

CH6 SR 14  
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RESOLUTION  
NUMBER 2018-086

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, ACTING EX-OFFICIO AS THE GOVERNING BOARD OF THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AGENCY ("AGENCY") AMENDING THE RULES OF PROCEDURE FOR THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners of Charlotte County, Florida, acting Ex-Officio as the governing board of the Murdock Village Community Redevelopment Agency ("Agency"), amended and adopted the Rules of Procedure for the Murdock Village Community Redevelopment Agency Advisory Committee (the "Advisory Committee Rules") on April 12, 2011; and

WHEREAS, the Agency desires to amend the Advisory Committee Rules to conform them to the rules governing other community redevelopment agency advisory committees; and

WHEREAS, the Murdock Village Community Redevelopment Agency Advisory Committee adopted a motion recommending that the Agency approve the revised Advisory Committee Rules at its meeting on July 9, 2018 (a true and correct copy of the proposed amended rules is attached to this resolution as "Exhibit A"); and

WHEREAS, the Agency has determined that amending the Advisory Committee Rules is in the public interest and in furtherance of Part III of Chapter 163, Florida Statutes.

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NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, acting Ex-Officio as the governing board of the Murdock Village Community Redevelopment Agency, that:

1. The Board of County Commissioners of Charlotte County, Florida, acting Ex-Officio as the governing board of the Murdock Village Community Redevelopment Agency ("Agency"), amends the Advisory Committee Rules as reflected in Exhibit A to this resolution.
2. This Resolution shall take effect upon adoption.

PASSED AND DULY ADOPTED this 24th day of July, 2018.

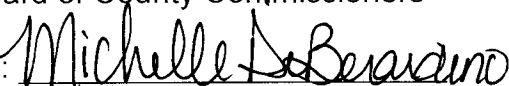
BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA ACTING  
EX-OFFICIO AS THE GOVERNING BOARD  
OF THE MURDOCK VILLAGE COMMUNITY  
REDEVELOPMENT AGENCY

By: 

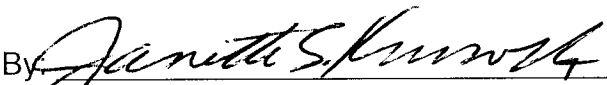
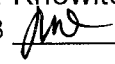
Kenneth W. Doherty, Chairman

ATTEST:

Roger D. Eaton, Clerk of the Circuit  
Court and ex-officio Clerk of the  
Board of County Commissioners

By:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:   
Janette S. Knowlton, County Attorney  
LR18-0383 

**RULES OF PROCEDURE  
FOR THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AGENCY  
ADVISORY COMMITTEE**  
(Amended \_\_\_\_\_, \_\_\_\_, 2018)

**ARTICLE I  
ADVISORY COMMITTEE**

Section 1

The Murdock Village Community Redevelopment Agency Advisory Committee (the "Advisory Committee") shall act as an advisory panel to the Charlotte County Board of County Commissioners (the "Board") in its capacity as ex-officio governing board of the Murdock Village Community Redevelopment Agency (the "Agency"). The Advisory Committee's recommendations shall be guided by the Murdock Village Community Redevelopment Plan (the "Redevelopment Plan").

Section 2

Neither the Advisory Committee nor any Member may bind the Agency or incur financial liability on behalf of the Agency. The Advisory Committee is charged with reviewing the Redevelopment Plan from time to time and, when necessary, recommending changes to the Agency regarding letters of intent, agreements for purchase and sale of County or Agency property. The Advisory Committee may not render advice or review any matter that is, or could be, scheduled for a quasi-judicial hearing before the Agency, the Board, or any County committee duly authorized to hold hearings on such matters. The Advisory Committee may hold public meetings to solicit input from the public regarding the Redevelopment Plan and to report findings to the Agency. The Advisory Committee may recommend that the Agency make certain expenditures or investments related to the Redevelopment Plan.

Section 3

The Advisory Committee is not vested with any powers not enumerated in the instruments that formed it; neither may the Advisory Committee take any action or exercise any authority not specifically granted to it.

**ARTICLE II  
MEMBERSHIP**

Section 1

In accordance with Resolution 2003-212, as amended, the Board shall appoint Advisory Committee members.

Section 2

Upon adoption of these amended Rules, continuity of membership shall be maintained as follows: All current Committee members shall carry out their respective terms as scheduled. After expiration of current member terms, appointed members shall serve for a term of three years, and no Member shall serve for more than nine years, cumulatively. When a vacancy occurs, the Agency shall appoint a new member to serve the unexpired term of the member whose removal, death, resignation or incapacity creates a vacancy.

Section 3

Any Member shall resign effective immediately upon filing with the Supervisor of Elections office a Form *Statement of Candidate Form DS-DE 84* for the Office of Charlotte County Commissioner. If a Member fails to resign, he or she will be deemed to have resigned upon the date of filing Form DS-DE 84 or its equivalent.

Section 4

Members may also be members of other community improvement organizations and civic associations.

Section 5

All Members and Advisory Committee meetings shall be governed by, and comply with, Ch. 286, Florida Statutes, the Florida Sunshine and Open Meeting laws, and Ch. 119, Florida Statutes, the Florida Public Records Act. Mandatory training shall be provided by the County Attorney's Office to Members each year.

**ARTICLE III  
MEMBER ATTENDANCE**

Members shall attend all meetings. If a Member fails to attend two meetings in a rolling twelve-month period, he or she shall automatically forfeit his or her appointment and the Agency shall promptly fill the vacancy.

**ARTICLE IV  
OFFICERS & THEIR DUTIES**

Section 1

The Advisory Committee's Officers shall be as follows:

A. Chair. The Chair shall preside at all meetings and shall execute the duties as further prescribed in these Rules of Procedure.

B. Vice-Chair. The Vice-Chair shall preside at all meetings in the absence of the Chair and may execute the duties as further prescribed in these Rules of Procedure.

C. Secretary. The Secretary shall preside at all meetings in the absence of the Chair and Vice-Chair. The elected Secretary shall supervise the appointed staff secretary's record of the meetings and the staff secretary's timely notification to the members of the meetings, distribution of the minutes and agenda.

Section 2

A. The Agency's Executive Director (County Administrator) shall appoint requisite County staff, including a staff secretary, to provide support to the Advisory Committee and ensure that its proceedings meet the requirements of applicable law.

B. The Charlotte County Attorney's Office will advise the Advisory Committee on an as needed basis and, when present, act as parliamentarian to assist the presiding officer in the performance of his or her duties.

## **ARTICLE V ELECTION OF OFFICERS**

The Advisory Committee shall elect from its Members the Chair, Vice-Chair and Secretary, each for a one-year term. The Chair and Vice-Chair may be re-elected for a maximum of three consecutive years as either Chair or Vice-Chair after which such persons may not act as Chair or Vice-Chair for a period of one-year. The regular election shall be held at the Advisory Committee's regular meeting in December of each year. If a vacancy arises before the end of the term of the Chair, Vice-Chair or Secretary, the Members shall fill such vacancy at any regular, adjourned or special meeting. The election to fill a vacancy will be announced by notice on the agenda preceding the meeting where the Advisory Committee intends to elect officers to fill any vacancy.

## **ARTICLE VI MEETINGS**

### Section 1

Regular Advisory Committee meetings shall be held quarterly or as needed. Notice of a meeting's day and time shall be delivered to each Member by County staff. An annual meeting schedule will be approved at the regular meeting in January and will be posted by the County. Any changes to the approved schedule will be approved by a majority of the Members present and posted to meet all legal requirements. Any regular meeting may be adjourned to a definite date and time as approved by a majority of the Members present.

### Section 2

The Chair may call a special meeting to be held at any time or place provided that such meeting shall conform to all relevant notice and public access requirements. The Vice-Chair may call a special meeting if the Chair is absent. Four Members may deliver a request in writing to the Executive Director that a special meeting be held, which special meeting the Executive Director shall promptly schedule and provide notice to the Members and the public.

### Section 3

Members shall be notified of the place, date, and time of each called or special meeting giving the most notice possible before said meeting. This notice shall state the business to be transacted.

### Section 4

All regular, adjourned, called or special meetings shall be open to the public and held in conformance with all relevant laws.

Section 5

A Member who has a voting conflict of interest under section 112.3143, Florida Statutes, must abstain from voting and file Form 8B (copy attached) with the Secretary.

Section 6

Appointed County staff shall attend all meetings, provide information and guidance to the Advisory Committee upon request, ensure record keeping, contribute agenda items and be responsible for mailing meeting notices, agendas and minutes to the members as prescribed.

**ARTICLE VII  
ORDER OF BUSINESS**

Section 1

The order of business at regular or adjourned meetings shall be as follows unless modified with consent of a majority of the Members present:

- 1.) Call to Order/Pledge of Allegiance/Roll Call/Determination of Quorum
- 2.) Additions/Deletions to the Agenda
- 3.) Public Comment on Agenda Items
- 4.) Approval of Minutes
- 5.) Development Review Report
- 6.) Old Business
- 7.) New Business
- 8.) Correspondence & Communications
- 9.) Public Comment (any Agency matter)
- 10.) Staff Comments
- 11.) Attorney's Comments
- 12.) Member Comments
- 13.) Next Meeting Date
- 14.) Adjournment

Section 2

Any member wanting to speak on matters not listed on the agenda may do so under the Member Comments item on the Agenda or at the discretion of the Chair who may defer full discussion until the next Regular Meeting. Members may also request that a topic be added to the Agenda under the "Additions/Deletions to the Agenda" item in accordance with all relevant laws.

Section 3

Any member of the public wishing to speak on any item on the agenda may do so under the first Public Comment item of the agenda. Each speaker is allotted five minutes, which time may be modified by a vote of a majority of the Members present. Any member of the public wishing to speak on any topic under the purview of the Murdock Village Community Redevelopment Agency Advisory Committee may do so under the "Public Comment (any Agency matter)" item on the agenda. Each speaker is allotted five minutes, which time may be modified by a vote of a majority of the Members present.

Section 4

The order of business for special or called meetings shall be stated in the notice and only the specific business for which the meeting was called shall be transacted.

Section 5

Prior to entertaining a motion, the Chair shall state the matter to be voted upon or call for a motion and provide for a period of discussion among the members. Each motion shall require a second. The Chair shall endeavor to provide the Members the opportunity for full examination of any motion and second. This section shall not preclude discussion after the motion.

Section 6

The Chair shall conduct the meetings informally to the extent possible, keeping good order, guided by the latest revised edition of Roberts Rules of Order, and in accordance with these Rules of Procedure. However, upon a majority vote of those present, a meeting shall be held in strict accordance with Roberts Rules of Order, amended to the extent that such rules do not conflict with these Rules of Procedure. If necessary, a parliamentarian shall be appointed by the Chair.

**ARTICLE VIII**  
**AGENDA**

Requests for future agenda subjects and for agenda time by Members shall be put forth during the Member Comment portion of the preceding meeting or made to County staff two weeks prior to the meeting. After which time, said agenda shall be put into form as prescribed and a copy sent to each Member seven days before meeting date together with pertinent information, maps and reports, if any. It shall be at the discretion of County staff as to the number of subjects which can be included within the time constraints of the meeting. Priority of agenda subjects is determined by the Executive Director.

**ARTICLE IX**  
**QUORUM**

Four Members present shall constitute a quorum. A quorum shall be required to transact business at any meeting.

**ARTICLE X**  
**MINUTES**

A record of minutes of all meetings shall be kept and shall become a matter of public record as required by and in conformance with Florida law.

**ARTICLE XI**  
**VOTING**

Section 1

Unless otherwise required under these Rules of Procedure, an affirmative vote of majority of the Members present shall be required to adopt a properly seconded motion.

Section 2

Voting on all matters of business before the Advisory Committee shall be made as the Chair sees fit or by alphabetical roll call. The appointed secretary shall cause the recording of the vote of each member. A Member may not defer his or her vote. The vote of the Chair shall be the last roll call vote.

Section 3

No member shall abstain from voting on roll call unless he or she has recused himself or herself due to a declared voting conflict of interest on the subject matter.

**ARTICLE XII**  
**CORRESPONDENCE & COMMUNICATIONS**

Section 1

Official communications of the Advisory Committee to the Agency shall be in writing. All original records, recommendations and reports shall be kept according to the County's retention rules.

Section 2

All correspondence, notices or communications emanating from the Advisory Committee shall be approved pursuant to Article XII. The Chair, or his or her designee, shall be the official spokesperson on all matters pertaining to Advisory Committee business.

**ARTICLE XIV**  
**AMENDMENTS**

The Agency may amend these the Rules of Procedure from time to time.



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION:
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, \_\_\_\_\_, hereby disclose that on \_\_\_\_\_, 20 \_\_\_\_ :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

\_\_\_\_\_  
Date Filed

\_\_\_\_\_  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.