

**Collier County Informational Workshop on
Sunshine Law, Public Records & Ethics
for the Senior Advisory Committee &
Productivity Committee**

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of the Agenda
5. Public Comment
6. Adoption of Minutes from Previous Meeting (*no action*)
7. Staff Reports
 1. Staff Introductions & description of the meeting
 2. Committee Member Introductions
 1. Senior Advisory Committee
 2. Productivity Committee
 3. Sunshine Laws Presentation
 4. Ethics
 5. Public Records
 6. Committee Member Questions
8. New Business
 1. Election of Productivity Committee Chair and Vice Chair
9. Old Business (*no action*)
10. Announcements (*no action*)
11. Committee Member Discussion
12. Next Meeting Time, Date and Location
 1. Senior Advisory Committee (Wednesday after last Board Meeting of the month)
 2. Productivity Committee
13. Adjournment

Introductions & Welcome

- Staff Liaisons
 - Nick Casalanguida – Deputy County Manager
 - Productivity Committee
 - Geoff Willig – Operations Analyst for the County Manager’s Office
 - Senior Advisory Committee
 - Productivity Committee
- Coleen Greene – Assistant County Attorney
- Committee Introductions
 - Senior Advisory Committee
 - Productivity Committee

Handouts

- Each packet contains
 - Template for the Rules of Procedure
 - County Standards For the Creation and Review of Boards (Ord. No. 01-55 and amendments)
- Senior Advisory Committee received
 - Founding Resolution
- Productivity Committee received
 - Founding Ordinance
 - Bio's received

New Business & Meetings

- New Business
 - Productivity Committee Chair & Vice Chair Election
- Next Meeting Time, Date and Location
 - Senior Advisory Committee
 - Prefer the Wednesday after the last Board Meeting of the month
 - 4/25/18 @ 3PM
 - Fifth Floor Training Room of this building
 - Productivity Committee
 - As Board sets assignments

Government in the Sunshine



Office of the County Attorney
Jeffrey A. Klatzkow, County Attorney

ARE YOU SURE
WE DON'T NEED
GOVERNMENT
IN THE
SUNSHINE?

TRUST
ME



HOW WILL WE
KNOW IF YOU'RE
DOING ANYTHING
WRONG?

TRUST
ME



WHAT
IF WE
DON'T
TRUST
YOU?

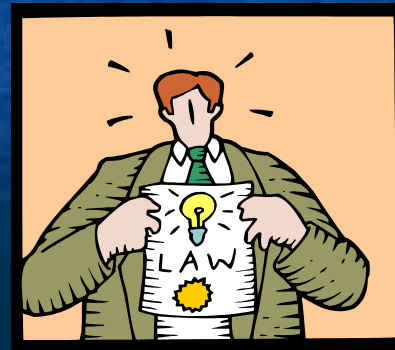
WITHOUT
GOVERNMENT
IN THE
SUNSHINE
YOU'LL JUST
HAVE TO...



BEATTIE *How Trustworthy are
Government Spies?*
©2005 Edward Birch & New Journal

What is Florida's Government-in-the-Sunshine Law?

- ✦ Enacted in 1967
- ✦ Found in Chapter 286, Florida Statutes
- ✦ Establishes a basic right of access to most meetings of boards, commissions and other governing bodies of state and local governmental agencies or authorities



Sunshine Law

- ✦ The Sunshine Law is “applicable to any gathering, whether formal or casual, or two or members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission.”
- ✦ Hough v. Stembridge, 278 So. 2d 288 (Fla. 3d DCA 1973).

The Three Basic Requirements of the Sunshine Law, § 286.011, Florida Statutes



Meetings of public boards, commissions or committees ("boards") must be open to the public.



Reasonable notice of such meetings must be given.



Minutes of the meeting must be taken.

Meetings Must be Open to the Public

The public must be allowed to attend meetings,
and the location:

- ✦ Must be accessible
- ✦ Sufficient size for turnout
- ✦ Facility cannot discriminate based on age, race, etc.
- ✦ Public access not unreasonably restricted
- ✦ Be within Collier County with few exceptions
- ✦ Effective 10.1.2013 – public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. Board may establish policies to maintain orderly conduct and decorum. May establish time limits.

Reasonable notice of such meetings must be given.

- ✦ The public must be given reasonable and timely notice so they can decide whether to attend. What is "reasonable" or "timely" depends on the circumstance. It does not necessarily require a newspaper advertisement; contact the County Attorney Office for guidance.

Minutes of the meeting are required. Written minutes must be taken and made available promptly.

- ✦ Sound recordings may also be used, but only in addition to written minutes.
- ✦ Minutes may be a brief summary of meeting's events.
- ✦ Minutes are public records.
- ✦ Minutes must record the votes.



- ✦ The Sunshine Law applies to decision making committees = advisory boards and committees.
- ✦ The Sunshine Law applies when two or more members of a governing board (such as the BCC) discuss a matter that may foreseeably come before the governing board.

Fact Finding Groups

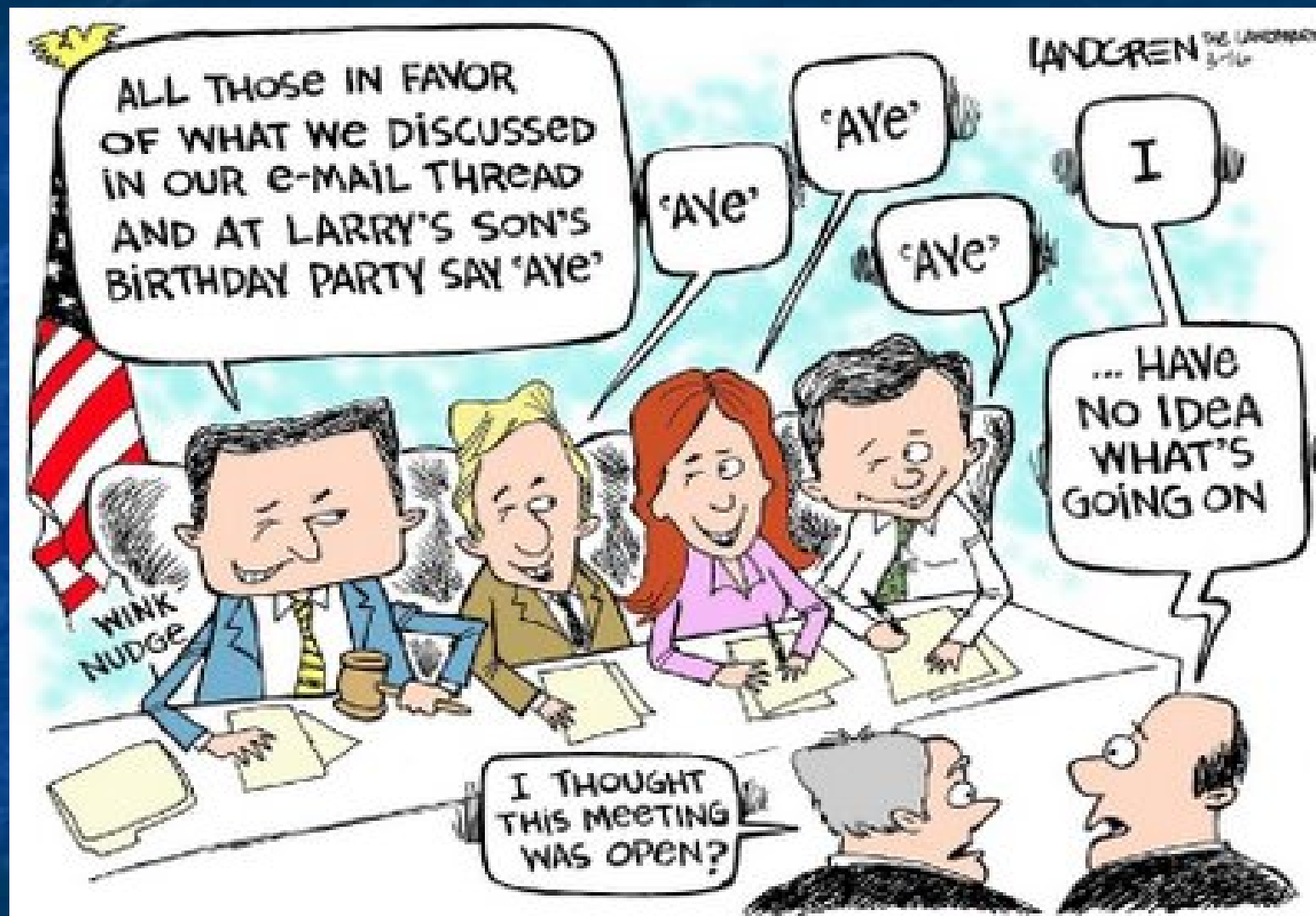
- ✦ A limited exception to applicability of Sunshine Law.
- ✦ Fact-finding only.
- ✦ Strictly informational gathering and reporting.
- ✦ No decision making.
- ✦ Rarely used in Collier County.

Advisory Board Members

Must strictly adhere to all aspects of the Sunshine Law.

Reminders

- No Pre and post meeting discussions;
- No Private conversations on the dais;
- Avoid texting on the dais;
- May not use non-members as liaisons between board members;
- Avoid the appearance of impropriety.



Written Correspondence

A board member may send documents on matters coming before the board for official action to other board members, PROVIDED there are no responses from, or interaction related to documents among, the board members prior to the public meeting. The written correspondence becomes a public record.

- Recommend use of staff liaison.
- Two way communication must be done in the Sunshine.



...WHEN THE MOON'S
SHADOW SWEEPS ACROSS
THE EARTH'S SURFACE...
OR...



WHEN ELECTED OFFICIALS
HAVE SECRET MEETINGS
CONDUCTING THE PEOPLE'S
BUSINESS...



EXAMINER - GATEHOUSE MEDIA

GALILEO EXPLAINS ABSENCE OF SUNSHINE.

Inspection Trips

Members of an advisory board may conduct inspection trips (limited basis).

- ✦ If discussion relating to the business of the board will occur between board members during an inspection trip – the **SUNSHINE LAW APPLIES!**
- ✦ All requirements of § 286.011, F.S. must be met.
- ✦ Fact finding exemption does not apply to a board with “ultimate decision-making authority.” *See Finch v. Seminole County School Board, 995 So. 2d 1068 (Fla. 5th DCA 2008).*

Electronic Meetings Local Governments



Absent member may participate by telephone conference if:

- ✦ Absence is due to extraordinary circumstances
- ✦ A quorum of local board must be physically present
- ✦ Board must vote to approve participation.

Sunshine Law Applications

- ✦ Does not apply to members of different boards
- ✦ Applies to non-voting members as well as voting members
- ✦ Social events are fine – but do not discuss County business
- ✦ Does not apply to private organizations, such as homeowners' associations
- ✦ Does not apply to a meeting between a Commissioner and a private citizen
- ✦ Does not apply to staff so long as staff is in a fact-finding mode
- ✦ Applies to staff once staff become part of the decision-making process

Validity of Action Taken in Violation of The Sunshine Law/Subsequent Corrective Action

- ✦ Section 286.011, F.S., provides that no resolution, rule, regulation or formal action shall be considered binding except as taken or made at an open meeting.
- ✦ Recognizing that the Sunshine Law should be construed so as to frustrate all evasive devices, the courts have held that action taken in violation of the law is void *ab initio*.
- ✦ *Within limitations*, some case law exists holding that Sunshine Law violations can be cured by independent, final action taken completely in the Sunshine.

What are the Consequences if a Public Board or Commission Fails to Comply with the Sunshine Law?

Criminal Penalties:

- ✦ It is a second degree misdemeanor to knowingly violate the Sunshine law.
- ✦ Punishable with a fine of up to \$500 and/or up to 60 days imprisonment.

Other Penalties Include:

- ✦ Removal from position.
- ✦ Payment of attorney's fees incurred by the challenging party, as well as declaratory and injunctive relief.

A Penalty Example

BASED ON LOCAL NEWS REPORTS

Childers To Prison

No restitution ordered



Former Florida Senate President W.D. Childers, 69, was sentenced in Crestview today to 3 1/2 years in state prison after last month's jury verdict on charges of bribing former Escambia County commissioner Willie Junior. Childers allegedly bribed Junior to vote for purchasing the former soccer complex in Pensacola at a price of \$3.9 million.

After he completes his sentence, Childers also will have to perform 250 hours of community service and serve 1 1/2 years on probation.

Prosecutors sought the maximum penalty of 10 years, five years on each count and more than \$1 million in restitution. Prosecutors also asked the judge to order restitution of more than a million dollars to cover alleged county losses on the real estate deal. However, the judge declined to order restitution. Childers maintained he has a negative net worth.

Childers, 69, also has been [serving a 60-day county jail sentence](#) for violations of Florida's open-government "sunshine" law. He will begin serving the 3 1/2 year prison sentence once he completes the jail term.

The "Banty Rooster," as he was known over a 30-year career as a state legislator in Tallahassee, decided to run for county office as a Republican in 2000 because he was term-limited under a new Florida law. Childers' challenge to the term limits law also was turned away by the courts.

Childers was accused of bribing Junior, a Pensacola Democrat, with at least \$90,000 in checks. Junior testified Childers handed him the money pot following the vote but that he returned \$40,000 in exchange for a cashier's check.

Childers denied giving Junior any cash and testified the checks were loans secured by Junior's equity in a funeral home. He produced two handwritten promissory notes they had signed. Assistant State Attorney John Simon argued that Childers never filed the notes with the court clerk in order to enforce them, which he had often done with other loans, including those to family members.

Sentenced to Jail for Sunshine Law Violations: Suspended Escambia County Commissioner W.D. Childers was sentenced to 60 days in jail for discussing redistricting in a telephone conversation while fellow commissioner listened on a speaker phone, and pleaded no contest for talking with two fellow commissioners about county building projects in front of a staffer.

in exchange promised a

s. Georgann Elliott also

e violations and



The Headlines We Don't Want!

“Judge Finds Marco Councilor Guilty of Sunshine Law
Violation!!” *Naples Daily News 2/7/08*

“Planning Member’s Lunch Clouds Florida in Sunshine
Law” *Naples Daily News 2/7/07*

Grand Jury OKs City Sunshine Law Investigation *7/12/07*
Jacksonville News

“A Times-Union Investigation Finds Evidence of
Florida Sunshine Law Violations” *Florida Times-Union 6/14/07*

Questions??

??????????



PUBLIC RECORDS



Office of the County Attorney
Jeffrey A. Klatzkow, County Attorney



The State of Florida Strongly Favors Open Access to Public Records

- 📁 The public's right to inspect or copy any public record is established in the Florida Constitution.
- 📁 The legislature enacted Chapter 119 of the Florida Statutes setting the policy for the state.
- 📁 Florida courts have routinely held that the Public Records Act is to be liberally construed in favor of open access to public records.

The Definition of Public Records Open to Inspection to Any Person is Very Broad.



A public record encompasses all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge, regardless of whether such materials are in final form.



Public Records Law



Public Records include:

All documents, paper, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or means of transmission made or received pursuant to law in connection with transaction of official business by the agency. *(Chapter 119, Florida Statutes)*

Public Records Law applies to:

-  **Records developed by the Board, Board-Appointed Committees, and employees**
-  **All Types of records including written communications, letters, notes and e-mails**

Numerous exemptions are identified in §119.07, Florida Statutes, and other statutes

ADVISORY BOARD GUIDELINES FOR PUBLIC RECORDS AND EMAILS

- * While you are serving on an advisory board, correspondence and emails to or from anyone, on any computer (private or government owned), relating to County business is a public record.**
- * Public records must be maintained pursuant to State guidelines. You may save them on the computer, a disk, or as a hard copy. If leaving your position on an advisory board, please provide a copy of all public records in your possession to the County Staff Liaison.**
- * One-way communications by email should be directed to the County Staff Liaison. Pursuant to the Sunshine Law, no two-way communications between members (except during publicly noticed meetings) is permitted.**
- * If you choose to communicate with members of the public concerning County business via email, please be aware that your name and email address, as well as the name and email address of the public person, becomes a public record.**

What Public Records are Exempt From Disclosure?

Common exemptions are:



- 📄 **Records prepared for litigation proceedings or in anticipation of legal proceedings**
- 📄 **Social Security numbers of employees and former employees**
- 📄 **Sealed bids or proposals**

Public Records Requests

Can be made verbally or in writing by any person

The Board, Committee, or Staff:

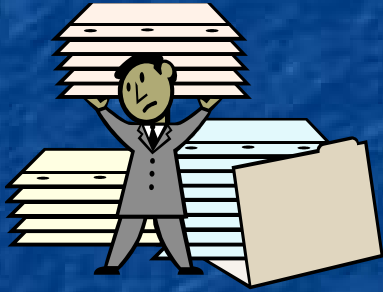
- Has a “reasonable” time to respond
- Can charge for the cost of retrieving records if the amount requested is voluminous
- Can charge 15 cents per page

The Public Records Law does not require:

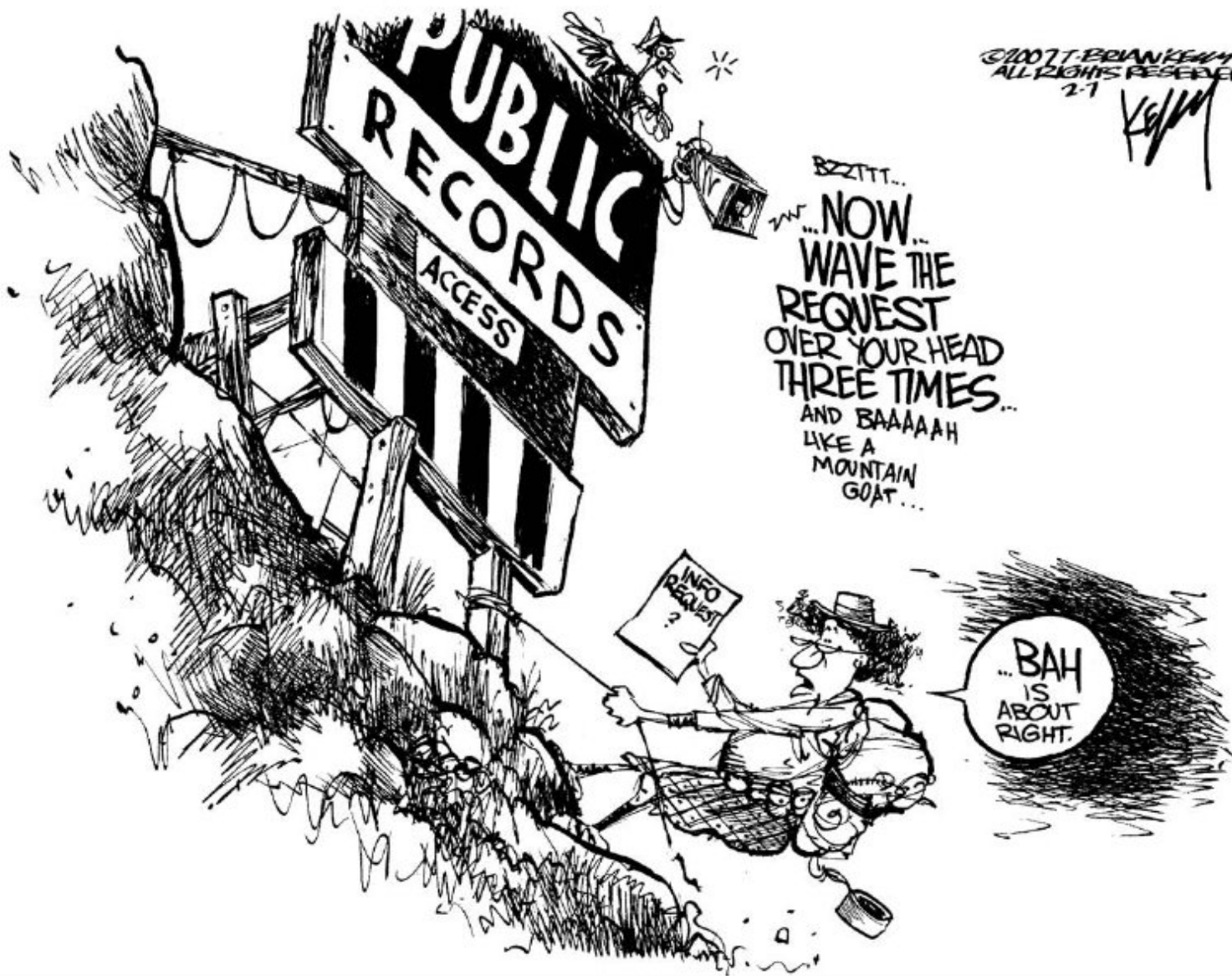
- The retention of records (this is covered by the State’s records retention policy)
- The creation of records or the provision of records in the format requested
- An explanation of the records

* Collier County Resolution No. 2007-327

Restrictions Placed on Access to Public Records



- ☰ The restrictions a public entity may place on access to public records for reasons of administrative convenience, cost or other factors are narrow and limited.



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Keam

BZZTTT...
NOW...
WAVE THE
REQUEST
OVER YOUR HEAD
THREE TIMES...
AND BAAAAAH
LIKE A
MOUNTAIN
GOAT...

BAH
IS
ABOUT
RIGHT.

PENALTIES



A violation of the Public Records Act carries both civil and criminal penalties!

Questions??



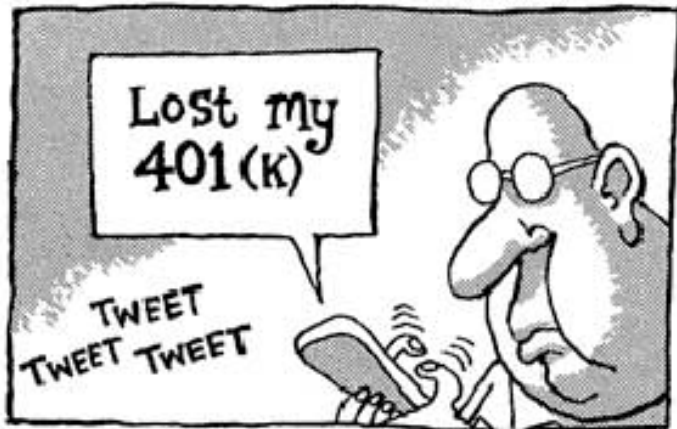
Tools for Social Networking:

Facebook

Twitter

Instant Messaging

You Tube



ROGERS ©2009 PITTSBURGH POST-GAZETTE

Public Records

While business related posts or comments made on Facebook are a public record (pursuant to AGO 09-19), the difficulty comes in saving the records and then trying to locate them later if a request for the records is made by the public. The amount of storage necessary is substantial and retrieving a specific record later is almost impossible.

Standards of Conduct for Social Networking

Your County's Social Computing Guidelines:

- Know the County Conduct Guidelines.
- Be who you are.
- Be thoughtful about how you present yourself in online social networks.
- Speak in the first person.
- Use a disclaimer.
- Respect copyright and fair use laws.
- Protect confidential and proprietary information.
- Protect the County's clients, business partners and suppliers.
- Respect your audience and your coworkers.
- Add value.
- Don't pick fights.
- Be the first to respond to your own mistakes.
- Use your best judgment.
- Don't forget your day job.

County Ethics Ordinance



■ No, thank you!

Public officials are prohibited from accepting any gift or any other thing of monetary value from anyone that has an interest that may be substantially affected by the performance or non-performance of duties of a public official.

Ethics Laws



County Attorney Office
Colleen M. Greene
Assistant County Attorney

Three Areas of Ethics Laws



**Chapter 112, Florida Statutes, Part
III**

**Collier County Ordinance
No. 2003-53, as amended**

**Collier County Manager
Administrative Procedures CMA
#5311**

This will not suffice!



Chapter 112, Florida Statutes

Applies to all advisory board members, elected officials, and County employees.



Collier County Ordinance

No. 03-53, as amended

Applies to all advisory board members, elected officials and County employees (more stringent than Ch. 112, *Fla. Stat.*).

CMA #5311

Applies to all County employees.

I

Florida Statutes

Code of Ethics for Public Officers and Employees

Code of Ethics

**Protects against conflict of interest
and establishes standards for the
conduct of elected officials and
government employees in situations
where conflicts may exist.**

(Chapter 112, Florida Statutes and the Florida Constitution)

Code of Ethics for Public Officers and Employees

Conflict or Conflict of Interest

A situation in which regard for a private interest tends to lead to a disregard of a public duty or interest.

(§ 112.312(8), *Fla. Stat.*)

Florida Code of Ethics

Addresses:

- ◆ Standards of Conduct
- ◆ Voting Conflict
- ◆ Financial Disclosure

Applies to:

- ◆ County Commissioners
- ◆ Board Appointed Committees
- ◆ Board Employees

- ◆ Prohibits certain actions or conduct
- ◆ Requires certain disclosures be made to the public

Standards of Conduct

Soliciting and Accepting Gifts. May not solicit or accept anything of value that is based on an understanding that their vote, official action, or judgment would be influenced by such a gift.

Accepting Unauthorized Compensation. May not accept any compensation, payment, or thing of value that is given to influence a vote or other official action.

Misusing Public Position. May not corruptly use his/her official position to obtain a special privilege for himself/herself or others.

Disclosing or Using Certain Information. May not disclose or use information not available to the public and obtained by reason of his/her public positions for the personal benefit of himself/herself or others.

Additional Standards of Conduct

- ➔ **Doing business with one's agency.** A public officer or employee acting in a private capacity shall not attempt to do business with the County/agency where he/she serves as a officer or employee. Applies to private business in which public officer, employee, spouse or child has a material interest. (112.313(3))
- ➔ **Engaging in conflicting Employment or Contractual Relationship.** A public officer may not be employed or contract with any business entity regulated by or doing business with his or her public agency. (112.313(7)) (May be waived by 2/3 vote of full Board (112.313(12))).

Voting Conflicts of Interest

Requires no County, municipal, or other Local Public Officer (including members of Board appointed committees) shall vote in an official capacity upon any measure which would inure to the special private gain or loss of themselves, any principal or entity by whom they are retained, other than an agency as defined in § 112.312(2), *Fla. Stat.*, or to any relative or business associate.
(Specific exemptions apply.)

Voting Conflicts of Interest

- Exemptions may apply:
- 1. Remote and speculative test "uncertainty at time of vote."
- 2. Size of class test "unique gain or loss."

Requires that public officers, including members of advisory committees:

- ④ Must announce the nature of the conflict before the vote; abstain from voting; and file a memorandum of voting conflict.
- ④ May not participate in the discussion without first disclosing the nature of their interest in the matter (either in writing prior to the meeting, or orally as soon as they become aware that a conflict exists).
- ④ May not participate in an attempt to influence the decision.

Penalties

Violation of Statute

Civil penalties, fine or removal from office



II

County Ethics Ordinance

Ordinance No. 2003-53, as amended

* Legislative intent

* Lobbyist Registration

* Gifts from Lobbyists

* Gift Definition Exceptions

* County managerial employee post
employment restrictions



Collier County Ethics Ordinance Statement of Policy

An individual covered by this article shall:

- 1) Not use his or her position as a public servant for unlawful gain or enrichment;
- 2) Avoid conduct that gives the appearance of an impropriety in the performance of his or her public duties; and
- 3) Not accept anything of value if the public servant knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties.

County Ethics Ordinance

Limited Exceptions Apply!

- Gifts from relatives.
- Unsolicited advertising or promotional materials.
- Gifts for participation in a seminar.
- Award of nominal commercial value.
- Food or beverage offered to all attendees at a business meeting (the \$4.00 rule).

When in doubt, please ask!

Post Employment Restrictions

Post employment restrictions apply to the county manager, assistant and/or deputy county manager, county attorney, deputy county attorney and all division administrators, and department and authority directors in County government. Also included are employees actively engaged in selecting contractors or in supervising, overseeing, or vouchering for contract performance.

Standards of Conduct

No public servant shall:

- 1) Accept a gift knowing that it was given with the intent to reward or influence him/her in the performance or nonperformance of his/her duties;
- 2) Participate in the selection of a vendor or the approval of a contract if that employee has received a gift from someone representing the vendor or contracting party including gifts from a relative;
- 3) Participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant including gifts from relatives;
- 4) Accept anything of value from a lobbyist; and
- 5) Solicit a contribution from another person/employee for a gift to an official superior or accept a gift from a subordinate.
- 6) *Exceptions:* holidays or occasions where it is customary to give a gift.

PENALTIES for violating County Ethics Ordinance



**County Ordinance
Violations Carry Jail as
Well as Fine Penalties**



III

County Manager Administrative Procedures Code of Ethics/Standards of Conduct CMA #5311



- ❖ Prohibited receipt of gifts or items of value by County Employees
- ❖ Violation may result in disciplinary action up to and including discharge

Questions??



Resources/Contacts

OFFICE OF THE COUNTY ATTORNEY

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**Questions/Concerns Regarding Sunshine Law, Public
Records, Ethics and Ex-Parte Disclosure Matters**

COLLIER COUNTY
[Name of Board]

PROCEDURES FOR [Name of Board] ADVISORY COMMITTEE

[Month Day], 2018

A. General:

1. Meetings. Regular meetings of the advisory board shall be held on such day, time and place as may be determined by the advisory board, and at a minimum of once a month, except for one month in the summer.
2. Quorum and Voting. At all regular or special meetings of the advisory board, a majority of the membership of the advisory board shall constitute a quorum. Voting shall be by voice unless a member of the advisory board requests a roll call. The roll shall be in alphabetical order with the first name called rotating with each motion upon which the vote is called. The Chairman shall always vote last. A record of the roll call shall be kept as part of the minutes.
3. Special Meetings. Special meetings may be called by the Chairman at any time provided adequate notice is given pursuant to Paragraph 4 below. The Chairman may also call a special meeting when requested to do so in writing by a majority of the members of the advisory board or by a County staff member. The notice of such a meeting shall specify the purpose of such a meeting and no other business may be considered except by unanimous consent of the advisory board. All members of the advisory board shall be notified in advance of such special meetings by the staff liaison.
4. Notice and Publication. The staff liaison shall give notice and keep record of such notice of its meetings and the meeting of the subcommittees including the date, time, and location of each regular and special meeting. Notice shall be posted in the county administration building and other appropriate locations as recommended by the advisory board and to the County Public Information Department for further distribution.
5. Open Meetings. All meetings of the advisory board or its subcommittees shall be open to the public and governed by the provisions of Florida's Government in the Sunshine Law.
6. Minutes. The minutes of all meetings shall be promptly recorded, and such records shall be open to public inspection, in accordance with applicable law.

7. Location. Meetings of the advisory board, or any of its subcommittees, shall be held in a location accessible to the public.
8. Meeting Agenda. There shall be an agenda for each meeting of the advisory board which shall determine the order of business conducted. The board shall not take action on any matter, proposal, report or item of business not listed upon the official agenda unless a majority of the board present consents. Any advisory board member, in the case of an advisory board or a subcommittee member in the case of a subcommittee, may place an item on the agenda by submitting it to the Chairman for forwarding to the staff liaison prior to the deadline for publishing the notice of such meeting. The Chairman shall determine whether the item submitted by the board member is relevant to the purposes of the advisory board. Upon his/her finding that the item is relevant, it shall be included in the agenda. Staff-initiated agenda items are not subject to prior review by the Chairman.
9. Order of Business. The order of business at regular meetings shall be:
 - (a) Call to Order
 - (b) Pledge of Allegiance
 - (c) Roll Call
 - (d) Adoption of the Agenda
 - (e) Public Comment
 - (f) Adoption of Minutes from Previous Meeting
 - (g) Staff Reports
 - (h) New Business
 - (i) Old Business
 - (j) Announcements
 - (k) Committee Member Discussion
 - (l) Next Meeting Time, Date and Location
 - (m) Adjournment

B. Agenda Items Requiring Action (Old Business and New Business):

1. General. All members of the public who address the board shall utilize the speaker's podium to allow their comments to be recorded, and shall identify themselves by name and local addresses, if applicable. Further, any speaker speaking on behalf of an organization or group of individuals (exceeding five) shall indicate such and shall cite the source of such authority whether by request, petition, vote, or otherwise.
2. Speaker Registration. Persons, other than staff wishing to speak on an agenda item shall, prior to the item being heard, register with the staff liaison on the forms provided. Five (5) or more persons deemed by the board to be associated together or otherwise represent a common point of view, as proponents or opponents on any item may be requested to select a

spokesperson. All persons may speak for a maximum of three (3) minutes each.

3. Restrictions on Comments Deemed Not Germane to the Item. Notwithstanding any provisions herein, any board member may interrupt and/or stop any presentation that discusses matters that need not be considered in deciding the matter then before the board for consideration. At any board proceeding, the Chairman, unless overruled by majority of the board members present, may restrict or terminate presentations which in the Chairman's judgment are frivolous, unduly repetitive or out of order.

C. Order and Subject of Appearance: To the extent possible, the following shall be the order of the proceeding:

1. Preliminary Statement. The Chairman shall read the title of the agenda item.
2. Initial Presentation by Staff. County staff shall make the initial presentation to the board regarding any item under consideration. After completion of the staff presentation, the board may make inquiries of staff at this time.
3. Initial Presentation by Petitioner or Proposer. Petitioner or Proposer shall make the initial presentation to the board regarding any item under consideration. After completion of the presentation by the Petitioner or Proposer, the board may make inquiries of the Petitioner or Proposer at this time.
4. Speakers. After board inquiry, speakers shall be allowed to speak based on the time limitation guidelines outlined in the preceding subsection B above. During and after a speaker's presentation, the board shall have an opportunity to comment or ask questions of or seek clarification from such speaker. The board may also allow staff to comment, ask questions of or seek clarification from speakers.
5. Restrictions on Testimony or Presentation of Evidence. Notwithstanding any provisions herein, any board member may interrupt any presentation that contains matters which need not be considered in deciding the matter then before the board for consideration. At any board proceeding, the Chairman, unless overruled by majority of the board members present, may restrict or terminate presentations which in the Chairman's judgment are frivolous, unduly repetitive or out of order.

D. Rules of Debate: The following rules of debate shall be observed by the board. Except as herein provided questions of order and the conduct of business shall be governed by *Robert's Rules of Order*.

1. Motion under consideration. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter,

except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These counter motions shall have preference in the order in which they are mentioned, and the first two shall be decided without debate. Final action upon a pending motion may be deferred until the next meeting by majority of the members present.

2. Chairman participation. The presiding chairman may move, second and debate from the chair, and shall not be deprived of any of the rights and privileges of a board member by reason of being the presiding chairman.
3. Form of address. Each member shall address only the presiding officer for recognition, shall confine himself to the question under debate, and shall avoid personalities and indecorous language.
4. Interruption. A member, once recognized, shall not be interrupted except by the Chairman if the Chairman determines that the member's participation is irrelevant, frivolous or out of order. Any member may appeal the decision of the Chairman to the board for decision by majority vote.
5. The question. Upon the closing of debate, any member may require a roll call vote. Any member may give a brief statement or file a written explanation of his vote.

E. Public Comment on General Topics: Members of the public may register to speak on general topics under the Public Comment portion of the agenda. The number of speakers permitted to register under public comment on any given agenda shall be limited to a maximum of five, unless the Chairman recognizes additional speakers.

1. Speaker Registration. Individuals wishing to speak to the board under public comment at any regularly scheduled meeting of the board shall register to speak in writing on the form provided by the County prior to the public comment portion of the agenda being called by the Chairman.

F Reconsideration: There shall be no reconsideration of items before the board.

G. Conflicts of Interest: Any member having a potential voting conflict shall publicly state the nature of the conflict at the board meeting and complete Form 8B [Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers] within 15 days of the scheduled meeting.

[Name of Chairman]
Chairman

RESOLUTION NO. 2017- 220

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, CREATING THE COLLIER COUNTY AD HOC SENIOR ADVISORY COMMITTEE; PROVIDING FOR CREATION AND PURPOSE; PROVIDING FOR FUNCTIONS, POWERS, AND DUTIES; PROVIDING FOR APPOINTMENT OF MEMBERS, TERMS OF OFFICE, AND FAILURE TO ATTEND MEETING; PROVIDING FOR OFFICERS, QUORUM, AND REIMBURSEMENT OF EXPENSES; AND PROVIDING FOR DISSOLUTION OF THE COMMITTEE.

WHEREAS, Collier County, Florida, is home to a large population of residents 65 years of age and older and this population is expected to grow over the coming years; and

WHEREAS, at its October 24, 2017 meeting, the Board of County Commissioners (Board) approved an item to go forward with the establishment of an Ad Hoc Senior Advisory Committee to provide a forum for the senior citizens of Collier County to identify and discuss issues facing the senior community; and

WHEREAS, the Board desires to create this Ad Hoc Senior Advisory Committee for a preliminary term of one initial year, with potential to consider a permanent advisory board upon the Ad Hoc Committee's report to the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THAT:

SECTION ONE: Creation and Purpose of the Collier County Ad Hoc Senior Advisory Committee.

Pursuant to the provisions of Collier County Ordinance No. 2001-55, as amended, the Board hereby establishes the Collier County Ad Hoc Senior Advisory Committee (Committee) to assist the Board in compiling and identifying issues and relevant best practices as they relate to senior citizens in Collier County.

SECTION TWO: Functions, Powers and Duties of the Committee.

The functions, powers, and duties of this Committee shall be to assist the Board in compiling and identifying issues and relevant best practices as they relate to the safety and wellbeing of senior citizens in Collier County. In addition, at the request of the Board, the committee shall consider topics of interest for the Board. Prior to the termination of the one-year term as set forth below, the Committee shall report to the Board with its findings and recommendations. The Committee shall follow Robert's Rules of Order for the transaction of business and shall keep records of the meetings, findings, and determinations.