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5 **RESOLUTION**  
6 **NUMBER 2023- 18**  
7

8 **A RESOLUTION OF THE BOARD OF COUNTY**  
9 **COMMISSIONERS OF LEVY COUNTY, FLORIDA,**  
10 **ADOPTING RULES OF THE COUNTY COMMISSION;**  
11 **PROVIDING AN EFFECTIVE DATE.**  
12

13 **WHEREAS**, on March 2, 2021, the Board of County Commissioners of Levy  
14 County, Florida (“the Board”) adopted Resolution Number 2021-023 which amended the  
15 Board’s agenda and public participation policy set forth in Resolution 2013-52; and  
16

17 **WHEREAS**, on June 8, 2004, the Board adopted Resolution #2004-23 establishing  
18 a process to disclose ex-parte communications; and  
19

20 **WHEREAS**, the Board desires to adopt updated rules for the conduct of its  
21 meetings, agenda management, public participation and quasi-judicial proceedings,  
22 including ex-parte communication, and use of County letterhead by Commissioners.  
23

24 **NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners,  
25 of Levy County, Florida, that:  
26

27 **Section 1.** The following are adopted as rules of the Board:  
28

29 **Rule 1. REGULAR MEETINGS**  
30

31 Each regularly scheduled meeting of the Board (a “Regular Meeting”) will be held at the  
32 date, time and location set forth in the schedule adopted by the Board for each calendar  
33 year. The order of business for each Regular Meeting is as follows:  
34

<b>Order</b>	<b>Description/Instructions</b>
<b>Call to Order</b>	By the presiding officer
<b>Invocation</b>	By a Commissioner designated by the presiding officer
<b>Pledge of Allegiance</b>	By a Commissioner designated by the presiding officer
<b>Commission Roll Call</b>	By the Clerk
<b>Adoption of the Agenda</b>	The Board may amend the agenda at this time, including setting time certain items; re-ordering, removing or continuing items and adding non-agenda items

<b>Proclamations or Special Recognitions</b>	Since these items are often celebratory in nature, the general rule of no applause or cheering is waived for this portion of the meeting
<b>General Public Comment</b>	Any member of the public may comment on matters that are <b>not</b> on the agenda, refer to Rule 10 for requirements
<b>Business or Informational Agenda Items</b>	<ul style="list-style-type: none"> <li>• Submitted by County Constitutional Officers</li> <li>• Submitted by County Commissioners</li> <li>• Submitted by County Departments</li> </ul>
<b>Public Hearings</b>	This includes Planning Petitions, Ordinances and other matters that require a public hearing. These matters may be administrative, legislative, or quasi-judicial. Quasi-judicial hearings will be identified as such on the agenda and will be conducted in accordance with Rule 12.
<b>General Public Comment</b>	A second opportunity for any member of the public to comment on matters that are <b>not</b> on the agenda, refer to Rule 10 for requirements
<b>Recognition of Public Officials</b>	Any elected or appointed public officials present at the meeting may address the Board on matters of public interest
<b>Commissioner Reports</b>	Each Commissioner may share and discuss matters of public interest
<b>Approval of Expenditures</b>	As required by Section 136.06(1), Florida Statutes, the Board must review all proposed expenditures to determine they serve a County purpose prior to payment by the Clerk
<b>Approval of Minutes</b>	The minutes of prior Board meetings prepared by the Clerk
<b>Adjourn</b>	

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**Rule 2. SPECIAL MEETINGS, JOINT MEETINGS & WORKSHOPS**

A Special Meeting, Joint Meeting or Workshop may be called: (1) by vote of the Board at any Regular Meeting; or (2) by written request of a Commissioner submitted to the Board Office, which request must state the date, time and location of the meeting or workshop and a description of the matter(s) to be discussed.

Upon receipt of the written request, the Board Office will contact each Commissioner to determine if a quorum is available for the requested meeting or workshop. If the Board Office confirms a quorum is available, the Board Office will notify each Commissioner of the date, time, location and subject matter(s) to be discussed at the meeting or workshop.

1 A **Special Meeting** is for the limited purpose of discussing and/or transacting official  
2 business concerning the matters described in the notice. Votes on the noticed matters  
3 may be taken at a Special Meeting.

4  
5 A **Workshop** is for informational items and informal discussions only and no votes on  
6 business may be taken. Procedural or administrative votes, such as scheduling the  
7 matter for a future meeting, directing staff to take further action, or adjourning the meeting  
8 may be taken.

9  
10 A **Joint Meeting** is a meeting with the governing body of any adjacent county or  
11 municipality in Levy County to discuss matters regarding land development, economic  
12 development, or any other matter(s) of mutual interest. In accordance with Section  
13 125.001, Florida Statutes, by adoption of this Resolution, the Board authorizes  
14 participation in any Joint Meeting called in conformity with this Rule. Each Joint Meeting  
15 must be held at a public place within the jurisdiction of Levy County or within the  
16 jurisdiction of another participating county or municipality if due public notice of same is  
17 provided in the jurisdiction of all participating counties and municipalities. No official vote  
18 by the Board may be taken at a Joint Meeting, nor may it take the place of any public  
19 hearing required by law.

### 20 21 **Rule 3. EMERGENCY MEETINGS**

22  
23 Emergency Meetings may be called when necessary by the Chair or by the County  
24 Coordinator or County Attorney. A written call will be issued by the Board Office stating  
25 the date, time, location and the business to be transacted at the Emergency Meeting. No  
26 other business may be transacted. The Emergency Meeting may occur no sooner than  
27 two (2) hours after the written call is issued and the Board Office will make reasonable  
28 effort to notify members of the local news media (print and electronic) and the public.

### 29 30 **Rule 4. "SHADE" MEETINGS**

31  
32 State law provides several exemptions from Florida's Government-in-the-Sunshine Law  
33 (Section 286.011, Florida Statutes) that allow the Board to meet in a session that is closed  
34 to the public (commonly referred to as a "Shade" Meeting). Shade meetings are exempt  
35 from the requirements of this Resolution, but must strictly comply with the particular  
36 statutory exemption under which the meeting is held.

### 37 38 **Rule 5. PUBLIC NOTICE OF MEETINGS AND WORKSHOPS**

39  
40 The Board Office will post notice of all Board Meetings and Workshops on the calendar  
41 on the County's website ([www.levycounty.org](http://www.levycounty.org)) and on the bulletin board outside the  
42 Board Office in the Levy County Government Center located at 310 School Street,  
43 Bronson, Florida. Printed notices of Board meetings and Board agendas will contain the  
44 following information (in the same or substantially similar language):

45  
46 Should any agency or person decide to appeal any decision made by the Board  
47 with respect to any matter considered at this meeting, such agency or person will

1 need a record of the proceedings, and for such purpose, may need to ensure that  
2 a verbatim record of the proceeding is made, which record includes the testimony  
3 and evidence upon which the appeal is to be based.  
4

5 In accordance with the Americans with Disabilities Act, persons needing a special  
6 accommodation or an interpreter to participate in the proceeding should contact  
7 the County Clerk's Office at (352) 486-5266, or the Office of the Board of County  
8 Commissioners at (352) 486-5217, at least two (2) days prior to the date of the  
9 meeting. Hearing impaired persons can access the foregoing telephone number  
10 by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-  
11 8771 (TDD).  
12

### 13 **Rule 6. AGENDA PREPARATION**

14  
15 An agenda for each Workshop and Regular, Special or Joint Meeting, will be prepared by  
16 the County Coordinator, or designee(s), based on complete agenda packages that are  
17 received from a County Commissioner, the County Attorney, County Coordinator, a  
18 County Department Director or a County Constitutional Officer.  
19

20 For a Regular Meeting, a complete agenda package must be submitted to the County  
21 Coordinator or designee by noon on the Wednesday prior to the meeting. For all other  
22 Board Meetings and Workshops (except an Emergency Meeting), the deadline to submit  
23 a complete agenda package is by noon six (6) calendar days prior to the meeting or  
24 workshop. Agenda deadlines may be adjusted by the County Coordinator or designee to  
25 accommodate holidays or other circumstances. Agenda items submitted past the  
26 deadline (but prior to public release of the agenda) may be placed on the agenda if  
27 approved by the County Coordinator or designee. A "complete agenda package" includes  
28 all of the following:  
29

30 (a) A properly filled out agenda cover sheet on the form provided by the County  
31 Coordinator, which includes the presenter's name, the action/motion being  
32 requested of the Board, an explanation of the agenda item including any relevant  
33 background information that will help the Board understand the history, context or  
34 reason for the request; a description of the source of funds and any other  
35 budgetary impacts of the request;  
36

37 (b) All supporting/back-up documentation, such as, reports, maps, and  
38 documents for signature; and  
39

40 (c) Hard copies of (a) and (b). The number of copies will be determined by the  
41 County Coordinator or designee, and may change from time to time.  
42

43 Documents proposed for Board adoption or approval that constitute legally binding  
44 obligations of the Board, such as contracts or agreements, must be submitted to the

1 County Attorney for review and approval as to form and legal sufficiency prior to  
2 submission of the agenda package to the County Coordinator.

3  
4 If a County Commissioner, the County Attorney, County Coordinator, a County  
5 Department Director or a County Constitutional Officer has a time sensitive or critical item  
6 that is not on a Board agenda (a “non-agenda item”), such person may request that the  
7 non-agenda item be added to the agenda at the time of Approval of the Agenda. The  
8 person submitting the non-agenda item must provide (c) above for distribution to each  
9 Commissioner, the Clerk, the County Coordinator, and the County Attorney.

10  
11 **Rule 7. AGENDA REVIEW FOR REGULAR MEETINGS; PUBLIC RELEASE OF THE**  
12 **AGENDA**

13  
14 The Chair (or in the Chair’s absence, the Vice Chair) may hold an Agenda Review  
15 Meeting with the County Attorney and County Coordinator, or designee(s), prior to 5pm  
16 on the Thursday prior to each Regular Meeting. The Agenda Review Meeting is for the  
17 purpose of reviewing the proposed agenda, determining if more information is needed for  
18 any agenda item and managing and finalizing the agenda.

19  
20 The County Coordinator or designee shall prepare and release to the public a final version  
21 of the agenda by 2pm on the Friday prior to each Regular Meeting. Once released to  
22 the public, the agenda will not be further modified until the adoption of the agenda on the  
23 day of the meeting.

24  
25 These deadlines may be adjusted by the County Coordinator or designee to  
26 accommodate holidays or other circumstances.

27  
28 **Rule 8. ATTENDANCE; QUORUM; VOTING; RECESS, CONTINUANCE OR**  
29 **CANCELLATION OF A MEETING**

30  
31 Commissioners are expected to attend all scheduled Board meetings. Three (3)  
32 Commissioners constitute a quorum for the transaction of business. If a quorum is lost  
33 during a meeting, the remaining Commissioners may finish discussions (but take no  
34 action) and may adjourn the meeting.

35  
36 In accordance with Section 286.012, Florida Statutes, each Commissioner who is present  
37 at a meeting shall vote on each matter, unless that member has a conflict of interest under  
38 state ethics laws or, in the case of a quasi-judicial matter, is unable to be an impartial  
39 decision-maker. Commissioners shall vote "yes" in support of a motion and "no" when  
40 voting not to support a motion. Silence by a member will be recorded as a “yes” vote.

1 The Board may recess and reconvene or continue any meeting to a time certain as may  
2 be determined by the Board during any meeting. Any meeting may be cancelled for cause  
3 (including, but not limited to, emergency conditions, lack of agenda items, a quorum will  
4 not be present) by the Chair and the County Coordinator. The Board Office will provide  
5 notice of the cancellation to all Commissioners and will post public notice as specified in  
6 Rule 5. Otherwise, upcoming meetings may be cancelled by vote of the Commission at  
7 any Regular Meeting.

8  
9 **Rule 9. PRESIDING OFFICER; RULES OF DEBATE**

10  
11 The Chair shall be the presiding officer of the Board. At a Regular Meeting in December  
12 each year, the Board will elect one of its members to serve as the Chair and one to serve  
13 as the Vice Chair who shall be the presiding officer in the absence of the Chair. In the  
14 absence of both the Chair and the Vice Chair, any member may call the meeting to order  
15 and the quorum present will designate a presiding officer for that meeting.

16  
17 All discussion and comment during a meeting should be directed to the Chair, as the  
18 presiding officer. In the event the presiding officer must leave the meeting room, the  
19 presiding officer shall pass the gavel to to any Commissioner who will lead the meeting  
20 until the presiding officer returns.

21  
22 The presiding officer shall call the Commission to order at the time noticed for the meeting.  
23 The presiding officer, with the assistance of the Sergeant-at-Arms, shall preserve order  
24 and decorum at all meetings. The presiding officer, or other County staff person specified  
25 by the Board in its motion, is authorized to and shall sign all ordinances, resolutions,  
26 proclamations, contracts, agreements and other documents approved by the  
27 Commission.

28  
29 The presiding officer may move, second and debate, subject only to such limitations of  
30 debate as are enforced by these rules on all members. If the presiding officer desires to  
31 make a motion or second a motion, the presiding officer shall relinquish the gavel to any  
32 Commissioner who shall serve as the presiding officer until the Chair has finished their  
33 motion or second.

34  
35 No motion may be debated or put to a vote unless seconded. No Commissioner may  
36 reserve the priority to make a motion. At anytime, a Commissioner state "I move that we  
37 vote immediately." This motion will apply to any pending motion(s). Further, any motion  
38 to vote immediately: (1) must be seconded; (2) is not debatable; (3) cannot interrupt a  
39 speaker; (4) requires a two-thirds vote (because it prevents or cuts off debate); (5) takes  
40 precedence over all pending motions; and (6) can have no motion applied to it except  
41 withdrawal by the Commissioner who made the motion. All motions or amendments shall  
42 be reduced to writing, by the Clerk, upon request of a member of the Board.

43  
44 Each Commissioner desiring to speak shall address the presiding officer and, upon  
45 recognition by the presiding officer, shall confine their remarks to the question under  
46 debate and shall avoid personal attacks or inappropriate language. A Commissioner who

1 has the floor shall not be interrupted unless it is necessary for the presiding officer to call  
2 the Commissioner to order. In which case, the Commissioner must cease speaking until  
3 the question or order is determined by the presiding officer without debate and, if in order,  
4 the Commissioner may proceed.

5  
6 After the decision of any question, it shall be in order for any Commissioner to move  
7 reconsideration. If the motion to reconsider is approved by a majority of those members  
8 present, the item shall be placed on a future agenda for reconsideration, subject to legal,  
9 contractual, fiscal, quasi-judicial and other constraints as staff may advise the Board. If  
10 the Board does not specify the future date when the item will be heard, the Chair, in  
11 consultation with the County Coordinator and/or County Attorney, will determine the date.

## 12 13 **Rule 10. PUBLIC PARTICIPATION**

14  
15 **A. Public Participation Encouraged.** The Board recognizes the right of all persons to  
16 address their elected officials and express their thoughts and opinions about County  
17 government matters. The Board encourages participation in the County government  
18 process, whether through public comment, volunteering to serve on a County Board, or  
19 emailing, calling or meeting with County Commissioners or County Staff.

20  
21 **B. How and When Public Comment is Taken.** It is recognized that Board Meetings  
22 are a limited public forum in which the Board must conduct necessary County business  
23 and so these rules balance the rights of individuals to speak on County government  
24 issues, while ensuring the transaction of County business in a timely manner.

25  
26 1. **How to Submit Public Comment.** Any person may submit comment on  
27 agenda items or non-agenda items either: (a) In-person by attending the Board meeting  
28 and speaking on an agenda item and/or during a general public comment period; and/or  
29 (b) Electronically by submitting comment via email to [levybocc@levycounty.org](mailto:levybocc@levycounty.org), or via the  
30 public comment form online at [https://www.levycounty.org/departments/commissioners\\_-\\_new\\_page/public\\_comment\\_form.php](https://www.levycounty.org/departments/commissioners_-_new_page/public_comment_form.php)  
31

32  
33 2. **General Public Comment.** General public comment is an opportunity for  
34 persons to address the Board on issues that are **not** on the agenda at the Regular  
35 Meeting. Each speaker is limited to a maximum of 3 minutes and the total public comment  
36 period is limited to 30 minutes. Since Special Meetings and Workshops are limited to the  
37 specific matter(s) on the agenda, there will not be general public comment, but public  
38 comment will be taken on the agenda items.

39  
40 3. **Public Comment on Agenda Items.** The Board will take public comment on  
41 all agenda items, except for ministerial acts or those taken by the Board to deal with an  
42 emergency situation affecting the public health, welfare or safety, if allowing public  
43 comment would cause an unreasonable delay in the ability of the Board to act. Generally,  
44 each speaker is limited to a maximum of 3 minutes and must confine their comment to  
45 the agenda item being considered. As directed by the presiding officer, public comment  
46 may be taken once during an item, rather than upon every motion concerning that item.

1           4.     Time Limits. Time limits in this Rule are a guide and other time limits may  
2 be established by the presiding officer based on the number of participants and/or to  
3 provide equal time for opponents and proponents speaking to any particular issue.  
4

5     **C. Procedures for Public Comment.** Each speaker is encouraged to submit a public  
6 comment form (via email or on-line) in advance of the meeting; however, at a minimum,  
7 each person who speaks during public comment must:  
8

- 9           1. state their name in an audible tone of voice;
- 10          2. limit their comments to the topic (general or agenda item) and the time provided;
- 11          3. address their comments to the Chair as the presiding officer and not to any  
12             individual member of the Board, any member of staff, nor any other member of  
13             the public;
- 14          4. follow directions given by the presiding officer; and
- 15          5. provide 7 copies of any documents they present to the Clerk for distribution to  
16             the Board members, the Board Office and the Clerk. These documents will not  
17             be returned to the speaker.

#### 18     **RULE 11. ORDER AND DECORUM; SERGEANT-AT-ARMS**

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20  
21     **A. Conduct in Meetings.** Persons attending Board meetings are prohibited from  
22 engaging in disruptive conduct (defined in B below) and from possessing food, drink,  
23 props, signs, posters, or other similar materials in the meeting room.  
24

25     **B. Disruptive Conduct.** “Disruptive conduct” in the meeting room or the County  
26 Government Center includes, but is not limited to:  
27

- 28           1. Entering discussion without being recognized by the presiding officer;
- 29           2. Refusal to confine comment to the topic;
- 30           3. Refusal to conform to time limits on speaking;
- 31           4. Refusal to leave speaking podium;
- 32           5. Refusal to follow orders given by the presiding officer; or
- 33           6. Any conduct that violates rules of order and disrupts the meeting. This  
34             includes, but is not limited to:  
35
  - 36                   a. Violent or tumultuous conduct threatening the safety of another;
  - 37                   b. Conduct creating danger to property or any person;
  - 38                   c. Provoking or engaging in a fight;
  - 39                   d. Use of words that may threaten or outrage others;
  - 40                   e. Using obscene, profane, or vulgar language or language directed at  
41                     personalities; or
  - 42                   f. Outbursts of approval or disapproval, jeers or heckling which interrupt a  
43                     speaker or the deliberation of the Board.

44  
45     **C. Enforcement of Order and Decorum.** It is the duty of the presiding officer to maintain  
46 order and decorum at each meeting and workshop. Any Commissioner may request the



1 presiding officer enforce order and decorum upon a motion and a majority vote of  
2 Commissioners present. In the event of “disruptive conduct”:

- 3  
4 1. The presiding officer will first warn the person(s) that their conduct is disrupting the  
5 meeting and they must immediately stop the disruptive conduct or leave the  
6 meeting.  
7
- 8 2. If the disruptive conduct continues, the presiding officer will: (a) revoke the persons  
9 right to speak at the meeting; or (b) revoke the persons right to attend the meeting  
10 and direct the sergeant-at-arms to remove the person from the meeting. In  
11 addition, the presiding officer may: recess the meeting, adjourn the meeting, or  
12 take such other appropriate action as permitted by law.  
13
- 14 3. Upon instructions of the presiding officer, the sergeant-at-arms (who may request  
15 assistance from any law enforcement officer assigned to the meeting) shall escort  
16 the person who engaged in the disruptive conduct from the Board meeting room  
17 and/or the County Government Center or other location of a meeting. The  
18 sergeant-at-arms will provide information explaining the law on trespass and  
19 Section 871.01, Florida Statutes, regarding Disturbing Schools, and Religious and  
20 Other Assemblies, and advising the person that there are alternate means of  
21 presenting the person’s views to the Board. If the person refuses or resists  
22 removal, the person may be placed under arrest.  
23

24 **G. Sergeant-At-Arms.** The County Coordinator or designee shall be sergeant-at-arms  
25 at all Board meetings and workshops. The sergeant-at-arms will carry out all orders and  
26 instructions given by the presiding officer for the purpose of maintaining order and  
27 decorum at the Board meeting.  
28

## 29 **RULE 12. QUASI-JUDICIAL MATTERS**

30

31 **A. Parties and “Affected Party” status.** In a quasi-judicial hearing, the parties (or  
32 individually a “party”) are the applicant, the County and each “affected party.” A person  
33 who believes they have a special interest in the matter or would suffer an injury distinct  
34 in kind and degree from that shared by the public at large, may request to be recognized  
35 as an “affected party.”  
36

37 Each request to be recognized as an “affected party” must be submitted on the  
38 application form (provided by the County) to the County Attorney before the close of  
39 business at least ten (10) calendar days prior to the Board meeting when the matter is  
40 noticed to be heard. At the hearing, the Board will make a determination of affected party  
41 status by considering the facts articulated in the application. If the Board determines that  
42 the person is not an affected party, that person may participate during public comment.  
43

44 **B. Quasi-Judicial Hearings; Formal or Informal hearing.** Quasi-judicial hearings  
45 before the Board will be conducted as informal hearings, unless a Party (defined in A  
46 above) requests a formal hearing. The difference between a formal and informal hearing

1 is the level of legal formality with which the hearing is conducted, with a formal hearing  
 2 including swearing-in of all parties, cross-examination, rebuttal and closing (as indicated  
 3 in C below). A Party that desires a formal hearing must submit a complete application for  
 4 a formal hearing (on the form provided by the County) to the County Attorney before the  
 5 close of business at least ten (10) calendar days prior to the Board meeting when the  
 6 matter is noticed to be heard.

7  
 8 **C. Order of Presentation for Quasi-Judicial Hearings; Time Limits.** The following is  
 9 the order of presentation for each quasi-judicial hearing (the portions unique to a formal  
 10 hearing are so labeled). The time limits listed may be modified by the presiding officer to  
 11 avoid unnecessary repetition, by the Board on motion of a Commissioner or by the Board  
 12 upon request of a Party. In considering such request, the Board should be mindful of  
 13 providing each Party with due process, but without undue repetition and delay.  
 14 Repetitious comment or information may be limited or stopped by the presiding officer and  
 15 the sharing, transferring or yielding of speaking time to another person is not allowed.

Order	Maximum Time Limit
Determination of affected party status, if any timely applications were submitted (refer to A above)	Not applicable
Disclosure of ex-parte communication (Refer to H below)	Not applicable
FORMAL HEARING ONLY: Swearing-in (Oath) of each Party who intends to testify	Not applicable
Introduction of the matter by County staff	3 minutes
Applicant presentation (the Applicant bears the burden of proof that their application has met all requirements) <sup>1</sup>	20 minutes
County Staff presentation (Staff will advise the Board of the requirements, provide professional analysis and recommendation(s)) <sup>1</sup>	20 minutes
Affected Party presentations (if any) <sup>1</sup>	10 minutes per person
FORMAL HEARING ONLY: Rebuttal (by Applicant and/or County Staff) <sup>1</sup>	5 minutes per person
FORMAL HEARING ONLY: Closing (by Applicant, County Staff and each Affected Party)	3 minutes per person
Public comment (the Board shall assign such weight and credibility to non-party comment as it deems appropriate)	3 minutes per person
Deliberation and vote of the Board (The Board shall deliberate and vote on a motion to approve, deny or continue the matter. The Board must base its decision on the competent, substantial evidence presented at the hearing and in the record.)	Not applicable

1     <sup>1</sup> Witnesses may be presented by any Party and cross examined by the other Parties. However,  
2 cross examination is limited to 10 minutes per witness. In addition, the Board may call any witness  
3 it deems necessary to reach a complete and informed decision. The examination of witnesses  
4 shall be conducted by direct examination on matters which are relevant and material to the issue.  
5 After the conclusion of direct examination, the witness may be cross-examined by another Party.  
6 Cross-examination is limited to matters raised in the direct examination of the witness. All  
7 questions shall be directed through the presiding officer and the witness shall answer the question  
8 unless the presiding officer deems the question to be irrelevant or immaterial.  
9

10 **D. Final action of the Board.** At the conclusion of the hearing, the Board may: (1)  
11 continue the matter; (2) amend, adopt or deny any written order or ordinance that is before  
12 the Board; or (3) direct the County Attorney to prepare a written order or ordinance (as  
13 appropriate to the matter being considered) that describes the approval and specifies any  
14 conditions, requirements or limitations; or that describes the reason(s) for denial, for  
15 consideration by the Board at a subsequent Regular or Special Meeting. Upon Board  
16 approval of a written order or ordinance, the presiding officer shall execute and the Clerk  
17 shall attest same and it shall constitute final action of the Board.  
18

19 **E. Representation of Parties.** Any Party may be represented by an attorney. If an  
20 attorney represents a party, the attorney shall identify the person(s) they represent and  
21 whether their client supports or opposes the matter before the Board.  
22

23 **F. Evidence.** Evidence before the Board will include, but not be limited to, verbal  
24 testimony and written evidence that addresses whether the application is consistent with  
25 and meets the requirements of the County's adopted Comprehensive Plan, Code, rules,  
26 policies or plans and other applicable laws. It is up to the Board to weigh the evidence  
27 presented and to determine whether such evidence is competent and substantial. The  
28 Board must base its decision on the competent, substantial evidence presented at the  
29 hearing.  
30

31 **G. Continuances.** The Board may, at any time during a hearing, continue the  
32 hearing and may request further information from any Party.  
33

34 **H. Ex Parte Communications.** In accordance with Section 286.0115, Florida  
35 Statutes, the Board adopts this process to disclose ex-parte communications (e.g., site  
36 visits, expert opinions, and other verbal or written communication outside of the quasi-  
37 judicial hearing) in order to remove the presumption of prejudice and to allow parties who  
38 have opinions contrary to those expressed in the ex-parte communication a reasonable  
39 opportunity to refute or respond to the ex-parte communication. Any Party may question,  
40 through the presiding officer, a Commissioner about any ex parte communications.  
41 Before or during the hearing at which a vote is taken on the quasi-judicial matter, each  
42 Commissioner who received or engaged in ex-parte communications must:  
43

44         1. As to verbal communications, disclose the subject of the communication and  
45 the identity of the person, group, or entity with whom the communication took place.  
46

1           2. As to written communications, enter copies of all written communications into  
2 the record.

3  
4           3. As to site visits and consultation with experts, disclose any investigations or site  
5 visits made by the Commissioner and the receipt of any expert opinions regarding the  
6 quasi-judicial matter. If such are reduced to writing, then a copy of the written  
7 communications must be entered into the record.

8  
9           4. Confirm ability to be an impartial decision-maker, or if unable to be impartial, the  
10 Commissioner must abstain from discussion and voting in the quasi-judicial hearing.

11  
12 **RULE 13. USE OF COUNTY LETTERHEAD/LOGO/SEAL.**

13  
14 The Commission recognizes the importance of protecting County letterhead, County  
15 logos and the County Seal from improper usage. This rule applies to formal stationary,  
16 as well as emails or other forms of written correspondence.

17  
18 A. There are two types of letterhead authorized for use by the County Commission:

- 19           1. BoCC Letterhead – contains the County Seal or Logo and the names of all  
20 Commissioners; and  
21           2. Commissioner’s Individual Letterhead – may contain the County Seal or Logo  
22 and the name of an individual Commissioner.

23  
24 B. The following are considered appropriate use of BoCC letterhead:

- 25           1. Correspondence approved by the Board of County Commissioners; and  
26           2. Correspondence that is required by law to be signed by the Chair or Vice Chair  
27 on behalf of the Board of County Commissioners.

28  
29 C. The following are considered appropriate use of Commissioner's individual  
30 Letterhead:

- 31           1. Correspondence to constituents;  
32           2. Support for grant requests;  
33           3. Support for projects of public interest;  
34           4. Letters of support for individuals seeking appointment, scholarships, awards or  
35 other public recognition; and  
36           5. Congratulatory notes.

37  
38 D. The following are considered inappropriate for BoCC or individual Commissioner  
39 letterhead:

- 40           1. Commercial activity (such as business solicitation or endorsement);  
41           2. Political solicitation or endorsement; and  
42           3. Any activity prohibited by law, including ethics laws.

43  
44 E. It is further recognized that this rule cannot contemplate all situations in which use of  
45 BoCC letterhead or Commissioner’s Individual Letterhead is appropriate or  
46 inappropriate and any questions regarding same should be brought to the Board for a

1 determination or amendment to this rule.

2  
3 **RULE 13. WAIVER OF THESE RULES.** These Rules (except those that are required  
4 by law or those that involve notice) may be waived by affirmative vote of three members  
5 of the Commission at a public meeting.

6  
7 **Section 2.** Resolution #2004-23, Resolution 2013-52 and Resolution Number 2021-023  
8 and any other prior agenda policies or Board rules of procedure are hereby repealed and  
9 shall be of no further force or effect. This Resolution shall become effective upon  
10 adoption.

11  
12 **PASSED AND DULY ADOPTED** this \_\_\_\_\_ day of April, 2023.

13  
14 **BOARD OF COUNTY COMMISSIONERS**  
15 **OF LEVY COUNTY, FLORIDA**

16  
17 \_\_\_\_\_  
18 Matt Brooks, Chair

19  
20 ATTEST: Danny J. Shipp, Clerk  
21 of the Circuit Court and Ex-officio Clerk  
22 to the Board of County Commissioners

23  
24 \_\_\_\_\_  
25 Danny J. Shipp, Clerk

26  
27 Approved as to form and legal sufficiency

28  
29 \_\_\_\_\_  
30 Nicolle M. Shalley, County Attorney