



CITY OF
KISSIMMEE
1883

ADVISORY BOARD MEMBER HANDBOOK

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Preface

Congratulations on becoming a City of Kissimmee Advisory Board Member. Membership on one of the City's Boards is a challenging and satisfying experience. Part of the responsibility of your position is regularly attending meetings, understanding the duties of your position, and consistently working and voting in a way that will contribute to the betterment of the community.

Being an Advisory Board Member now makes you a member of the City's team, and individual goals must be reconciled to form a team goal. Making government work effectively takes a cooperative effort.

One responsibility of the team is to carry out, and assist in carrying out, obligations to the citizens of Kissimmee. As an Advisory Board Member, you have taken on the responsibility of serving as a vital link in providing citizen input to those decisions.

This handbook has been prepared to assist you in your role. The information contained within this manual will hopefully make the process of decision-making easier for you. For more detailed information concerning the City, please consult the City Charter and Code of Ordinances which can be found on the City's website, www.Kissimmee.gov. The City Manager, City Attorney, and Department Heads are also available to answer any questions you may have concerning the City of Kissimmee.

I understand any questions about the role of an Advisory Board Member, procedures of the City of Kissimmee not answered in the handbook, or City Charter, should be directed to the Department Head in charge of the Board I have been appointed to, the City Manager, or City Attorney.



Section 1: **Introduction**

CITY OF KISSIMMEE MISSION STATEMENT

It is our utmost desire to foster an environment of respect for all people. We pledge this to our customers – the Citizen's of Kissimmee.

CITY OF KISSIMMEE SCHEDULES AND OBSERVED HOLIDAYS

Advisory Board Meeting Schedule

The City Clerk maintains the list of all City Advisory Board Meeting dates for any particular year. All meetings are posted online on the City's website. Periodically, there will be no business for the Advisory Board and meetings may be canceled. In those instances, you will receive an email from the staff member in charge of your Board.

City of Kissimmee Observed Holidays

The City of Kissimmee celebrates nine (9) holidays during each calendar year. During these holidays, the City closes its administrative offices to allow employees time to celebrate with their family and friends. The holidays celebrated are:

New Year's Day

Labor Day

Martin Luther King Jr. Day

Veterans Day

Memorial Day

Thanksgiving Day & Day After

Independence Day

Christmas Eve & Christmas Day

Juneteenth

When a holiday falls on a weekend, the City will observe the holiday on the Friday before or on Monday after the weekend. The exact days of each holiday, and the dates the City will observe them, are published annually by the Human Resources & Risk Management Department.

PURPOSE OF BOARDS

Commissioners are responsible for appointing members to the advisory boards and tasks forces. Each appointment requires a nomination, second to the nomination, and majority vote of the Commission. The responsibilities of board members include:

- Provide recommendations to the Commission and staff regarding special program areas.
- Holding public meetings to solicit community input on current issues.
- Identifying issues which should be addressed by the Commission or staff.

The Commission benefits by using boards in their decision-making process by relying on these bodies to:

- Have focused attention on specific issues
- Encourage citizen participation through membership on the board and public meetings
- Weigh community values in making recommendations to the Commission
- Thoroughly research and review alternatives to accompany formal recommendations to the Commission.

Section 2: **Structure of Government**

CITY OF KISSIMMEE GOVERNMENT STRUCTURE

The City of Kissimmee government is a council-manager form of government, which leverages elected officials' political leadership and the strong managerial experience of a City Manager. The Commission can rest assured that the City Manager will efficiently administer Commission Policy as an industry professional. Governmental duties are divided between the Commissioners and City Manager.

DUTIES OF THE CITY COMMISSION

The City Commission acts as the City's legislative body and primarily focuses its actions and decisions on matters of policy, budget, and local legislation.

The forms of action include:

- Approving ordinances, resolutions, and contracts;
- Reviewing proposals for community needs;
- Initiating actions for new programs;
- Determining the City's ability to provide financing; and
- Approving the annual budget presented by the City Manager.

The powers vested in the Commission include:

- Authority to adopt bylaws, rules, and regulations;
- Issuing bonds for municipal purposes;
- Establish the millage for ad valorem taxes and equalize special assessments; and
- Make appointments to the various municipal boards of the City.

DUTIES OF THE CITY MANAGER

The City Manager is the chief executive and administrative officer of the City. The City Commission act administratively through the City Manager. The City Manager is a professional, with a background in government management, and is appointed by the City Commission.

The City Manager's duties include:

- Supervising and coordinating the departments;
- Appointing and removing directors;
- Preparing the annual operating and 5-year capital budget for City Commission consideration; and
- Making reports and recommendations to the Commission.

OFFICE OF THE CITY ATTORNEY

The City Attorney's Office acts as the legal representative of the City. The City Attorney, Deputy City Attorney, and Assistant City Attorney are responsible for representing and advising the City Commission, City Advisory Boards, and City departments about the laws of the State and the City which apply to them.





The Office prepares and reviews legal documents for City use including contracts, ordinances and resolutions. The Office assists with the development of City policies, employee and advisory board training, and emergency management.

The Office represents the interests of the City in legal proceedings by filing and defending lawsuits on behalf of the City. The Office acts as a police legal advisor and pursues forfeiture actions on behalf of the City.

OFFICE OF THE CITY CLERK

The City Clerk is appointed by and serves under the direction of the City Manager. The City Clerk's Office is responsible for preserving all official documents for the City of Kissimmee, including but not limited to agendas, minutes, resolutions, ordinances, legal and public notices, and historical information. The City Clerk is the primary point of contact for all public record and information requests.

The City Clerk facilitates all City elections, attests, and countersigns all official records, and serves as the liaison between appointed board members, the City Commission, and the Florida Commission on Ethics. The City Clerk also oversees the administration of the City's record management program and provides training for employees on various topics, including Sunshine and Public Records Law.

It is the Mission of the City Clerk's Office to enable the public to fully participate in the governmental process by providing accurate information and services in a professional manner. The City Clerk's Office ensures the integrity of municipal governance through the administration of the electoral, legislative, and record-keeping processes as outlined in the City Charter, City Code, and Florida State Statutes.

STAFF LIAISONS FOR BOARDS

Each advisory board has an assigned staff liaison. Upon appointment to a board, staff liaisons will reach out to their board members to facilitate communications regarding meeting schedules, cancellations, processes, and procedures.



Section 3: **City Advisory Boards**

ADVISORY BOARDS

Advisory Boards are created to help the Commissioners deal make decisions with regard to City business. These boards are useful because they include members that have specific topical knowledge and expertise. Boards are effective because areas of concern are narrowed down by providing a more detailed look at the issues. The best possible function of an Advisory Board is to serve as a creative source of ideas in the policy-making process.

ADVISORY BOARD ROSTER:

AFFORDABLE HOUSING ADVISORY COMMITTEE

- Consists of 8 to 11 members. The representation is as follows:
- A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- A citizen who is actively engaged as a for-profit provider of affordable housing.
- A citizen who is actively engaged as a not-for-profit provider of affordable housing.
- A citizen who is actively engaged as a real estate professional in connection with affordable housing.
- A citizen who actively serves on the Planning Advisory Board.
- A citizen who resides within the City of Kissimmee.
- A citizen who represents employers within the City of Kissimmee.
- A citizen who represents essential services personnel, as defined in the local housing assistance plan.
- City of Kissimmee elected official.
- Committee meets at least on a quarterly basis – the 3rd Thursday at 10:00 a.m. at Kissimmee City Hall.

BOARD OF ADJUSTMENT

- 7 members appointed by the City Commission for 3-year terms
- Members may be residents of the City or non-City residents; non-residents must either own real property or maintain a business office within the City. (Ord. #2808 9/27/2011)
- At least 2 members should have valid Florida licenses as an architect, surveyor, engineer, or general contractor (Ord. #2808 9/27/2011)
- Hears appeals of Land Development Code interpretation, and considers granting variances if they meet the standard
- Meets 2nd Thursday @ 5:30 p.m. at City Hall

CIVILIAN POLICE OVERSIGHT BOARD

- Advises KPD on Police Department Rules
- Five board members appointed by the Police Chief.
- Three will be appointed for two-year terms and two will be appointed for a one-year term. Board members are limited to three consecutive two-year terms.
- All members shall be City residents or work or own real property within the City. One member must be a retired law enforcement officer.
- Members may not be a candidate for elective office or a sitting elected official and must resign upon qualification as a candidate for elective office.
- Meets quarterly at a date and time to be determined by board members.

HISTORIC PRESERVATION BOARD

- 7 members appointed by the City Commission for 3-year terms
- 5 members must be residents of the City and 2 members may be non-City residents. Non-City residents must own real property or maintain a business office within the City, with preference in historical district. (Ord. # 2662 -9/18/2007).
- Membership (at least 1): Professional Architect, Landscape Architect, Planner, or Structural Engineer
- Membership (at least 1): Historian, Folklorist, Curator, Archaeologist, or related disciplines.
- Membership (at least 1): Professional Realtor, Broker, or related Financial disciplines.
- Membership (at least 1): Owner or operator of a business in the City.
- Membership (at least 2): Shall represent the general public or demonstrate a special interest, experience or knowledge in historic preservation.
- Undertake measures relevant to protection, enhancement and perpetuation of properties of historic merit
- Meets 2nd Monday at 5:15 p.m. at City Hall

PARKS & RECREATION ADVISORY BOARD

- 9 members appointed by the City Commission for 3-year terms
- 7 members shall be City residents and 2 members may be non-City residents who reside in Osceola County (Ord. #2662 9/18/2007)
- No member appointed to the Board may serve on any other appointed board of the City
- Advises the Commission on parks development and recreational programs and approves fee waivers for events
- Meets every other month (February, April, June, August, October, and December) on the 1st Wednesday at 6:00 p.m. at Kissimmee City Hall

GENERAL PENSION BOARD

- 7 member board: 2 members appointed by the City Manager, 2 members elected by the majority of the general employees who are employed by the City and are members of the system, 1 member appointed by the TOHO Water Authority Executive Director, 1 member elected by the majority of the employees of the Authority who are employed by the Authority and are members of the system, and a 7th member who is selected by the previous 6 members (the 7th member must be legal resident of the City but not a member of the plan, a retiree, or an employee of the City or TWA).
- 7th member selected by Pension Board and presented to City Commission for ratification.
- No Term Limits per Florida Statutes
- Advise on General employees' pension program
- Meets 4th Thursday at 9:00 a.m. at City Hall

FIRE PENSION BOARD

- 5 member board: 2 members elected by employees of the plan, 2 members appointed by the City Commission for 2-year terms, and a 5th member selected by the previous 4 members and presented to the City Commission for ministerial approval.
- City Commission appointments must be residents of the City
- No Term Limits per Florida Statutes
- Advise on Fire Department employees' pension program
- Meets 2nd Tuesday at 9:00 a.m. & 1:00 p.m. (alternating with Police Pension) at City Hall

POLICE PENSION BOARD

- 5 member board: 2 members elected by employees of the plan, 2 members appointed by the City Commission for 2-year terms, and a 5th member selected by the previous 4 members and presented to the City Commission for ministerial approval.
- City Commission appointments must be residents of the City
- No Term Limits per Florida Statutes
- Advise on management of Police Department Employee Pension program
- Meets 2nd Tuesday at 9:00 a.m. & 1:00 p.m. (alternating with Fire Pension) at City Hall

PLANNING ADVISORY BOARD

- 7 members appointed by the City Commission for 3-year terms
- 1 non-voting member appointed by the School Board, is not required to be a City resident.
- 5 members must be residents of the City and 2 members may be non-City residents who either own real property or maintain a business office within the City (Ordinance # 2662 9/18/2007).
- Assure development compliance with City's Comprehensive Plan





Section 4: **Board Member Expectations**

ATTENDANCE, REMOVAL, AND RESIGNATION

Unless an appointee resigns or as otherwise provided by law, appointees to all boards, commissions, committees, authorities and all other advisory appointive bodies, whether created by ordinance, resolution or other means, shall serve until his successor is appointed or at the pleasure of the City Commission. In the event that an appointee misses three consecutive meetings or at least one-half of the meetings for the calendar year, they shall be considered to have resigned and a new replacement may be appointed. If the appointee wishes to remain on the board, they may request in writing to the City Commission, stating the reasons for their absence. The city hereby adopts in its entirety F.S. • 112.501 as passed by the regular session of the state legislature and may in its sole discretion use it as an alternate method of removal.

(Code 1995, • 2-3-2; Ord. No. 2151, 1-14-1997)

RESPONSIBILITIES OF BOARD MEMBERS

- **EFFECTIVE COMMUNICATION**
- **SELECTION OF CHAIRPERSON AND VICE-CHAIR**
- **RESPONSIBILITIES OF CHAIRPERSON AND VICE-CHAIR PERSON**

Because the Advisory Board performs as a body, acting based on the will of the majority as opposed to individuals, it is important general guidelines be understood when speaking for the Board. When members are expressing personal views, and not those of the Board, the public and media should be so advised, prior to making a statement. To foster a successful communication effort, it is helpful for members to discuss their views during Advisory Board Meetings and not utilize other public forums (media, public gatherings, etc.). Should members be approached by the media they should let the staff liaison assigned to the Advisory Board know. Additionally, members may contact the City for Public Information Officer assistance.



Section 5: **Appointment Process and Procedures**

METHODS OF APPOINTMENT

All appointments to board and vacancies thereon shall be made by the Commissioners and Mayor on an at-large basis, unless otherwise provided. When an appointment to a board is required the City Clerk will place the vacancy on the agenda for discussion. The City Clerk shall provide the Commissioners and Mayor the previously completed applications of the eligible board candidates that have been deemed to meet the minimum requirements set forth for that board. The Commissioners shall nominate and jointly appoint board members in an open meeting from the list of qualified candidates.



Section 6: **Legal Guidelines**

THE SUNSHINE LAW

Article II, Section 8, Florida Constitution “Ethics in Government / Sunshine Amendment,” was adopted by Florida voters in 1976 through a constitutional initiative. It contains standards [of ethical conduct] and disclosures applicable to public officers and employees; it also requires the Legislature to adopt the code of ethics.

All 50 states and the Federal government have some type of open meeting or “sunshine” laws. This law ensures ethical action in government. The Florida Sunshine Law is outlined in Florida Statutes, Chapter 286.

What is the Sunshine Law?

Article I, Section 24 of the Florida Constitution, and Florida’s Government-in-the-Sunshine Law, Chapter 286 of the Florida Statutes, provides a right of access to the public to governmental proceedings at both state and local levels. The law is equally applicable to elected and appointed boards / committees and has been applied to any gathering of two or more members of the same board / committee to discuss some matter which will foreseeable come before the board for action

What are the requirements of the Sunshine law?

The Sunshine law requires that 1) meetings of boards or must be open to the public; 2) reasonable notice of such meetings must be given, and 3) minutes of the meeting must be taken.

What agencies are covered under the Sunshine Law?

The Government-in-the-Sunshine Law applies to “any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or political subdivision.” It applies equally to elected or appointed boards or commissions, as well as to advisory boards, committees or commissions that do not sit as final decision-makers on all or any agenda items.

What qualifies as a meeting?

The Sunshine Law applies to all discussions or deliberations as well as the formal action taken by a board or commission. The law, in essence, is applicable to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission. There is no requirement that a quorum be present for a meeting to be covered under the law. Note: This is the reason why we ask that board members do not “Reply All” to emails sent to the entire board, even if the responsive message is transactional or benign.

Can a public agency hold closed meetings?

There are a limited number of exemptions which would allow a public agency to close a meeting. These include, but are not limited to, certain discussions with the board’s attorney over pending litigation and portions of collective bargaining sessions. In addition, specific portions of meetings of some agencies (usually state agencies) may be closed when those agencies are making probable cause determinations or considering confidential records. These type of “Shade Meetings” generally are not available to the Advisory Board meetings.

Does the Sunshine Law require that a public meeting be audio taped?

There is no requirement under the Sunshine Law that tape recordings be made by a public board or commission, but if they are made, they become public record.

Can private citizens record a public meeting?

A public board may not prohibit a citizen from videotaping a public meeting through the use of non-disruptive video recording devices.



Can two members of a public board attend social functions together?

Members of a public board are not prohibited under the Sunshine Law from meeting together socially, provided that matters which may come before the board are not discussed at such gatherings. However, it should be cautioned that such communications/interactions, while not violating the Sunshine Law, may still have the appearance of impropriety and accordingly, should be conducted with extra care and prudence.

Who Falls Under the Florida Sunshine Law?

The law applies to all elected or appointed members of Commissions or boards of the State, county, municipal corporations or political subdivisions, some private organizations which are providing service to a public agency, and individuals who have been delegated authority to act on behalf of a public board or Commission.

What is a Meeting?

The Sunshine Law applies to a meeting of two or more members of the same board or Commission. The members of a public board or Commission may meet together socially provided issues that may come before the board or Commission are not discussed. The key to a “meeting” is whether there is “foreseeable action” which may be taken by the public board or Commission.

The law states the Commission is required to give reasonable public notice of a meeting. This notice is posted with the time and place of the meeting. In the case of a special meeting, there should be at least a 24-hour notice, and emergency sessions should use the most effective notice under the circumstances. Minutes of any such meeting must be recorded.

PUBLIC RECORD LAWS

City records, with a few exceptions, are open to the public. The Supreme Court of Florida has construed “public records” to include “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”

Florida Statutes definition of Public Records: “All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

Florida Statutes definition of an Agency: “Any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

The law requires that all agency records may be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the designee. A copy or a certified copy of the record must be furnished upon payment of the fee prescribed by law or, if a fee is not prescribed by law, upon payment of the actual cost of duplication of the record.

An agency may not impose a waiting period before allowing access to public records, but there may be a reasonable delay in producing records. This is not done to frustrate a person’s right to review public records, but gives the custodian reasonable time and the ability to protect the records and keep them safe.



What is a public record?

The Florida Supreme Court has determined that public records are all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. They are not limited to traditional written documents. Tapes, photographs, films, sound recordings, text messages, emails and social media posts may also be considered public records subject to inspection unless a statutory exemption exists. As an Advisory Board Member, if you are the holder of material that would be considered a public record, you have a legal obligation to retain such material.

How can I find out more about the open meetings and public records laws?

The most comprehensive guide to understanding the requirements and exemptions to Florida's open government laws is the Government-in-the-Sunshine manual compiled by the Attorney General's Office and available through the following link:

[http://myfloridalegal.com/webfiles.nsf/wf/mnos-b9qq79/\\$file/sunshinemanual.pdf](http://myfloridalegal.com/webfiles.nsf/wf/mnos-b9qq79/$file/sunshinemanual.pdf)

CODE OF ETHICS

The Code of Ethics for Public Officers and Employees, adopted by the Legislature as Part III of Chapter 112, Florida Statutes, contains standards of ethical conduct and disclosures applicable to public officers, employees, candidates, lobbyists, and others in State and local government. The legislature also created the Commission on Ethics to serve as the guardian of the standards of conduct for public officials. The Commission is comprised of nine members who are appointed by and charged with the administrative enforcement of the Code of Ethics. Among other things, they issue advisory opinions, prescribe and maintain the disclosure forms, and administer discipline and fines for violations of the Code of Ethics.

The City Code has similar standards of conduct that prohibit incompatible employment; prohibit certain contracts with the City; regulates representing private interests before the City; prohibits disclosure of confidential information; requires disclosure of interest in legislation; and prohibits ex parte communications in bid situations. The City adopts and follows the State Law on gifts.

The City's Code of Ethics may be found in the City's Code of Ordinances, Title II, Administration, Chapter 2-1, General Provisions, currently published online at:

https://library.municode.com/fl/kissimmee/codes/code_of_ordinances?nodeId=15261

The ethics laws generally fall into two categories, those prohibiting certain actions or conduct, and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified here in an effort to provide notice of their requirements, and is not inclusive of all applicable laws. Board Members should review the wording of the actual laws and contact the City Attorney if they have any questions with regard to same. If any doubt exists, it is recommended you consult with the City Attorney, prior to taking action.

A. PROHIBITED ACTS.

1. Solicitation and acceptance of gifts.

Public officers, employee, local government attorney, and candidates for nomination or election shall solicit or accept anything of value such as a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment would be influenced by such gift. Fla. Stat. 112.313(2).

2. Unauthorized Compensation.

Public officers, employees, local government attorneys and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action. Fla. Stat. 112.313(4)



3. Misuse of Public Position.

Public officers, employees and local government attorneys are prohibited from corruptly using or attempting to use their official positions or the resources thereof to obtain a special privilege, or benefit for themselves or others. Fla. Stat. 112.313(6).

4. Disclosure or Use of Certain Information.

Public officers, employees and local government attorneys are prohibited from disclosing or using information not available to the public and gained by reason their public position, for personal gain or benefit of themselves or others. Fla. Stat. 112.313(8).

5. Solicitation or Acceptance of Honoraria.

Persons requiring to file financial disclosure Form 1 or Form 6 are prohibited from soliciting honorarium related to their public offices or duties. Fla. Stat. 112.3149.

“Honorarium” means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his or her behalf, as consideration for:

- A.** A speech, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media.
- B.** A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

B. RESTRICTION ON APPOINTING, EMPLOYING AND CONTRACTING WITH RELATIVES.

Anti- Nepotism Laws

A public official is prohibited from seeking for a relative, any appointment, employment, promotion, or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency. Fla. Stat. 112.3135.

C. VOTING CONFLICTS OF INTEREST.

No public officer shall vote in an official capacity on any measure which would inure to their own special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict (Commission Form 8B) with the recording secretary in advance of the vote. If that is not possible the memorandum disclosing the nature of the officers interest in the matter must be filed within 15 days of after the vote occurs. Fla. Stat. 112.3143

PENALTIES

The penalty provisions of the Code of Ethics, F.S.,112.317, provide an array of non-criminal penalties for current and former public officers and public employees, candidates for public office, and others who have been found to have violated the Code of Ethics and/or Sunshine Amendment.

QUASI-JUDICIAL HEARINGS

When laws are applied by a government body in an action similar to that taken by a judge in a court proceeding, the decision reached is “quasi-judicial”. “Quasi” meaning almost, nearly, or like. “Judicial” since the actions are like those used in courtrooms.





Section 7: **Ethics**

COMMISSION ON ETHICS/FINANCIAL DISCLOSURE REQUIREMENTS

Some City board members are required to file a “Financial Disclosure” form with the State of Florida’s Commission on Ethics. Financial disclosures must be filled out annually. Forms are due on July 1st of each year.

The following boards are required to file financial disclosure:

Board of Adjustment

Fire Pension Board

General Pension Board

Planning Advisory Board

Police Pension Board

The Commission on Ethics requires all newly appointed board members of the above referenced boards to file a Form 1 within 30 days of appointment and a Form 1F within 60 days of leaving office. City staff are unable to assist with filling out forms. All Financial Disclosure Forms must be filled out using the online Commission on Ethics portal; paper forms are not permitted.

After appointment by the City Commission, board member information will be forwarded to the State.

All board members when leaving the office must provide a personal email address to the City Clerk. Florida Legislature has adopted a penalty for failure to file an annual Financial Disclosure Form if required. More information the requirements and penalties can be found here;

<https://disclosure.floridaethics.gov/>



Section 8: **Basic Parliamentary Procedures**

THE MEETING

VOTING BY PUBLIC OFFICIALS

Florida Statute §286.012 requires that each Board member vote on all matters before the body, unless there is a conflict of interest in Florida Statute Chapter 112 (ethics law).

A tie vote means that the same number of members has voted in the affirmative as in the negative. A tie vote is not a deadlock vote that must be resolved, it is simply not a majority vote and the motion is lost.

PRINCIPLES OF PARLIAMENTARY PROCEDURE

The definition of Parliamentary Law is a general body of enacted rules which govern the procedure of legislative assemblies. The governmental boards and legislative bodies have a duty to the people to observe correct parliamentary procedure.

Parliamentary Law is a system of principles, not a group of haphazard rules. It was developed over a long period of time. All meetings of a governmental Board must use proper procedure.

CHAIRMAN: The Chairperson has all the rights and privileges while he/she is presiding, i.e., the right to make motions, second motions, speak and vote, without relinquishing the chair. Since such Board members are elected by the voters, the chair shall not be deprived of representation on their behalf.

BOARDS MEMBERS: All Board Chair have the same rights as other members of the Board in presiding over the Board.

TO BE A SUCCESSFUL LEADER IN ELECTED POSITIONS OR APPOINTED POSITIONS, A PERSON MUST BE KNOWLEDGEABLE ON THE BEST AND MOST EFFECTIVE WAY TO HANDLE THE PUBLIC'S BUSINESS.

Any person, organization, or governmental body receives the proper respect from others to the degree that they respect themselves. If proper respect for the procedure at meetings is demonstrated by the board members, it shows not only respect for the individual, but respect for those persons who elected or appointed them and for whom they represent.

THE BASICS

A QUORUM MUST BE PRESENT. A quorum consists of a majority of the entire board. If at any time in a meeting a quorum is not present, the Chairman, or some board member should immediately call the fact that there is no quorum and no action can be taken.

The decisions that the body makes must be presented so that a question is brought before the board members. This question, more often called the motion, may be stated by voice or may be written. The motion must be clear so that the board members understand what they are voting on and what is expected of them should this motion pass.

There must be opportunity to discuss (debate) the question, remembering that the issue (motion) is



under discussion, and not a person or personality.

A vote must be taken. A motion is decided, with few exceptions, by a majority vote.

1. The board members of the body are paramount. Its wishes supersede those of any individual or small group of individuals.
2. All board members are equal. All board members have the same rights, i.e. to introduce business, to participate in deliberation and to vote.
3. A quorum must be present in order to transact business legally.
4. Only one main topic may be before the body at a time and only one person may have the floor at a time.
5. An issue is the item under discussion, never the person or persons who introduced it. Personal remarks are ALWAYS out of order.
6. A majority vote decides a question except in cases where basic rights of BOARD members are involved. A two-thirds vote is necessary for any motion that takes the rights of a board member away.
7. Silence gives consent. Any person who does not speak when an issue is presented and who does not vote gives their permission.

MOTIONS AND THEIR USE

TO PUT THE MAIN MOTION ON THE FLOOR:

Steps used in Making a Motion:

1. Board member makes a motion..... “I move” or “so moved”
2. Second by Board member.
3. Chairperson restates the motion.....“It has been moved that.....”
4. Chairperson asks for discussion.....“Is there any discussion?” During the discussion would be the time for asking questions of staff, or amending, postponing the motion
5. Chairperson takes the vote.....“All of those in favor say Aye....those opposed say Nay” or show of hands or roll call vote.
6. The Chairperson announces the results of the vote, for example, Motion carries 5-0 “The ayes have it and the motion is carried” or “The nays have it and the motion is lost, with show of hands or roll call vote; “There were X voting in the affirmative and Y voting in opposition.... The motion was carried or lost”.

If there is confusion as to the vote cast the Chairperson may revive a vote by roll call where each individual member voices their vote.

VOTING IN GOVERNMENTAL BODIES

Any decision made by a governmental body must be made by taking a vote at a meeting. The fact that Board members have individually expressed opinions on a question in a meeting is not a decision of the body and is of no effect. This does not preclude the vote taking by “no objection”. If a motion that is understood to be non-controversial is made, the chair may ask if there are any objections, if no objection is made they may declare that the motion has passed.

A vote that calls for those in favor to say “aye” and those opposed “like sign” in a voice vote is improper in procedure and also is confusing. In order for the public, the clerk, and all Board members to be assured that the Board member is voting in the negative, it is important that “no” be used. A



person should not vote “aye” when their vote is in the negative.

A tie vote shall cause the motion to be “No Action”

EXAMPLES OF DEBATING DISCUSSING MOTIONS

When a motion is before the Board, and it is a motion that creates a great deal of “feelings”, a Board member can best serve themselves and the Board by relating facts rather than feelings. Trying to regulate feelings does not work. Presenting the facts will better serve the situation, and the business of the City.

TO SPEAK IN FAVOR OF A MOTION

Chairperson, I am in favor of the motion and continue to give the reason for speaking in favor. Then conclude with a statement such as, “Therefore I hope the motion will pass” or “I therefore urge the Board members to vote yes”. Have you ever heard someone speak to a motion and you were not sure whether he/she was in favor of the motion or against the motion?

TO SPEAK AGAINST THE MOTION

Addressing the Chairperson “I speak against the motion” and continue giving the reason for speaking against. In speaking in favor, make your points clear so that persons understand why you are speaking against the motion. Then conclude with a statement such as “Therefore I urge the Board members to vote against the motion”.

MINUTES

Accurate and complete minutes are of vital importance to any meeting. They are the history and legal record of the body. Minutes are invaluable for reference and the courts give them great weight as evidence.

WHAT MINUTES SHOULD CONTAIN

Minutes are a record of all actions and proceedings but not a record of discussion. The opening sentences must record the date hour and place that the meeting was called to order the type of meeting the name of the presiding officer and the fact that a quorum was present. If the meeting was a special meeting a copy of the notice or call should be attached. The minutes record all motions and resolutions whether passed or lost. Include the name of the proposer, and the way in which each motion was disposed of. The exact wording of each motion should be recorded. If a vote is taken by roll call; the votes are recorded. If there is a vote that is divided by the Board; the votes pro and con are recorded.

MINUTES SHOULD NEVER CONTAIN

The clerk’s personal opinions, interpretations, or comments. Descriptive or judgmental phrases, such as “a heated discussion” are not appropriate. Adverse criticism of a person should never be included except in the form of a motion censoring or reprimanding a person. Praise of Board members should appear only in the form of officially adopted votes of thanks or commendation. Respectively submitted is no longer used at the end of minutes.

CORRECTIONS

All corrections to the minutes are made at the time the minutes are before the Board for approval. If a change is necessary to reflect a correction of the action previously taken or comments made, the change must be voiced clearly. The changes to the minutes will be reflected in the minutes of the meeting approving the minutes. The original minutes as drafted to the Board will not be changed.





Section 9: **CONCLUSION / WORKING EFFECTIVELY WITH THE MEDIA**

STRATEGIC COMMUNICATIONS

The Strategic Communications Office is a division of the City Manager's Office. It is responsible for public relations and the internal and external communications of the City of Kissimmee. This division is managed by the City's Strategic Communications Office & the Public Information Officer.

Should any media contact you, you should contact the Department Head in charge of the Board and advise them prior to making a statement to the media.

If you receive a request for a public record, it needs to be forwarded to the Custodian of Public Records, the City Clerk at cityclerkemail@kissimmee.gov



