

RULES OF PROCEDURE



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BROWARD COUNTY PLANNING COUNCIL

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RULES OF PROCEDURE

BROWARD COUNTY PLANNING COUNCIL

Except as may be provided in the Charter or by these rules, or by questions of order, the methods of organization and the conduct of business of the Broward County Planning Council shall be governed by the procedures set forth herein.

SECTION 1 ORGANIZATION

1.01 PLANNING COUNCIL MEMBERSHIP, VACANCIES AND TERMS OF OFFICE:

The membership, vacancies and terms of office of the Planning Council shall be subject to Sections 8.02, 8.03 and 8.04 of the Broward County Charter.

1.02 DUTIES OF COUNCIL MEMBERS:

- a) Members shall attend regular and special meetings of the Council.
- b) Members shall serve on committees as appointed by the Chair and ratified by the Council.
- c) A member shall not represent the Council nor speak for the Council unless specifically authorized to do so by the Council.
- d) Members shall conform to the Rules of Procedure.

1.03 OFFICERS:

The officers of the Council and the membership of the Executive Committee shall consist of a Chair, a Vice Chair, and a Secretary.

1.04 OFFICER ELECTION:

Officers shall be elected at the first regular meeting of the calendar year.

1.05 OFFICER VACANCIES:

Vacancies in office shall be filled as follows:

- a) A vacancy in the position of Chair shall be filled for the remainder of the unexpired term by the Vice Chair, or by the Secretary when the office of Vice Chair is vacant and if both positions are vacant, then by a member elected by the Council.
- b) A vacancy in the position of Vice Chair shall be filled for the remainder of the unexpired term by the Secretary, or by a member elected by the Council when the office of Secretary is vacant.
- c) The positions of Secretary and member-at-large shall be filled for the remainder of the unexpired term by a member elected by the Council. A vacancy in the position of Secretary shall be filled for the remainder of the unexpired term by a member elected by the Council.

1.06 TERMS OF OFFICERS:

Officers shall serve for a term commencing at their election and continuing until the first regular meeting of the following year, or until new officers and members are elected, whichever event occurs earlier.

1.07 DUTIES OF OFFICERS:

- a) The Chair shall preside at all regular, special and emergency meetings, appoint committees, subject to ratification by the Council, and perform other duties as may be designated by the Council.
- b) The Vice Chair shall act in the capacity of the Chair in the absence or incapacity of the Chair.
- c) The Secretary shall preside in accordance with the line of succession established in Subsection 1.03.

The presiding officer shall preserve strict order and decorum at all meetings of the Council. The Chair, minutes secretary, or staff should repeat every motion and state every question coming before the Council and announce the decision of the Council on all matters coming before it. The presiding officer shall limit repetitive debate and will provide an opportunity for all speakers to be heard before allowing rebuttal. A majority vote of the members present shall govern (unless otherwise set forth in these Rules of Procedure) and conclusively determine all questions of order not otherwise covered. The presiding officer may vote on all questions with their name being called last when a roll call is requested.

SECTION 2 COMMITTEES

2.01 EXECUTIVE COMMITTEE MEMBERSHIP:

Unless otherwise determined by a majority vote of those members of the Council in attendance, the Executive Committee shall consist of the Chair, Vice Chair, Secretary and four (4) members-at-large, appointed by the Council. The Chair, or Vice Chair or Secretary, respectively, in his/her absence, may appoint any member of the Council to sit as a voting member of the Executive Committee in the absence of a member-at-large, in order to make a quorum.

2.02 EXECUTIVE COMMITTEE FUNCTIONS:

The Executive Committee shall have the following duties:

- a) To formulate recommendations on policy and programs for consideration by the Council.
- b) To consider matters referred to the Committee by the Executive Director, the Council or its committees.

- c) To review the performance of the Executive Director and Council Attorney annually based upon a recommendation prepared by the Chair.
- d) To recommend an annual budget for consideration by the Council.
- e) The Executive Committee may delegate to the Executive Director the responsibility for presentation of requests for funds to the County Commission, for preparation of fees and for presentation of all financial reports to all proper agencies.

2.03 TERMS:

Members of the Executive Committee shall serve for a term commencing at their appointment and continuing until the first regular meeting of the following year, or until new officers are elected, whichever event occurs earlier.

2.04 AD HOC COMMITTEES:

The Council may establish special committees from time to time as specific needs arise. All committees, except the Executive Committee, shall be appointed by the Chair, subject to ratification by the Council. The Chair of the Committee, or senior officer or member, respectively, in his/her absence, may appoint any member of the Council to sit as a voting member of a committee, in the absence of an appointed committee member, in order to make a quorum. Each committee shall be structured as follows.

- a) Each committee shall consist of a minimum of three (3) members.
- b) The activities of each committee shall be limited to the matters assigned to each committee by the Council.
- c) Any special committee may be abolished by the Council when its continued existence no longer is necessary.
- d) All committee meetings shall be held in a workshop format. Participants in the workshop meeting shall be limited to committee members and Planning Council staff except as permitted by the committee.

2.05 PLANNING COUNCIL EXTERNAL COMMITTEE REPRESENTATION:

Whenever the Council deems it necessary or desirable that the Council shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations or departments, agencies or officials of the county government, the Council may nominate members of the Council to represent the Council at such meetings, conferences or other occasions, with the consent of the designee(s). Such representative is restricted from making any representations for or on behalf of the Council or from making any commitment or binding obligation on behalf of the Council. Such representatives shall report, in writing, to the Council with regard to such meeting, conference or other occasion.

SECTION 3 MEETINGS

3.01 REGULAR MEETINGS:

- a) The Broward County Planning Council shall hold regular meetings on the fourth Thursday of at least every other month or on an alternative date designated by the Planning Council and, when the day fixed for any such regular meeting falls on a day designated by law as a legal holiday, such meeting may be canceled at the discretion of the Broward County Planning Council. Regular meetings may be otherwise scheduled, postponed or canceled by resolution or motion adopted at a regular meeting by a majority of the Council members present.
- b) Meetings may be canceled by the Executive Director or Legal Counsel at the direction of the Chair, or in the Chair's absence, of two (2) members, in the event of an emergency or if the County government offices are officially closed or where the Chair determines that a meeting not otherwise required by law or other regulation would not be necessary as a result of the number of items set for the agenda for the meeting. Meetings may also be canceled by the Chair upon advice from the Executive Director that a quorum is not likely to be present at the meeting. Every reasonable effort shall be made to post notice of the cancellation and to notify the membership. In all cases, the business shall carry over to the next regularly scheduled meeting.
All regular meetings shall be held in the Governmental Center or such place as may be approved by resolution or motion adopted at a regular meeting by a majority of the Council members present and such meetings shall be open to the public and all news media.
- c) Communications media technology (CMT) participation at a Broward County Planning Council meeting, such as telephonic or video conferencing or other electronic transmission of audio, video, or printed matter, shall be conducted in a manner consistent with Section 1-233 of the Broward County Code and procedures as may be adopted by Broward County. Such participation must be arranged with the Executive Director at least 48 hours in advance of the meeting.

3.02 SPECIAL MEETINGS: EMERGENCY MEETINGS:

- a) Special meetings of the Broward County Planning Council may be held on the call of the Chair or of two (2) or more members upon no less than five (5) days effective notice to each member.
- b) An emergency meeting of the Broward County Planning Council may be called by the Chair whenever in his/her opinion an emergency exists which requires immediate Council action. Whenever such emergency meeting is called, the Chair shall notify the Executive Director who shall forthwith serve either verbal or written notice upon each member of the Council, stating the date, hour and place of the meeting and the purpose for which called, and no other business shall be transacted at the meeting. At least twenty-four (24) hours shall elapse between the time the Executive Director receives notice of the meeting and the time the meeting is to be held.

- c) If, after reasonable diligence, it is impossible to give notice to each Council member, such failure shall not affect the legality of the meeting if a quorum be in attendance. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the Council or shall show a waiver of notice. All special or emergency meetings shall be open to the public and shall be held and conducted in the Governmental Center or other suitable facility within Broward County, Florida. Minutes thereof shall be kept by the Executive Director.
- d) Proper notice shall consist of personal notice to the Council member or, if personal notice cannot be had, by telephone or by delivery to the Council member's office or home and, if no one is at either place, by posting notice upon the door. In addition, the Executive Director shall notify the media by telephone or electronic mail and by posting the emergency meeting notice on the Council website in a conspicuous location and in the mailboxes for the media as soon as practicable.

3.03 PUBLIC MEETINGS AND RECORDS:

All regular and special meetings, public hearings, records and files of the Council shall be open to the public. Notice of all regular and special meetings and public hearings shall be advertised in the press except as provided for in Section 3.02(d) above.

3.04 QUORUM:

Unless otherwise required by Florida law, the number of members needed to constitute a quorum shall be a majority of the total appointed board members either physically present or participating via CMT, provided that either an officer or at least three (3) members are physically present at the meeting.

Except as specifically provided for in these Rules of Procedure, no action shall be taken nor shall any motion be adopted by the Council without a quorum being present and without a minimum majority of six (6) or more of the Council members voting in the affirmative. Any member of the Council who announces a conflict of interest on a particular matter or in the proceedings related to that matter shall be deemed present for the purpose of constituting a quorum.

Should no quorum be present within a reasonable amount of time as determined at the sole discretion of the presiding officer, the meeting may be canceled by action of the presiding officer on the record; in such case all business shall carry over to the next regularly scheduled monthly meeting.

Please refer to Section 3.01 regarding the cancellation of meetings due to lack of quorum.

3.05 AGENDA:

There shall be an official agenda for every meeting of the Broward County Planning Council, which shall determine the order of business conducted at the meeting. The Council shall not take action upon any matter, proposal or item of business which is not

listed upon the official agenda, unless a majority of the Council members present shall have first consented to the presentation thereof for consideration and action.

A portion of the agenda may be designated as a consent agenda and all items contained therein may be voted on with one motion, except that any Council member may withdraw an item from the consent agenda and it shall be voted on individually. No matter listed on the agenda for public hearing or the vote thereon may be deferred until a later time unless a majority of the Council members present shall vote in favor of such deferral.

When the Executive Director places any delegation on the agenda, the Council members shall be furnished full and complete backup information, as to what the delegation wishes to discuss. The agenda shall be prepared by the Executive Director. Matters, other than those requiring a public hearing, may be placed on the agenda by any Council member. The Executive Director or legal counsel may place any matter, including those requiring a public hearing, on the Council agenda consistent with all advertisement and notification requirements. The Executive Director is authorized to schedule and publish the notification of a public hearing for a proposed change to the Broward County Trafficways Plan, the Documentation of the Broward County Trafficways Plan, the Broward County Land Use Plan, the Planning Council's Rules of Procedure, or the *Administrative Rules Document: BrowardNext*, pursuant to the receipt of a complete application or Council or County Commission initiation regarding the proposed change. Any other request for an agenda item shall be made in writing, directed to the Chair, signed by the applicant and delivered to the Planning Council office at least fourteen (14) days prior to the Planning Council meeting at which such item may be considered.

The advance agenda and written agenda materials will be distributed to Council members no less than nine (9) days prior to the scheduled meeting; provided that this is a directory goal and failure to comply with this deadline shall not be cause to invalidate any action of the Council.

3.06 ORDER OF BUSINESS:

All meetings of the Council shall be open to the public. Promptly, at the hour set for each meeting, the members of the Council, Legal Counsel and staff shall take their regular station in the chamber and the business of the Council shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

- a) The order of business at regular meetings shall include, but not be limited to, the following:

- Call to Order
- Pledge of Allegiance Roll Call
- Approval of Final Agenda
- Plat Reviews for Trafficways Plan Compliance Approval of Minutes
- Excused Absence Request/Attendance Record
- Counsel's Report
- Executive Director's Report Public Hearings Adjournment

- b) No business, either old or new, may be considered by the Council unless such item properly appears upon the agenda; however, any matter may be considered by the Council as a non-agenda item, if such matter is approved by a majority vote of the members present.
- c) Delegations or citizens wishing to address the Council may do so in the order in which they appear on sign-in sheets provided by staff or as recognized to speak by the Chair.

3.07 DEADLINE FOR RECEIPT OF AGENDA MATERIALS:

Any materials that require review, analysis, approval or signature, which are to be included in that distribution, must be received by the Executive Director at least fifteen (15) working days prior to the Planning Council staff distribution of written agenda materials. Any materials to be included in that distribution which do not require review, analysis, approval or signature must be received by the Executive Director at least seven (7) working days prior to the Planning Council staff distribution of written agenda materials.

All studies or reports which an applicant wishes to introduce in support of its application received after the specified times shall not affect Planning Council staff recommendation; however, the studies or reports will be provided to the Planning Council the day of the meeting, provided that the Planning Council agrees to receive said materials upon an affirmative vote of two-thirds of the members in attendance.

If any applicant claims that the failure to accept such late filed material affects its right to due process due to the inability of the Planning Council to appropriately review the application, then the Planning Council shall defer action on the application to a future meeting. If any document or agreements which constitute satisfaction of a staff condition are received after the specified times, the staff recommendation will not be amended, but the Planning Council may by a vote of two-thirds of the members present, agree to accept those documents, provided that the Planning Council Executive Director and Legal Counsel state that they have reviewed the documents and they are satisfactory.

3.08 TIME LIMITS:

By a majority vote, members may limit the length of a meeting or of any agenda item or set time for adjournment. The time permitted to any speaker, with the exception of the applicant, on one item, shall be a maximum of three (3) minutes; extensions to the three (3) minute time limit shall be granted at the discretion of the Chair.

If five (5) or more members of the same group or faction register to speak regarding a public hearing item on the agenda and at least five (5) of those members are present when the item is called, then that group or faction may, with the consent of the Chair, select a representative to address the Planning Council on its behalf. Notwithstanding any other time limit established in this section, such representative may speak for up to ten (10) minutes, provided the other members of that group or faction waive their time. The assignment of time serves as an irrevocable waiver of a right to speak.

3.09 ACTION:

Action by the Council shall be by motion duly made and seconded and approved by a majority of the members in attendance (but in no case less than six affirmative votes). Motions shall be restated by the Chair before a vote is taken. Action on any matter on which a hearing is being held shall not be taken until the hearing is concluded.

3.10 REPORTS:

Before taking action on any matter, the Council shall receive and consider any committee and staff reports pertinent thereto.

3.11 PARLIAMENTARIAN:

The Legal Counsel shall act as parliamentarian and shall advise and assist the presiding officer in matters of parliamentary law. Parliamentary procedures at the meetings shall be governed by Roberts Rules of Order, Newly Revised, unless otherwise provided herein or in the policies of the Broward County Planning Council; provided that the failure to strictly comply with Roberts Rules of Order shall not be cause to invalidate any action of the Council.

3.12 RULES OF DEBATE:

- a) As to the Chair: Upon relinquishing the chair, the Chair, or such other member of the Council as may be presiding, may move, second and debate, subject only to such limitations of debate as are by these rules imposed upon all members, until the motion is resolved or until resuming the chair, whichever occurs later.
- b) Roll Call: Upon any roll call there shall be no discussion by any member prior to voting and he/she shall vote yes or no. Any member, upon voting, may give a brief statement to explain his/her vote. A member shall have the privilege of filing with the minutes secretary a written explanation of his/her vote.
- c) Reconsideration: An action of the Council may be reconsidered only at the same meeting at which the action was taken or at the next regular or special meeting thereafter. A motion to reconsider may be made only by a member who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. Adoption of a motion to reconsider shall rescind the action reconsidered.
- d) Vote Changes: Any Council member absent for a vote may record his/her vote, or any Council member may change his/her vote, before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, but not thereafter.

3.13 READING MINUTES:

Unless a reading of the minutes of a meeting is requested by a majority of the Council, such minutes, when approved by the Council, shall be considered approved without reading.

3.14 CONFLICT OF INTEREST:

- a) Whenever a member of the Council has a conflict of interest, or appears to have a conflict of interest, pursuant to the provisions of Section 112.313, Florida Statutes, and Section 286.012, Florida Statutes, and Ordinance 75-6, as amended, of Broward County, Florida, he/she shall communicate such conflict to the Planning Council Attorney and follow such procedures as are required by applicable law and shall not participate in any discussion on the item.
- b) Members or employees of the Broward County Planning Council, while serving in their official capacity, shall not appear before the Broward County Planning Council or County Commission to represent another person or entity for compensation, payment or other value in connection with any proceeding, application or request pending before or considered by the Broward County Planning Council.
- c) Members and employees of the Broward County Planning Council, for a period of one (1) year after their Broward County Planning Council service or employment has ceased, shall not appear before the Broward County Planning Council to represent another person or entity for compensation, payment or other value.
- d) Members and employees of the Broward County Planning Council, for a period of one (1) year after their service or employment has ceased, shall not appear before the Board of County Commissioners to represent another person or entity for compensation, payment or other value on any matter in connection with any proceeding or application considered by the Planning Council during that person's service or employment.
- e) These rules shall not be construed to prohibit the following from appearing before the Planning Council or the Board of County Commissioners:
 - (1) Elected and appointed officials representing their respective public entity in an official capacity; and
 - (2) Existing and former members and former employees of the Broward County Planning Council who are employed or engaged by another public entity (e.g., municipality, regional government, State of Florida).
 - (3) Any person from whom the majority of the Council is desirous of obtaining the benefit of his/her knowledge in the matter under consideration.
- f)
 - (1) Members of the Broward County Planning Council shall not utilize the resources of the Broward County Planning Council for the purpose of representing a person or entity for compensation, payment or other value except for requests consistent with those customarily made by members of the general public.
 - (2) Other requests shall be consistent with Section 9.
- g) Requests for technical interpretations shall be made to the Council Attorney. The Council Attorney's interpretation may be appealed to the Executive Committee for a recommendation to the Planning Council with full disclosure of the circumstances.

3.15 METHOD OF VOTING:

The vote upon any motion or other matter may be by voice vote, provided that the Chair or any Council member may require a roll call vote to be taken. Upon every roll call vote, the names of the Council members shall be called alphabetically by surname; the presiding officer shall always cast his/her vote last. Upon relinquishing the chair, the Chair shall vote in alphabetical order with the other Council members. The minutes secretary shall call the roll, tabulate the votes and announce the results.

3.16 ADDRESSING THE COUNCIL:

Each person who addresses the Council, other than staff or the Council Attorney, shall step up to the speaker's lectern and shall give the following information in an audible tone of voice for the minutes:

- a) Name;
- b) Address and, if requested by any Council member:
 - (1) Whether he/she speaks for himself, a group of persons or a third party. If the person says that he/she represents an organization, whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council; and/or
 - (2) Whether he/she is being compensated by the person or persons for whom he/she speaks; and/or
 - (3) Whether he/she or any member of his/her immediate family has a personal financial interest in the pending matter other than that set forth in (2).

The speaker shall limit his/her address to the time limits established in Subsection 3.08. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council members and the persons having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer.

3.17 PUBLIC DECORUM:

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Council shall be barred from further audience before the Council by the presiding officer, unless permission to continue or to address the Council again is granted by the majority vote of the Council members present.

3.18 ABSENCES:

Members shall notify the Executive Director at least two (2) business days prior to the scheduled meeting date as to whether they will or will not attend the meeting, unless an emergency as defined below occurs. This notification requirement is adopted to allow sufficient time for cancellation of the meeting if it is determined that no quorum will be present at the meeting. Failure to notify the board coordinator two (2) business days prior

to the scheduled meeting shall be considered an absence where such failure results in the meeting being cancelled for lack of a quorum. All members attending the meeting (either in person or through teleconference when permitted) will be marked as present. Members 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 their discretion, determine whether the member's absence meets any of the criteria for an excused absence set forth in this subsection.

- a) The absence of an advisory board or other board member shall be deemed excused under the following circumstances:
 - (1) When the member is performing an authorized alternative activity relating to board business that directly conflicts with the properly noticed meeting;
 - (2) When the member is performing duties related to government, business or professional obligations that directly conflicts with the properly noticed meeting;
 - (3) The death of an immediate family member, defined as a spouse, father, mother, stepparent, one who has stood in the place of a parent (in loco parentis), child, stepchild domiciled in the member's household, grandparent, grandchild, guardian, or custodian;
 - (4) The death of a member's domestic partner, or the death of a child, stepchild, parent, grandparent, or grandchild of a member's domestic partner;
 - (5) The member's hospitalization or receipt of necessary emergency medical treatment at or around the time of a properly noticed meeting;
 - (6) When the member is summoned to jury duty;
 - (7) When the member is attending a deposition, hearing, trial, or other legal proceeding for which attendance is required by a subpoena or by order of a court of competent jurisdiction; or
 - (8) During the 12-week period after the birth of a member's or their domestic partner's child or after placement of a child with a member or their domestic partner for adoption or foster care.
 - (9) A maximum of one (1) absence per year for a personal reason not described above.
- b) A member shall be automatically removed from the board if the member has three (3) consecutive unexcused absences or four (4) unexcused absences in one (1) calendar year.

3.19 ADJOURNMENT:

A motion to adjourn shall always be in order and decided without debate, except that the motion shall contain a time to hear the balance of the agenda if same has not been completed.

3.20 MINUTES:

Broward County Records Division shall be the official custodian of Regular, Special and Emergency Planning Council meeting minutes. The Planning Council Executive Director

shall be the custodian of Planning Council committee meeting minutes. Minutes of all committee meetings shall be made available by the Executive Director consistent with Broward County policy regarding County records.

3.21 SUSPENSION OF THE RULES:

No rules of procedure adopted by this Council shall be suspended, except by two-thirds vote of those Council members present.

SECTION 4 PUBLIC HEARINGS

Notification of a public hearing shall be as follows:

- a) By publication in a newspaper of general circulation throughout the County at least ten (10) days prior to the date of the hearing; and
- b) By written notice to the Clerk or Manager, Mayor and Planning Director of each municipality, delivered via electronic mail at least ten (10) days prior to the date of the hearing.
- c) Other notice as determined by the Council at the time such public hearing is authorized.

SECTION 5 PUBLIC HEARINGS - QUASI-JUDICIAL PROCEEDINGS

5.01 INTENT:

The intent of this section is to establish procedures for quasi-judicial hearings to insure procedural due process and provide adequate opportunities for public participation.

5.02 APPLICABILITY:

These procedures shall apply to all proceedings in which the Broward County Planning Council (Council) is required by Florida law to act in a quasi-judicial capacity.

5.03 DEFINITIONS:

- a) *Application* shall mean the application before the Broward County Planning Council.
- b) *Applicant* shall mean the owner of record, the owner's agent, or any person with a legal or equitable interest in the property who has made application to the Council.
- c) *Council* shall mean the Broward County Planning Council.
- d) *Council Member* shall mean a member of the Broward County Planning Council.
- e) *Development permits* shall have the meaning set forth within Chapter 5, Article IX, Broward County Land Development Code.

- f) *Ex-parte communication* shall mean any written, oral, or graphic communication with a Council Member which may directly or indirectly relate to or which could influence the disposition of an application, other than those made on the record during a quasi-judicial hearing.
- g) *Expert* shall mean a person who is qualified in a subject matter by knowledge, skill, experience, training, or education. Participants may qualify as experts under certain circumstances in accordance with the Florida Evidence Code.
- h) *Land use plan* shall mean the Broward County Land Use Plan or the Future Unincorporated Area Land Use Plan or the land use plan of a Broward County municipality.
- i) *Material* shall mean bearing a logical relationship to one (1) or more issues raised by the application or the laws and regulations pertaining to the matter requested by the application.
- j) *Participants* shall mean members of the general public, including representatives of units of local governments and governmental agencies, but excluding the applicant, who offer sworn or unsworn testimony at a quasi-judicial hearing regarding an application.
- k) *Party* shall mean the applicant (including the municipality which processed the application) and the Council.
- l) *Quasi-judicial proceeding* shall mean a hearing held by the Council to adjudicate the private rights of an applicant by means of a hearing which comports with due process requirements.
- m) *Relevant evidence* shall mean evidence which tends to prove or disprove a fact that is material to the determination of the application.
- n) *Staff* shall mean Council and county staff members charged with the responsibility of reviewing the application or enforcing the Council's decision on the application.
- o) *Standing* shall mean that the person alleges and is able to demonstrate that approval or denial of the item would result in special damages peculiar to that person that differ in kind, as distinguished from damages that differ in degree, from those suffered by the community as a whole.
- p) *Witness* shall mean any person who testifies under oath.

5.04 EX-PARTE COMMUNICATION:

The Council wishes to establish a process for disclosure of ex-parte communication with public officials in order to remove the presumption of prejudice. Any Council Member may choose to discuss the merits of any matter on which action may be taken by the Council with any person not otherwise prohibited by statute, charter provision, or ordinance if the Council Member complies with the procedures set out in this section.

Compliance with the following disclosure procedures, shall remove the presumption of prejudice arising from ex-parte communication with any Council Member:

- a) *Oral communications.* The substance of any oral ex-parte communication with a Council Member which relates to a quasi-judicial action pending before the Council 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 final action on the matter.

- b) *Written communications.* Any written communication shall be forwarded to the appropriate staff for inclusion in the official file and made part of the record before final action on the matter. It shall be the responsibility of the applicant to review the official file periodically to determine whether written ex-parte communications have been placed in the official file.
- c) *Investigations and site visits.* Council Members may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigations, site visit, or expert opinion is made a part of the record before final action on the matter.
- d) *Disclosure.* Disclosures must be made before or during the public meeting at which a vote is taken on such 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.

5.05 GENERAL PROCEDURES:

- a) Quasi-judicial agenda
 - (1) All Applications which are required by law to be approved as quasi-judicial matters shall be placed on the quasi-judicial consent agenda. If an application is not removed from the quasi-judicial consent agenda, the Council shall vote on the quasi-judicial consent agenda based upon the materials in the agenda report(s).
 - (2) The applicant, any Council Member, or any member of the public with standing may request that an application for a development permit be removed from the quasi-judicial consent agenda and, except as otherwise provided in Subsection (3) below, such item shall be continued and shall be scheduled on the quasi-judicial regular (non-consent) agenda for the next meeting of the Council. Any additional deferrals shall be in accordance with the provisions contained herein. The failure of a party or member of the public to request removal of an item from the quasi-judicial consent agenda shall constitute a waiver of a procedural rights that person may claim to a quasi-judicial hearing.
 - (3) The applicant may request that the Council conduct the quasi-judicial proceeding at the meeting at which the application is removed from the quasi-judicial consent agenda.
 - (4) All applications that are placed on a quasi-judicial regular (non-consent) agenda shall be heard pursuant to and in accordance with the procedures set forth in this section.
 - (5) Any member of the public who asks that an application be removed from the quasi-judicial consent agenda shall allege sufficient facts to demonstrate standing, as defined herein. The Council Attorney shall make a determination as to whether sufficient facts have been alleged to establish standing for purposes of removing the item from the quasi-judicial consent agenda.

- b) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any relevant matter, and to rebut evidence.
- c) Official file.
 - (1) All written communication received by Council Members, their aides, or staff concerning an application, the staff agenda report, any petitions or other submissions from the public, and all other documents pertaining to the application shall be kept in the official file maintained by staff.
 - (2) The official file will be made available for public inspection upon request at any time during normal business hours.
 - (3) Copies of the staff report on the application shall be sent to the Council and shall be made a part of the agenda back-up and the official file.

5.06 ORDER OF THE PROCEEDING:

The following shall generally be the order of the proceeding:

- a) The applicant, staff, and all persons wishing to provide sworn testimony shall be collectively sworn.
- b) Staff shall present a brief synopsis of the nature of the application, introduce any additional exhibits which are not already included in the agenda back-up, summarize issues, and make a recommendation on the application.
- c) The applicant shall make a presentation, including any witnesses the applicant may wish to call.
- d) Participants shall make their presentations. Participants representing a group, organization, unit of local government or governmental agency must demonstrate the authority to act as a representative.
- e) Rebuttal by the applicant, if requested. At this time the applicant may rebut only those statements or evidence presented by the participants or staff in opposition to the application.

5.07 EVIDENCE:

The Council shall not be bound by the strict rules of evidence, or limited to consideration of evidence which would be admissible in a court of law.

Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a court.

5.08 CROSS-EXAMINATION:

- a) After each person provides sworn testimony or documents are made part of the record, the applicant and staff shall be entitled to conduct cross-examination; only the Council shall be entitled to question participants providing unsworn and sworn testimony.

- b) A participant or a witness may not question any person. However, a participant or a witness may request that the Council ask questions of a witness.
- c) The scope of the cross-examination shall be limited to the facts alleged by the witness.
- d) The Chair may direct a person conducting a cross-examination not to harass, intimidate, or embarrass the witness, or may direct the witness not to discuss questions that are irrelevant or beyond the scope of the witness's testimony.
- e) If the party conducting the cross-examination violates directions from the Chair to end a line of questioning deemed irrelevant or designed to harass, intimidate, or embarrass a witness, the Chair may terminate the cross-examination.

5.09 CONTINUANCES AND DEFERRALS:

If, in the opinion of the Council, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, the Council may continue the hearing for up to 45 days.

5.10 SUPPLEMENTING THE RECORD:

Supplementing the record after the quasi-judicial hearing is prohibited, unless specifically authorized by an affirmative vote of the Council under the following conditions:

- a) If a question is raised by the Council at a hearing to which an answer is not available at the hearing, the Council will specifically identify the question to which a response is required. The party to whom the question is directed may submit the requested information in writing to the Council after the quasi-judicial hearing, provided the hearing has been continued or another hearing has been scheduled for a future date and no final action has been taken by the Council;
- b) The supplemental information must be filed with staff before the continued or next scheduled hearing; and
- c) If the requested material is received from someone other than the applicant, staff will notify the applicant that the supplemental information has been received. If time allows, staff will mail a copy of the supplemental information to the applicant and to those participants to the hearing who indicated on the record that they wished to be notified of the receipt of supplemental information.

5.11 RECORD OF THE QUASI-JUDICIAL PROCEEDING:

Quasi-judicial proceedings shall be preserved by tape recording or other device. The official record of the proceeding shall be the minutes as approved by the Council and the evidence received, unless a verbatim transcript is made. If the proceeding is transcribed, the transcript shall become the official record of the proceeding.

SECTION 6 COUNCIL MEMBER REQUESTS TO STAFF

Requests by individual Council members requiring the use of office resources and staff time must be submitted to the Executive Director and approved by the Planning Council.

SECTION 7 TRAVEL

- 7.01 Travel outside the continental United States requires approval by the Planning Council in advance of the travel and payment of expenses for the travel. Approval of this travel is requested of the Council on the Regular Agenda. Travel at no cost to the Planning Council requires notification to all Planning Council members via electronic mail or as part of the Executive Director's Report, dependent upon the timing.
- 7.02 Planning Council approval is required for more than two (2) Council staff members to attend the same event unless the event is in the tri-county area.
- 7.03 A conference, convention or seminar must be related to the functional responsibilities of the staff member who will attend.

SECTION 8 FISCAL YEAR AND BUDGET

- 8.01 The fiscal year of the Council shall be concurrent with that of the Board of County Commissioners.
- 8.02 The Planning Council shall recommend, as a part of the budget process, a fee schedule for the processing of County Land Use Plan amendments, recertifications, Trafficways Plan amendments and waivers, platting interpretations and other correspondence, such as land use confirmations and interpretations.
- 8.03 On request of any municipality, the Council may furnish technical assistance. Technical assistance is defined as any assistance from the Planning Council staff formally requested by a municipality which requires scheduling of direct cost staff time and resources.
 - a) Direct costs are defined as those charges for planning staff time, resources and travel related specifically to an individual work program.
 - b) A request will be considered by the Council and determination made as to whether the request is to be accepted or rejected. Such determination is to be based upon the following factors:
 - (1) Effect upon the overall progress of the Council's program;
 - (2) Availability of staff time;
 - (3) Tendency to promote, encourage and assist comprehensive, long-range community planning;
 - (4) Possibilities of the applicant securing the desired work by other means or from other sources.

- c) If the request is accepted by the Council, it will be referred to the staff for drafting of specifications of the work and cost estimates.
- d) Staff will then report to Council on specifications and cost estimates.
- e) The Council will approve or revise specifications and cost estimates and authorize staff to submit same back to requesting municipality.
- f) The requesting municipality may accept, by proper resolution, or reject the proposal of the Council.
- g) If the requesting municipality accepts the proposal by the Council, agreements and assurances as to payment, as deemed necessary by the Council's Attorney, are to be executed.
- h) Upon execution and delivery of proper agreements and approval by the Council's Attorney, the staff will schedule and complete the specified work.
- i) Upon completion of the specified work and approval of the Council, it will be delivered to the requesting municipality.

SECTION 9 STAFF

The Council delegates to the Executive Director the authority to employ, terminate, promote, demote, develop, evaluate and reclassify personnel consistent with the Broward County Planning Council Pay Plan, as amended, and consistent with the annual budget recommended by the Council and approved by the Board of County Commissioners.

Legislative History

Adopted:	3-27-75
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Amended:	12-28-78
Addition of 3.5(e):	11-15-79
Revisions to 3.8:	9-25-80
Revisions to 3.5 and 3.6:	5-27-82
Revisions to 3.6:	7-22-82
Revisions to 3.10:	9-22-83
Revisions to 3.5(d) and 5.5:	10-11-84
Readopted and amended in total:	2-28-85
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Revisions to 3.05:	1-22-87
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Addition of 3.07 and 5.06:	4-23-92
Added Section 5 "quasi-judicial proceedings"	
Renumbered subsequent sections:	9-22-94
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Revisions to Section 5:	8-31-95
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Revisions to 2.01:	2-25-99
Revisions to 5.01, 5.02, 5.03, 5.04 and 5.06:	8-26-99
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Revisions to 1.03, 1.04, 1.05, 2.01, 2.02, 3.01, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.13, 3.15, 3.16, 3.17, 3.19, 3.21, 3.22, 4.01, 4.02, 4.03, 4.04, 5.08, 6.01, 6.02, 6.03, 8.01, 8.02, 10.01 and 12 Deleted 3.02(d), 5.09, 9.02, 12.02 and 12.03	
Added 10.02 and 10.03:	3-21-02
Revisions to 3.05:	3-27-03
Revisions to 3.07:	6-26-03
Added Section 3.01(b):	5-27-04
Revisions to 3.07:	3-24-05
Revisions to 2.01, 2.02 and 3.07	
Added 2.03 and 2.04:	3-27-14
Revisions to 1.04, 3.01(b), 3.02(d), 3.03, 3.04, 3.05, 3.06, 3.08, 3.09, 3.12, 3.15, 3.17, 4.01, 4.03, 5.03 8.02, 9 and 10:	4-26-18
Revisions to 1.02, 1.04, 3.01(a), 3.01(b) and 3.04:	12-6-18
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Readopted and amended in total:	6-22-23

BROWARD COUNTY SECTION 1-233

Sec. 1-233. Terms and process of appointment to Broward County agencies, authorities, boards, committees, commissions, councils, and task forces; quorum.

All appointments to advisory boards, committees, commissions, councils, and task forces established by Broward County ordinance or resolution (collectively, "advisory boards"), 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 (collectively, "other boards"), except where inconsistent with the Broward County Charter, general or special law, or the enabling enactments of such advisory boards or other boards, shall be subject to the following requirements:

- (a) (1) An appointment for a fixed-term shall expire on the last day of the fixed term unless the appointee is removed for cause under federal, state, or local law, as applicable.
- (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 Subsection 1. or 2. below:
 1. A successor is appointed, or the incumbent appointee is reappointed, by a newly-elected or newly-appointed Commissioner; or
 2. Six (6) months after the official date on which a newly-elected or newly-appointed Commissioner enters office.

If a newly-elected or newly-appointed Commissioner fails to appoint a successor, or reappoint the incumbent appointee, within six (6) months of entering office, the County Administrator or 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 that the membership of all advisory and other boards will fairly represent the diverse population and demographics of the County.
- (4) The provisions of this subsections shall be applied prospectively.
- (5) Appointments to advisory boards or other boards which are made by the Board of County Commissioners of Broward County ("County Commission") shall be subject to the following procedures:
 - a. For appointments at large, each Commissioner may nominate one (1) or more individuals for the County Commission's consideration and final approval by majority vote.
 - b. For all other appointments, Commissioners may submit for appointment individuals in accordance with the provisions of the respective advisory board

or other board, for the County Commission's consideration and final approval by majority vote.

- (b) (1) A person appointed to an advisory board or other board shall be a resident of Broward County and shall maintain residency in Broward County during the term of appointment.
 - (2) No person may be appointed by the County Commission to more than one (1) advisory board or other board, except that an elected County or municipal officer appointed in an official capacity may serve on more than one (1) advisory board or other 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) advisory board in an individual capacity so long as such appointment does not otherwise violate the dual-office holding provision of the Florida Constitution.
 - (3) A County employee may serve as a voting member on an advisory board or other board, as long as he or she is appointed by a body other than the County Commission. No County employee may be appointed by the County Commission to an advisory board or other board.
- (c) Any advisory or other board appointee who fails to meet the requirements of his or her appointment of including residency if required to live in the district, is automatically disqualified and his or her appointment shall immediately cease and be deemed vacant.
- (d) (1) Advisory boards and other boards shall meet quarterly unless any such board determines that meetings are required more or less frequently.
- (2) Special Meetings. Each advisory board shall, within its bylaws and in accordance with this section, address the power to call special meetings. Special meetings may be called by an advisory board's chair, or by majority vote of the appointed members of the advisory board at a regularly scheduled meeting of such advisory board. However, other than special meetings held for the purpose of exercising quasi-judicial powers, no advisory board may hold more than two (2) special meetings in any calendar year. Special meetings shall be limited to the consideration of items of urgency that require resolution prior to the next regularly scheduled meeting. Special meetings may not be called unless the purpose is to address matters that are within the scope of the advisory board's authority or that present a significant fiscal or operational impact on the County. All special meetings shall be noticed, and the notices shall include the date, time, and location of the meeting, along with the specific agenda items to be considered by the advisory board at the meeting. Subject matters not expressly included in an initial special meeting notice may not be considered by an advisory board at a special meeting. Nothing in this subsection (1) prohibits the rescheduling of any meeting that could not be convened for lack of a quorum or (2) limits the power

of other boards to call special meetings in accordance with their enabling enactments or bylaws, or in accordance with state or federal law.

- (e) *Removal from boards based upon attendance.* When an advisory board, or other board whose enabling enactment or bylaws adopt the attendance requirements of this subsection, meets on a quarterly or less frequent basis, a member shall be automatically removed from the board if the member has two (2) consecutive unexcused absences or misses two (2) properly noticed meetings in one (1) calendar year because of unexcused absences. If any such board meets more frequently than quarterly, a member shall be automatically removed from the board if the member has three (3) consecutive unexcused absences or misses four (4) properly noticed meetings in one (1) calendar year because of unexcused absences.
- (1) The automatic removal of a board member is deemed effective when written notice of the reason for the removal is sent to the member by the County Administrator or designee.
 - (2) 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 members' HIV status.
 - (3) The absence of an advisory board or other board member shall be deemed excused under the following circumstances:
 - a. When the member is performing an authorized alternative activity relating to board business that directly conflicts with the properly noticed meeting;
 - b. The death of an immediate family member, defined as a spouse, father, mother, stepparent, one who has stood in the place of a parent (in loco parentis), child, stepchild domiciled in the member's household, grandparent, grandchild, guardian, or custodian;
 - c. The death of a member's domestic partner, or the death of a child, stepchild, parent, grandparent, or grandchild of a member's domestic partner;
 - d. The member's hospitalization or receipt of necessary emergency medical treatment at or around the time of a properly noticed meeting;
 - e. When the member is summoned to jury duty;
 - f. When the member is attending a deposition, hearing, trial, or other legal proceeding for which attendance is required by a subpoena or by order of a court of competent jurisdiction; or
 - g. During the 12-week period after the birth of a member's or their domestic partner's child or after placement of a child with a member or their domestic partner for adoption or foster care.

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- (4) Attendance records for advisory boards, and for other boards whose enabling enactments or by-laws adopt the attendance requirements of this subsection, shall be submitted by the board coordinators to the County Administrator or designee within two (2) weeks after each meeting to determine attendance compliance. Such members 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 event specified in Sections (e)(3)b.—d. makes such notice impracticable. This notification requirement is imposed to allow sufficient time for cancellation of the meeting if it is determined that no quorum will be present at the meeting. Failure to notify the board coordinator two (2) business days prior to the scheduled meeting shall be considered an absence where such failure results in the meeting being cancelled for lack of a quorum. All members attending the meeting (either in person or through teleconference when permitted) will be marked as present. Members 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 their discretion, determine whether the member's absence meets any of the criteria for an excused absence set forth in this subsection.
- (5) If a member is automatically removed under this subsection for violating the attendance requirements, the appointing/nominating Commissioner or other appointing/nominating authority may reappoint the member when extenuating circumstances, as determined by the appointing/nominating authority, are found to exist for the member's absences.
- (f) To ensure that members of advisory and other boards 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 such boards must honor those requests.
- (g) Unless otherwise required by Florida law, 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, provided that at either the presiding member or least three (3) members are physically present at the meeting. Except as provided in Section 1-233(g)(1), if either the presiding member or at least three (3) members are physically present at a meeting, members who are not physically present may attend and participate in the meeting by using communications media technology ("CMT"), such as telephonic or video conferencing or other electronic transmission of audio, video, or printed matter.
- (1) During a declared state or local emergency, both members physically present and members participating in the meeting using CMT shall be counted in determining whether a quorum is present.

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- (2) During a declared state or local emergency, Section 1-233(g)(1) supersedes any contrary provision of the Broward County Administrative Code or the Broward County Code of Ordinances with respect to any requirement that members be physically present to establish a quorum. This provision shall not be construed to increase or decrease the number of members required to establish a quorum for any advisory board or other board.
- (h) Following notification of the occurrence of a vacancy on any advisory or other board due to any reason whatsoever, the County Administrator or his or her designee shall follow the procedures set forth in the Broward County Administrative Code relating to said vacancy.
- (i) Advisory boards created by resolution rather than ordinance may continue to be amended by resolution.

(Ord. No. 79-36, § 1, 6-20-79; Ord. No. 89-19, § 1, 5-9-89; Ord. No. 92-4, § 1, 3-10-92; Ord. No. 92-13, § 1, 5-12-92; Ord. No. 92-46, § 1, 11-10-92; Ord. No. 95-18, § 1, 4-11-95; Ord. No. 1999-06, § 1, 2-23-99; Ord. No. 2001-01, § 1, 1-9-01; Ord. No. 2001-10, § 1, 3-27-01; Ord. No. 2002-10, § 1, 3-18-02; Ord. No. 2003-21, § 1, 6-10-03; Ord. No. 2005-01, § 1, 1-11-05; Ord. No. 2005-16, § 1, 6-28-05; Ord. No. 2006-17, § 1, 6-13-06; Ord. No. 2008-36, § 1, 9-9-08; Ord. No. 2009-39, § 1, 6-23-09; Ord. No. 2012-30, § 1, 10-23-12; Ord. No. 2014-08, § 1, 2-25-14; Ord. No. 2018-38, § 1, 9-13-18; Ord. No. 2021-02, § 1, 1-12-21; Ord. No. 2022-17, § 1, 4-29-22; Ord. No. 2022-43, § 1, 11-15-22)

CHARTER OF BROWARD COUNTY (EXCERPT)

- H. The referendum shall be called and held in accordance with the requirements of the laws of the State of Florida pertaining to the holding of special elections.
- I. If the matter submitted to referendum is approved by a majority vote of the electors voting in said referendum, the concerned Charter amendment, ordinance enactment, ordinance amendment or ordinance repealer shall become effective immediately upon the filing of the report of the Canvassing Board with the Florida Department of State.
- J. The initiative power shall not extend to the proposing of any part or all of the annual budget or capital program or fixing ordinance making or repealing any appropriation of money fixing the salaries of County officers or employees or authorizing or repealing the levy of taxes.

ARTICLE VIII - LAND USE PLANNING

Section 8.01 BROWARD COUNTY PLANNING COUNCIL

There shall be a Broward County Planning Council, referred to as the "Planning Council."

Section 8.02 COMPOSITION OF BROWARD COUNTY PLANNING COUNCIL

The membership of the Planning Council shall be appointed as follows:

- A. One (1) member shall be a Commissioner nominated by the Mayor, and approved by a majority vote of the County Commission to represent it for a time specified by the County Commission.
- B. One (1) member shall be a member of the Broward County School Board ("School Board"), selected by a majority vote of the School Board to represent it on the Planning Council for a time period specified by the School Board not to exceed four (4) years. In the event the School Board fails to designate a member within sixty (60) days of the Planning Council's notice that the position is vacant, the County Commission shall appoint a School Board member willing to accept such appointment.
- C. Each Commissioner shall nominate two (2) individuals to serve on the Planning Council, subject to approval by a majority vote of the County Commission. With respect to each Commissioner's appointments, one (1) appointee shall be an elected municipal official of a Municipality within the Commissioner's District, and one (1) appointee shall be an elector not holding an elected public office who resides in the Commissioner's District. If no qualified elected Municipal official is willing to accept such appointment, then the seat will be filled by an elector from the district who is not an elected public official.
- D. Except for the County Commission or School Board members, no more than two (2) members of the Planning Council shall reside within the same Municipality, provided that no Municipality with a population of less than 50,000, according to the last decennial census, shall have more than one (1) representative as a member on the Planning Council.
- E. A quorum necessary to conduct Planning Council business shall consist of a majority of Planning Council members. A majority of those members voting on a measure shall be necessary for the Planning Council to take affirmative action on any matter.

Section 8.03 VACANCIES

- A. If a member of the Planning Council is an elected Municipal official and ceases to be an elected Municipal official, the individual's membership on the Planning Council shall terminate, and the position shall be declared vacant. Members of the Planning Council who no longer satisfy the residency requirements of their position shall cease to be members of the Planning Council, and their positions will be declared vacant. Other circumstances creating a vacancy may be defined by ordinance, and those vacancies shall be filled by the County Commission or School Board. Any membership vacancy on the Planning Council shall be filled pursuant to the procedures contained in this article.
- B. If a conflict should occur due to a change of Municipal boundaries so that greater representation than provided in this section occurs, all affected seats shall be considered vacant, and the County Commission shall reappoint members to the Planning Council pursuant to the procedures contained in this article.

Section 8.04 TERMS OF OFFICE

Except as otherwise provided, the term of each appointed Planning Council member shall coincide with the term of the Commissioner who nominated the individual to the Planning Council. The term of each appointed Planning Council member shall continue until a successor is duly appointed by the County Commission.

Section 8.05 BROWARD COUNTY PLANNING COUNCIL; POWERS AND FUNCTION

- A. The Planning Council shall employ an Executive Director and such other administrative, professional, expert and clerical assistants as is necessary to carry out the duties authorized by this Charter.
- B. Any local governmental entity may request, and the Planning Council may furnish, any technical and staff assistance to the local governmental entity. The local governmental entity shall reimburse the County for the Planning Council's direct costs.
- C. The Planning Council shall adopt, and amend from time to time, a uniform countywide general zoning glossary of terms in consultation with other governmental entities. The zoning glossary shall be contained in the County Land Use Plan, as may be amended from time to time. Other governmental entities within the County may specify specific prohibited or permitted uses or various other restrictions as may be deemed necessary to be in the best interest of the governmental entity.
- D. A governmental entity shall submit to the Planning Council its land use plan, or amendments thereto, for review. No later than sixty (60) days from the date of submission, the Planning Council shall hold a public hearing to consider that plan for inclusion in the County Land Use Plan and/or certification. The Planning Council shall take into consideration such factors as: professional service employed, consideration given to utilities and adjoining areas with regard to impact on roads and general environmental quality, sufficient notice to surrounding areas and proper opportunity for the public to review and comment on the proposed Plan. The Planning Council may, at this hearing or a subsequent regular meeting, by a simple majority of its membership, adopt or reject such inclusion and/or certification of, or amendment to, such governmental land use plan. The Planning Council shall state its reasons for rejection, alterations or modifications in writing to the affected governmental entity. Following at least one (1) public hearing at which the proposed amendment is considered, the Planning Council may propose amendments to the County Land Use Plan at any time.
- E. In the event that a plan prepared and adopted by a governmental entity is determined upon review, analysis and determination by the Planning Council to be rejected, in accordance with Section 8.05 D, such reasons for rejection shall also be in writing. If the governmental entity's plan is in substantial conformity with the County Land Use Plan, it shall be deemed certified. Until such time as the governmental entity's plan is in substantial conformity with the County Land Use Plan, as interpreted by the Planning Council, the County Land Use Plan will be the effective plan for the governmental entity involved. If a governmental entity fails to submit a plan in due course, then the County Land Use Plan will be effective.
- F. The Planning Council shall make such rules and regulations covering certification, appeals, amendments to the County Land Use Plan, and all other pertinent matters. The Planning Council shall also adopt such reasonable rules of procedure to govern the conduct of its meetings and the performance of its duties.
- G. Zoning as to permitted uses and densities within the boundaries of a governmental entity shall comply with the County Land Use Plan as adopted, and as may be amended, from time to time, and the governmental entity's own land use plan as certified according to this section. A governmental entity may adopt more restrictive zoning as to permitted uses and densities than those provided for in the County Land Use Plan or the plan certified by the Planning Council.
- H. The Planning Council shall serve as the Local Planning Agency for the County Land Use Plan.
- I. The Planning Council shall maintain the County Trafficways Plan.
- J. The Planning Council shall perform such other responsibilities as the County Commission shall assign or as required by this Charter.

Section 8.06 VESTED RIGHTS

- A. If a person, firm or corporation has, by its own actions in reliance on prior regulations, obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to its interests, then nothing in this Charter authorizes any governmental agency to abridge those rights.
- B. A governmental agency shall not adopt a rule or regulation or issue any order that is unduly restrictive or constitutes a taking of property without the payment of full compensation, in violation of the Constitution of the State of Florida or of the United States.

Section 8.07 GIFTS AND GRANTS

The Planning Council may contract and may accept gifts, grants, and/or assistance from Federal, State or local governmental units or agencies for the conduct of its work and the realization of its objectives, provided that no condition or limitation be attached, such as gifts, grants, aid or assistance inconsistent with provisions of this Act. All funds shall be deposited in the County's General Fund.

Section 8.08 FUNDING OBLIGATION OF COUNTY COMMISSION

The County Commission shall include in the general fund of its annual budget for each fiscal year such sum as is necessary to carry out the duties prescribed in this article.

Section 8.09 IMPLEMENTATION

In order to amend the County Land Use Plan, the County Commission shall adopt an ordinance by no less than a majority of the total membership of the County Commission.

Section 8.10 UNINCORPORATED AREAS

When a Municipality annexes an unincorporated area which was included in the County plan, then the annexed area shall be included within the comprehensive land use plan of the annexing Municipality and an amendment to the Municipality's comprehensive land use plan shall be submitted to the Planning Council for approval.

Section 8.11 PLAT ORDINANCE

- A. The legislative body of each Municipality and the County Commission shall create a mandatory plat ordinance. The County Commission shall enact an ordinance establishing standards, procedures and minimum requirements to regulate and control the platting of lands located in the County. In addition, the governing body of each Municipality may enact an ordinance establishing additional standards, procedures, and requirements as may be necessary to regulate and control the platting of lands within its boundaries.
- B. The County Commission must approve plats of land lying within the County prior to recording the plat in the County's Official Records.

Section 8.12 DEVELOPMENT AUTHORITIES

The County Commission may create development authorities with duties and powers designated by the County Commission and in compliance with the Constitution and the laws of the State of Florida. The development authorities shall be under the general administrative authority of the County Administrator. A development authority shall not be established or take any action which is in conflict with the County's Land Use Plan or in conflict with any other affected governmental unit.

Section 8.13 BROWARD COUNTY PARK PRESERVATION

- A. Definitions.
 - (1) "Disturbed Area" shall mean the area of a park which no longer retains the pristine and unique characteristics of a Natural Area Park.
 - (2) "Park Purposes" shall mean the use of an area of land in the pursuit of outdoor leisure, athletic, or recreational activities and facilities ancillary thereto including, but not limited to, cultural, educational, and civic facilities, animal exhibits, habitats, band shells, pavilions, outdoor classrooms, and concessions.
 - (3) "Passive Recreation Park Uses" shall mean nature centers and trails, scenic areas, wildlife sanctuaries, aquatic preserves and wetlands, or picnic areas.
- B. Natural Area Parks.
 - (1) The following lands, based upon their unique qualities and environmental character, are hereby designated as "Natural Area Parks":
 - (a) Coconut Creek Maple Swamp;
 - (b) Crystal Lake Sand Pine Scrub;
 - (c) Dillard Green Space 212;
 - (d) Doris Davis Forman Wilderness Preserve;
 - (e) Holmberg Road Site;
 - (f) Helene Klein Pineland Preserve;
 - (g) Helwig, excluding the Disturbed Area of the park;
 - (h) Highland Scrub;
 - (i) Hillsboro Pineland;
 - (j) Military Trail;