

**RESOLUTION  
NUMBER 2021- 023**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF LEVY COUNTY, FLORIDA,  
AMENDING AMENDED RESOLUTION NUMBER 2013-52;  
PROVIDING AMENDMENTS THE EXISTING AGENDA  
AND PUBLIC PARTICIPATION POLICY; PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, on October 22, 2013, the Board of County Commissioners of Levy County, Florida (“the Board”) adopted Resolution 2013-52, amended by Amended Resolution 2013-52 to correct scrivener’s errors, which Amended Resolution 2013-52 adopted an Agenda and Public Participation Policy to organize its meetings in an orderly fashion with agendas that are as complete and timely as possible, and to provide for public participation in accordance with Section 286.0114, Florida Statutes, and related law; and

**WHEREAS**, on January 7, 2020, the Board voted to make certain changes in the order of its agenda format, to provide for addition of the following items prior to the first public comment section on each Board agenda: roll call of Commissioners; approval of or changes to the agenda; proclamations or presentations; and

**WHEREAS**, Section 125.001, Florida Statutes, provides for certain requirements and limitations to be met in order to the Board to conduct joint meetings with other counties or municipalities; and

**WHEREAS**, the Board desires to amend the Agenda and Public Participation Policy adopted by Amended Resolution 2013-52 to provide for the decisions made by the Board on January 7, 2020, regarding the order of the Board agenda format, and to provide for requirements for joint meetings with other counties or municipalities to comply with Section 125.001, Florida Statutes;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners, of Levy County, Florida, hereby adopts the following amended Agenda and Public Participation Policy (additions shown as underlined; deletions shown as ~~stricken through~~), to replace the Agenda and Public Participation Policy adopted by Amended Resolution 2013-52, for the matters and issues being presented to the Board and for the conduct of meetings by the Board:

## AGENDA AND PUBLIC PARTICIPATION POLICY

1. Any issue or matter proposed for discussion and/or decision by the Board (herein "agenda item") will be placed on an agenda for a Board meeting, unless such agenda item is addressed or provided for elsewhere in this policy.

a) **Agendas for Regular Board Meetings.** Agendas for regularly scheduled Board meetings will be organized into categories, with any agenda items within each category to be presented and heard, as follows:

CALL TO ORDER

INVOCATION

PLEDGE TO THE FLAG

ROLL CALL OF COMMISSIONERS

APPROVAL OF AGENDA (the Board will approve or modify the agenda at this time)

PROCLAMATIONS OR PRESENTATIONS (if any)

PUBLIC COMMENT (if any)

PUBLIC HEARINGS (if any)

CONSTITUTIONAL OFFICERS OR OTHER GOVERNMENT ENTITIES (containing any agenda items for Constitutional Officers, or State, Federal or other government entities)

COMMISSIONER AGENDA ITEMS (containing any agenda items for Commissioners if not placed in Commissioner Reports)

DEPARTMENT REPORTS (containing any agenda items for County Departments)

PUBLIC AGENDA ITEMS (containing any agenda items submitted by members of the public)

PUBLIC COMMENT (if any)

RECOGNITION OF PUBLIC OFFICIALS (if any)

COMMISSIONER REPORTS

APPROVAL OF EXPENDITURES

APPROVAL OF MINUTES (if any)

WORKSHOPS (if any)

ADJOURNMENT

i) Any request for a time certain agenda item (other than a public hearing) may be considered at the specifically requested time or as soon thereafter as may be heard, as determined by the Chair. Any request for an agenda item that is not reasonably included in one of the categories above may be placed on an agenda in an appropriate place, as determined by the Chair.

ii) The Chair may amend the order of agenda items for any agenda based on a reasonable request by a presenter of an agenda item to be considered at a different time or out of the order of agenda items as contained on such agenda.

iii) The Board may amend the order of agenda items for any agenda during the Approval of the Agenda section or by consensus at the time the scheduling of any particular agenda item.

iv) A Commissioner may select whether to place his/her agenda item in the category for Commissioner Agenda Items or for Commissioner Reports.

**b) Agendas for Special Meetings, Joint Meetings, Workshops. Agendas for any special Board meeting, joint meeting with another government entity, or workshop scheduled either during a regular Board meeting or during a special Board meeting, will be prepared by the Chair or by the County Coordinator at the direction of the Chair. Agendas, agenda items and agenda packages for a special Board meeting, joint meeting, or workshop will meet all applicable requirements for agendas, agenda items and agenda packages contained in this policy.**

2. Any discussion and/or decisions which are confidential and exempt or otherwise exempt from the provisions of sSection 286.011, Florida Statutes, or other applicable provision of law shall be exempt from the provisions of this policy and shall comply with any statutory requirements for such exemption.

3. An item that has not been placed on an agenda for a Board meeting that is proposed for decision by the Board (a "non-agenda item") may be added to the agenda at the time of Approval of the Agenda by majority vote of the Board. If a non-

agenda item is not added to the agenda at the time of Approval of the Agenda, the item may be heard by the Board upon a majority vote to hear such non-agenda item. A vote to hear a non-agenda item will not constitute a decision on the subject of the non-agenda item. The party requesting the non-agenda item should provide copies of all supporting documents, including but not limited to any documents that require adoption or approval of the Board and/or signature of the Chair or Vice-Chair, for distribution to for each County Commissioner, the Clerk, the County Coordinator, and the County Attorney. Before a final decision on any matter or issue that is the subject of a non-agenda item, the Chair or Vice-Chair will ask for comment from the public.

4. An agenda item may be placed on an upcoming agenda by a Commissioner, the County Coordinator, a County Department Director, a County Constitutional officer, a state, ~~or~~ or other government entity or agency, or a member of the public.

5. A proposed agenda item must include all of the following:

a) A completed agenda cover sheet in a form approved by the County Coordinator, which will include, at a minimum, the agenda item presenter's name, description of action being requested of the Board, a summary description of the agenda item including any background information that will provide the Board with any pertinent information necessary to discuss and/or decide the matter, and a description of any budgetary impacts of the request including how the request is being funded or how funding being used.

b) All supporting documentation (the agenda cover sheet and all supporting documentation is known as the "agenda package").

c) The number of copies of the entire agenda package as determined by the County Coordinator.

6. In order for an agenda item to be considered on an upcoming Board agenda, a completed agenda package and all required copies must be submitted to the County Coordinator by noon on the Wednesday prior to the Board meeting at which the item is proposed to be considered. In the event the proposed Board meeting is not on a Tuesday, the deadline to submit the completed agenda package and all copies will be at noon six (6) days prior to the applicable Board meeting. Agenda deadlines may be adjusted by the County Coordinator to accommodate holidays or other circumstances. Agenda packages (or any part thereof) submitted past the deadline will be placed on the desired agenda only with the permission of the County Coordinator, or will be placed on a subsequent agenda. The County Coordinator will have the final authority to determine the appropriate Board meeting agenda on which to place any proposed agenda item.

7. In the event an agenda item contains a request for Board adoption or approval of a specific document, that document must be included in the agenda package for that agenda item. In addition, any document proposed for Board adoption

or approval that requires signature by the Chair or Vice Chair of the Board, or by another individual authorized to sign on behalf of the Board, should be submitted to the County Attorney for review and approval as to form and legal sufficiency prior to submission of the agenda item and agenda packages to the County Coordinator for placement on an upcoming Board agenda.

8. All notices for Board meetings and agendas will display the following notices in the same or substantially similar language as follows:

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at this meeting, such agency or person will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the County Clerk's Office at (352) 486-5266, or the Office of the Board of County Commissioners at (352) 486-5217, at least two (2) days prior to the date of the meeting. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).

9. Subject to the exceptions contained in this section, the Board will provide members of the public a reasonable opportunity to be heard before the Board takes official action on any issue or matter before it. The Board will not be required to provide the public such reasonable opportunity to be heard in the event of any of the following:

- a) The official act that must be taken by the Board deals with an emergency situation affecting the public health, welfare or safety, if providing the public a reasonable opportunity to be heard would cause an unreasonable delay in the ability of the Board to act;
- b) The official act involves no more than a ministerial act, including but not limited to approval of minutes, expenditures, and proclamations;
- c) A meeting that is exempt from section 286.011, Florida Statutes; or
- d) A matter on which the Board is sitting in a quasi-judicial capacity, which matters will be conducted in a manner that meets due process and other legal requirements for quasi-judicial actions, and conforms to the provisions of section 4213 of this policy.

10. Any person desiring to speak at a Board meeting on an issue or matter which is not exempt from the requirement for a reasonable opportunity to be heard

contained in section 9 of this policy, and who has not otherwise submitted an agenda item, may do so when the Chair or Vice-Chair announces the a Public Comments portion of the agenda during a Board meeting or when the Chair or Vice-Chair calls for public comments during a public hearing. The following guidelines apply to all persons desiring to speak or comment during the a Public Comments portion of a Board meeting or during a public hearing:

- a) Comments by any person will be limited to three (3) minutes, unless such time frame is otherwise extended by the Chair or Vice-Chair.
- b) Any person desiring to speak must complete a Public Comment form prior to the commencement of the meeting or hearing and submit the form to the Minutes Clerk or the Chair or Vice-Chair. The Chair or Vice-Chair may allow a person to speak who has not completed a Public Comment form; however, after being allowed to speak, the person will complete a Public Comment form and submit the form to the Minutes Clerk.
- c) If a speaker has documents to present to the Board, they will provide the documents to the Clerk or the Chair or Vice-Chair for distribution to the Board members. Documents will not be returned to the speaker.
- d) A person may not be disruptive or disorderly in the presentation of their comments. In the event a person is disruptive or disorderly, the Chair or Vice-Chair may take action required to maintain orderly conduct and proper decorum, including having the person removed from the Commission Chambers.
- e) At Board meetings where a large number of individuals wish to be heard on a matter, the Chair or Vice-Chair may limit comments from of a group or faction to be presented by a representative of such group or faction.

11. Nothing contained in this policy will prohibit the Chair or Vice-Chair from allowing a person to speak on a non-agenda item prior to the final vote on the substance of such non-agenda item, or on an issue or matter outside of the time frame set for the a Public Comments portion of a Board meeting, or outside of the time frame set for a public hearing. In the event the Chair or Vice-Chair allows a person to speak outside of the a Public Comments portion of a Board meeting or outside of a public hearing, the Chair or Vice-Chair may impose reasonable restrictions on the length of time such person is allowed to speak and may take such action as may be required to maintain orderly conduct and proper decorum during the meeting.

12. Joint Meetings.

- a) The Board hereby authorizes participation in any joint meeting with the governing body of any other adjacent county or municipality to discuss

matters regarding land development, economic development, or any other matter of mutual interest with such other adjacent county or municipality.

- b) Any joint meeting between the Board and a governing body of an adjacent county or municipality shall be held at a public place within the jurisdiction of Levy County or the other adjacent county or municipality only if the Board provides due public notice within the jurisdiction of all participating counties and municipalities. If the other participating municipality is contained within the boundaries of Levy County, then the requirement of due public notice of the joint meeting will be met by providing the same level of notice as required for a regular Board meeting.
- c) No official vote by the Board may be taken at a joint meeting with the governing body of an adjacent county or municipality.
- d) A joint meeting between the Board and a governing body of an adjacent county or municipality may not take the place of any public hearing required by law.

13. In the event the Board is sitting in its quasi-judicial capacity on a quasi-judicial matter at a Board meeting, the following shall apply:

- a) Any person or entity who wishes to be considered a party to a quasi-judicial action shall provide written notice of its desire to be considered a party ("Notice for Consideration") to the County Attorney at least seven (7) days prior to the hearing on the quasi-judicial action. The Notice for Consideration must be accompanied by any documentation, written argument, and case law supporting the person's or entity's status as a party to the quasi-judicial action. If a Notice for Consideration has not been submitted in a timely manner or does not contain supporting documentation, argument or case law, or the Board makes a determination that the person or entity will not be considered a party, the person or entity seeking party status will be treated as a member of the public.
- b) The Chair or Vice-Chair will announce the application that constitutes the quasi-judicial matter.
- c) In the event any person or entity has filed a Notice for Consideration, the Board shall take action on such Notice by making a determination whether the person will be considered a party in such action. Any person or entity determined by the Board to be a party will be referred to herein as a "party."

- d) The Chair or Vice-Chair will call for ex parte communications from all Board members, who will provide information on any ex parte communications.
- e) The applicant, County staff, and all witnesses including members of the general public who wish to speak on the application, will be sworn in by the County Attorney or the Clerk.
- f) The applicable County staff will make its presentation on the application to the Board. County staff's presentation may include the presentation of testimony by witnesses or of evidence including but not limited to the applicable staff report. Any evidence that has not already been included in the agenda package for the application will be submitted to the Clerk or the Chair or Vice-Chair for distribution to the Board members.
- g) Board members may direct questions to the County staff or its witnesses.
- h) The applicant will make its presentation to the Board. The applicant's presentation may include the presentation of testimony by witnesses and of evidence. The applicant will have ten (10) minutes to make its presentation, excluding witnesses. Each witness called for testimony by the applicant will have ten (10) minutes to present testimony.
- i) Board members may direct questions to the applicant or its witnesses.
- j) Anyone designated a party will make a presentation to the Board. Presentations by parties may include presentation of testimony by the party and witnesses and of evidence. A party will have ten (10) minutes to present testimony and evidence. Each witness called for testimony by a party will have ten (10) minutes to present testimony. Anyone presenting testimony as a witness for a party will not be allowed to make a separate presentation as a member of the public or as another party.
- k) Board members may direct questions to a party or its witnesses.
- l) Each individual member of the public may make a presentation to the Board. Presentations by members of the public may include presentation of testimony by the member of the public and witnesses or of evidence. A member of the public will have five (5) minutes to present testimony and evidence. Each witness called for testimony by a member of the public will have five (5) minutes to present testimony. Anyone presenting testimony as a witness for a member of the public may not also make a separate presentation as either an applicant, a member of the public, or a party.



- m) Board members may direct questions to a member of the public or its witnesses.
- n) After the presentation of all testimony and witnesses, the applicant will have the opportunity to present any final closing argument. The applicant will have ten (10) minutes for closing argument.
- o) After presentation of all testimony and witnesses, and closing argument by applicant, if any, the Board will discuss and deliberate on the quasi-judicial matter, making any appropriate motions and votes.
- p) All testimony and evidence presented in a quasi-judicial matter must address the criteria for the applicable application contained in the Levy County Comprehensive Plan or the Levy County Code. Anyone presenting repetitious evidence or testimony or evidence or testimony that does not address the applicable criteria may be directed to stop. Any evidence presented will be submitted to the Clerk or the Chair or Vice-Chair for distribution to Board members. Evidence will remain part of the record and will not be returned.
- q) County staff, the applicant or any party to the quasi-judicial action may cross examine any witness. Cross examination will be limited to the subject matter on which the witness has previously testified. Cross examinations will be limited to five (5) minutes each.
- r) Any person or entity presenting during a quasi-judicial matter will have the right to be represented by legal counsel.
- s) The Chair or Vice-Chair or a majority of the Board may extend time limits for presentations or testimony on a showing of good cause by the person or entity requesting the time extension.
- t) The Chair or Vice-Chair may limit presentations by members of a group or faction to one presentation given by one representative of such group or faction.
- u) Presentations providing comments that are repetitious of a prior speaker's comments may be limited or stopped by the Chair or Vice-Chair.
- v) Sharing or transferring allowed speaking time to another person or entity is not allowed.

**1314.** This policy shall replace and supersede any prior agenda policies adopted or approved by the Board, including but not limited to policies adopted on October 22, 2013, pursuant to Resolution 2013-52 and Amended Resolution 2013-52 ~~on February~~

~~20, 2001, November 20, 2001, and November 7, 2006~~, and any such prior agenda policies shall be of no further force or effect.

This Resolution shall become effective upon adoption.

**PASSED AND DULY ADOPTED** this 2<sup>nd</sup> day of March, 2021.

**BOARD OF COUNTY COMMISSIONERS  
OF LEVY COUNTY, FLORIDA**

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John Meeks, Chair

ATTEST: Danny J. Shipp, Clerk of the  
Circuit Court and Ex-officio Clerk  
to the Board of County Commissioners

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Danny J. Shipp, Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
Anne Bast Brown, County Attorney

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