



## INTERGOVERNMENTAL AFFAIRS/BOARDS SECTION

### **BROWARD COUNTY BOARD'S POLICIES**

The Broward County Board of County Commissioners has created by ordinance and resolution, agencies, authorities, boards, committees, commissions, councils, and task forces (collectively "Boards") as required or permitted by law. Boards meet regularly throughout the year and serve in an advisory or other capacity to the Board of County Commissioners on a myriad of issues.

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

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

#### **A. ISSUES FOR ACTION BY THE COUNTY COMMISSION**

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

- A majority of the board's members present at the meeting must vote affirmatively to send an issue to the County Commission for consideration, information, or action.
- The assigned board coordinator communicates the request of the advisory board, either through resolution from the advisory board or via a transmittal letter signed by the Chair of the advisory board to the Mayor and members of the Broward County Commission.
- The Board of County Commissioners may choose to take action, and if action is taken, the advisory board will be informed, usually through a letter from the Mayor or

County Administrator to the Chair of the advisory board, indicating the action taken.

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

#### B. TERMS OF APPOINTEES

Except where inconsistent with the Broward County Charter, general or specific law, or the enabling act of the specific boards, all appointments to advisory boards, committees, commissions, councils, and task forces established by Broward County ordinance or resolution, and all appointments to agencies, development and redevelopment authorities, and regulatory and adjustment boards established pursuant to federal or state law, the Broward County Charter, or interlocal agreements, shall be subject to the requirements of 1-233, Broward County Code, which are as follows:

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

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

- 3) Best efforts shall be employed to ensure the membership of all advisory and other boards fairly represent the diverse population and demographics of the County.

#### C. RESIDENCY REQUIREMENTS

A person appointed to a board shall be a resident of Broward County and shall maintain residency in Broward County during the term of the appointment.

Any board appointee who fails to meet the requirements of his or her appointment, including residency if required to live in the district, is automatically disqualified, and his or her appointment shall immediately cease and be deemed vacant.

The residency requirements of this subsection are inapplicable to members of the Climate Change Task Force.

#### D. CATEGORICAL REQUIREMENTS

Any board appointee who fails to meet the categorical requirements of his or her appointment, if required to qualify by profession, occupation, demonstrated interest or other specification such as registered voter, is automatically disqualified, and his or her appointment shall immediately cease and be deemed vacant.

#### E. SIMULTANEOUS BOARD MEMBERSHIP EXCEPTIONS

No person may be appointed by the Broward County Commission to more than one (1) board, except that an elected County or municipal officer appointed in an official capacity may serve on more than one (1) board to which at least one (1) such elected official is required to be appointed. In addition to serving in an official capacity, an elected County or municipal officer may serve on one (1) board in an individual capacity so long as the appointment does not otherwise violate the dual-office holding provision of the Florida Constitution.

Members of the Homeless Initiative Partnership Advisory Board and HIV Health Services Planning Council are specifically exempt from the requirements of this section which provides that members may only serve on one county board.

#### F. COUNTY EMPLOYEE

A County employee may serve as a voting member on a board, as long as he or she is appointed by a governing body other than the County Commission. No County employee shall be appointed to a board by a County Commissioner.

#### G. REMOVAL FROM BOARD BASED UPON ATTENDANCE

When a board whose enabling act or bylaws adopt the attendance requirements of this section, meets on a quarterly or less frequent basis, an appointee shall be automatically removed as a member if he or she has two (2) consecutive unexcused absences or misses two (2) properly noticed meetings in one (1) calendar year because of unexcused absences.

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

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

The automatic removal provisions of this subsection do not apply to Water Advisory Board members appointed by non-County entities, or to members of the HIV Health Services Planning Council whose absences are related to the member's HIV status.

#### H. EXCUSED ABSENCES

The absence of a board member shall be deemed excused under the following circumstances:

- 1) When the member is performing an authorized alternative activity relating to outside board business that directly conflicts with the properly noticed meeting;
- 2) The death of an immediate family member, as defined in Section 14.231 of the Broward County Administrative Code which includes a spouse, father, mother, one who has stood in place of a parent (in loco parentis), child, or stepchild domiciled in the employee's household;
- 3) The death of a member's domestic partner; or
- 4) The member's hospitalization.
- 5) When the member is summoned to jury duty.
- 6) When the member is issued a subpoena by a court of competent jurisdiction.

An appointee shall notify the board coordinator at least two (2) business days prior to the scheduled meeting date as to whether they will or will not attend the meeting, unless the occurrence of an excused absence as specified above makes notice impracticable.

Failure to notify the board coordinator within that time period shall be considered an absence. This notification requirement will allow ample time for cancellation if it is determined the meeting will not have a quorum present. Appointees who have notified the board coordinator that they cannot attend the meeting will be considered absent even if the meeting is cancelled due to lack of a quorum. The chair of the board shall, in his or her discretion, determine whether the appointee's absence meets any of the criteria for an excused absence.

#### I. ATTENDANCE RECORDS

Attendance records for appointees to advisory boards, and attendance records for appointees to other boards whose enabling acts or bylaws adopt the attendance requirements in section G and H, shall be submitted by the board coordinators to the County Administrator or his or her designee within two (2) weeks after each meeting to determine attendance compliance.

#### J. VACANCY

Following notification of the occurrence of a vacancy on a board due to any reason whatsoever, the County Administrator or his or her designee shall follow the applicable procedures for filling the vacancy.

#### K. MEETINGS

Boards shall meet quarterly unless a board determines that meetings are required more or less frequently.

Board meetings are subject to the Sunshine Law which applies to any gathering whether formal or casual, of two or more members of the same board to discuss any matter on which foreseeable action will be taken by the board at a public meeting. A board meeting must be open to the public with reasonable notice of the meeting, and minutes of the meeting taken.

To ensure board members do not have to choose between attending meetings or observing religious holidays, members may request that meetings not be scheduled on religious holidays, and the chairs of each board must honor those requests.

#### L. GENERAL RULES AND PROCEDURES FOR PUBLIC PARTICIPATION AT ADVISORY BOARD MEETINGS

Pursuant to Section 286.0114, Florida Statutes, members of the public shall be given a reasonable opportunity to be heard at advisory board meetings. Participation is limited to the subject being discussed, as listed on the Agenda. This speaking opportunity does not have to occur at the same meeting at which the board takes official action as long as the opportunity occurs at a meeting during the decision-making process and within reasonable proximity in time to the official action.

When recognized by the Advisory Board Chair, each speaker shall state his/her name, who he/she represents, and if asked, whether he/she is being compensated by the person(s) or organization(s) for which he/she speaks. A participant shall be required to complete a speaker form prior to addressing the advisory board. Members of the public may be allocated up to 3 minutes to speak on an agenda item; however, the Chair may reduce the amount of time if the Chair determines that such reduction is required due to the total number of persons desiring to speak regarding the agenda items, the remaining meeting time, and the agenda items remaining to be considered by the

advisory board.

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

#### M. STANDARDS OF CONDUCT

Board members are “public officers” who are subject to the Standards of Conduct set forth in Chapter 112, F.S., Part III; and Chapter 26, Broward County Code, Article V: Conflict of Interest, including the lobbying prohibitions in Section 26-70, Broward County Code.

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

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

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

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

No board member shall accept a gift, directly or indirectly, regardless of value, from any lobbyist registered with the County, or from any prohibited donors.

No advisory board member shall accept a gift with a value in excess of \$50 per occurrence from sources other than prohibited donors, when such gift is given to the member in his or her official capacity.

#### N. REAPPOINTMENT

If an appointee is automatically removed for violating the attendance requirements, the appointing/nominating Commissioner or other appointing/nominating authority may reappoint the appointee when extenuating circumstances, as determined by the appointing/nominating authority, are found to exist for the appointee's absences.

O. QUORUM

The number of members needed to constitute a quorum on any advisory or other board shall be a majority of the total appointed board members.

Once a quorum has been established by members who are physically present at a meeting, members who are not physically present may attend and participate in the meeting by telephone or other appropriate electronic communication device.

P. PRINTED MATERIALS

Board members shall not produce, purchase, or make requests for business cards given they do not formally represent the individual board but serve in an advisory capacity to the Board of County Commissioners. Any pamphlets, brochures, or other printed material must be approved before publication by the department, office, or division director of the board coordinator assigned to the board. Approved stationery will be printed based upon funding availability and is only to be used when it is necessary to transmit information with the approval of the County Commission.

Q. AMENDMENTS

The County Administrator or his or her designee shall review and amend this Board's Policies as necessary.

Approved 6/13/03  
Amended 12/5/06  
Approved 6/23/09  
Amended 9/22/09  
Amended 6/04/13  
Amended 6/24/14  
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