result in the technical failure of the motion.

E. VOTING CONFLICTS. No Commissioner shall vote on a matter when the Commissioner has a voting conflict pursuant to Sections 112.3143 or 286.011, *Florida Statutes*. If a Commissioner abstains from voting to avoid a legal conflict of interest, he/she shall file a Form 8B with the Clerk describing the nature of his/her interest in the matter. The Clerk will and incorporate the Form 8B into the minutes of the meeting. This form must be filed with the Clerk within fifteen (15) days following the Board meeting.

2.175 PUBLIC PARTICIPATION BEFORE THE BOARD.

A. CITIZEN INPUT. The Board recognizes the important right of all citizens to express their opinions on the operation of County government and encourages citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings so that County business may be completed efficiently, effectively, and timely. Any speaker may present their viewpoint in this limited public forum without using terminology, behavior, or gestures that cause a disruptive environment hostile to the participation of other members of the public. Members of the public wishing to speak at Board meetings shall comply with the procedures set forth below.

B. DESIGNATED TIME FOR PUBLIC COMMENTS. Members of the public are provided two opportunities to address the Board:

(1) Public comments on items appearing on the agenda. The public may address the Board regarding items appearing on the agenda for that meeting. These comments will be made during the time period in which that agenda item is before the Board and be limited to the agenda item under consideration.

(2) Consent Agenda. Prior to Board approval of the Consent Agenda, public comment will be accepted. One speaker form identifying all items of interest shall be submitted to the Clerk who will pass it on to the Chair. If more than one item is identified, the three-minute allotment may be extended at the Chair's discretion.

(3) Public comments on non-agenda items. The public may address Board regarding items not on the agenda during the Public Comment portion of the meeting, typically occurring at the end of the meeting. This comment period shall be limited to 30 minutes in total. In most cases, the Board shall not take final action on public comment items presented at the same meeting but may refer the item to the County Manager or County Attorney for action or input.

(4) The Board is not required to give members of the public an opportunity to be heard on a proposition under the following circumstances (see Section 286.0114(3), *Florida Statutes*):

- (a) When an official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if providing an opportunity to be heard would cause an unreasonable delay in the ability of the Board to act; or
- (b) When an official act of the Board involves no more than a ministerial act including, but not limited to, approval of the agenda, approval of the minutes, and ceremonial proclamations; or
- (c) When an Agenda Item or portion of a meeting is exempt from public observation or participation pursuant to Section 286.011, *Florida Statutes*, including, but not limited to, Attorney-Client Sessions, Executive Sessions, and Risk Management Program Sessions.

B. MANNER. Upon recognition by the Chair, each person addressing the Board shall step up to the speakers' podium and give his/her name and address for the record. No person other than a member of the Board and the person having the floor shall be permitted to enter into any discussion without the permission of the Chair. All remarks shall be addressed to the Board as a body and not to any individual Commissioner, County staff, or the audience. Commissioners may ask questions of the speaker after his/her uninterrupted comments have been made. Question shall not be directed to a Commissioner or staff except through the Chair. Generally, public comment from an individual on a single matter will be limited to one comment opportunity per meeting.

C. SPEAKER CARD. Any member of the public wishing to speak before the Board or who wants to make their position known but does not want to address the Board shall complete a "speaker card" and present the card to the Clerk in the Board Chambers *prior to* the agenda item on which they wish to speak. The Clerk will provide the speaker cards to the Chair. Only those individuals who have submitted speaker cards and who have been recognized by the Chair may address the Board. Any member of the public who has filled out a card must be present when

the Chair announces the person's name if they desire to be recognized. If an individual does not wish to speak and instead submits a card with his/her comment noted, it is within the Chair's discretion to read the comment into the record. If the Chair does not read the comment, the speaker card is nonetheless submitted as part of the official record. In any event, a speaker card will not be read into the record if the citizen submitting same is not present when the item is being discussed. As a general practice, speaker cards will not be accepted after presentation of an agenda item has begun; however, the Chair has the discretion to accept additional speaker cards. Speaker cards are considered public records and are to be submitted to the Clerk before the meeting adjourns. A member of the public may be allowed to address the Board prior to completing a speaker card, at the discretion of the Chair, but must complete and submit a speaker card afterwards.

D. CIVILITY. All public comments and any multimedia, posters, or other visual items shown or material distributed shall avoid personal attacks, abusive language, and redundancy. The Chair may curtail repetitious comments. No person attending a Board meeting is to harass or otherwise disturb any other person in the room. Any person making impertinent or slanderous remarks or whose behavior is disruptive shall be subject to removal from the Board Chambers, or such other action as may be appropriate, and barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Board is granted by a majority vote of the Board members present.

E. RELEVANCY. Comments shall be limited to the subject being considered by the Board. Comments involving non-agenda items should be directed to issues under the authority of the County.

G. ALLOTTED TIME. Each member of the public shall be granted three (3) minutes to speak. Extensions of time may only be granted by the Chair. Sharing or transferring of time is not allowed. If a large number of public comment cards are provided, the Chair may shorten the amount of time that each person may speak in order to allow all speakers an opportunity to provide public comments within the allotted thirty (30) minute time period.

H. DISSEMINATION OF INFORMATION/USE OF MULTIMEDIA. Any member of the public desiring to submit information to the Board relevant to the item may do so only when they are at the podium and recognized to speak. No motion to receive and file any submission by the public is necessary to make same a part of the public record as all items presented to the Board at the meeting shall automatically be placed into the record. Speakers should be prepared to leave all submitted documents, photos, presentations, etc. with the Clerk for incorporation into the record. Due to time constraints, there shall be no expectation that the Board will read any information submitted at a Board meeting. Early submission of information relevant to an item appearing for Board consideration is encouraged. The public is authorized to use multimedia supportive of their comments. In order to ensure accommodation of technical needs, multimedia must be submitted to the County Manager's Office five (5) working days prior to the Board meeting for review by IT staff. If such multimedia is not received and reviewed as required, it may not be presented to the Board.

L. EMPLOYEES. Employees of the County may address the Board on matters of public concern in their capacity as a private citizen. Employees or those speaking on their behalf shall not be permitted to address a grievance/arbitration or employee appeal matter during the public comment period. Employees will be advised of the appropriate forum and process for presenting or discussing such matters.

J. ACCESSIBILITY. In accordance with the Americans with Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should contact the County Manager's Office at contact@nassaucountyfl.com, 96135 Nassau Place, Suite 1, Yulee, FL 32097, Phone No. 904-530-6010, not later than seventy-two (72) hours prior to the proceeding. If you are hearing or voice impaired, please call the Florida Relay Service at 711 or toll free at 1-800-955-8771 (TTY).

K. RULES OF DECORUM.

The following are the rules of decorum and shall be posted on the chamber doors:

EACH SPEAKER MUST COMPLY WITH THE FOLLOWING RULES OF DECORUM WHEN ADDRESSING THE COMMISSION, BOARD, OR COMMITTEE:

a) THE SPEAKER MAY NOT ADDRESS THE COMMISSION, BOARD OR COMMITTEE FROM THE AUDIENCE.

b) THE SPEAKER MAY ONLY APPROACH THE PODIUM TO SPEAK WHEN RECOGNIZED BY THE CHAIR.

c) THE SPEAKER MAY NOT APPROACH THE DAIS WITHOUT THE CHAIR'S PERMISSION.

d) THE SPEAKER MUST DIRECT COMMENTS TO THE COMMISSION, BOARD OR COMMITTEE, AS A BODY, NOT INDIVIDUALLY, AND ONLY THROUGH THE CHAIR.

e) REMARKS SHALL NOT BE PERSONALLY DIRECTED TO ANY COMMISSIONER, BOARD, OR COMMITTEE MEMBER, OR TO STAFF. THE TIME ALLOTTED IS NOT INTENDED AS A QUESTION-AND-ANSWER SESSION.

f) THE SPEAKER MUST OBSERVE THE TIME LIMITS SET FOR PUBLIC COMMENT.

g) THE SPEAKER AT A PUBLIC HEARING MUST LIMIT HIS OR HER COMMENTS TO THE SUBJECT OF THE HEARING OR TOPIC UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS.

h) THE SPEAKER MUST AVOID MAKING IRRELEVANT, REPETITIVE, PERSONAL, ABUSIVE, OBSCENE, IMPERTINENT, OR SLANDEROUS COMMENTS.

A SPEAKER VIOLATING THESE RULES OF DECORUM OR OTHERWISE DISRUPTING A MEETING MAY BE GAVELED OUT OF ORDER BY THE CHAIRPERSON, AND IF THE SPEAKER WILLFULLY REFUSES TO ABIDE BY THE LAWFUL ORDER OF THE CHAIRPERSON TO CEDE THE FLOOR AND CEASE AND DESIST ALL DISRUPTIVE BEHAVIOR, THE SPEAKER MAY BE REMOVED FOR DISRUPTING A PUBLIC ASSEMBLY PURSUANT TO SECTION 871.01, FLORIDA STATUTES.