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**RESOLUTION  
NUMBER 2023- \_\_\_\_\_**

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

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

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

**WHEREAS**, the Board desires to adopt updated rules for the conduct of its meetings, agenda management, public participation and quasi-judicial proceedings, including ex-parte communication;

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

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

**Rule 1. REGULAR MEETINGS**

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

<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 public hearings will be identified as such on the agenda and will be conducted in accordance with Rule 11.
<b>General Public Comment</b>	This is 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 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 events  
41 calendar on the County's website ([www.levycounty.org](http://www.levycounty.org)) and on the bulletin board outside  
42 the 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

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

7  
8 In accordance with the Americans with Disabilities Act, persons needing a  
9 special accommodation or an interpreter to participate in the proceeding  
10 should contact the County Clerk's Office at (352) 486-5266, or the Office of  
11 the Board of County Commissioners at (352) 486-5217, at least two (2) days  
12 prior to the date of the meeting. Hearing impaired persons can access the  
13 foregoing telephone number by contacting the Florida Relay Service at 1-  
14 800-955-8770 (Voice) or 1-800-955-8771 (TDD).

15  
16 **Rule 6. AGENDA PREPARATION**

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

22  
23 In order for an agenda item to be placed on the agenda for a Regular Meeting, a complete  
24 agenda package must be submitted to the County Coordinator or designee by noon on  
25 the Wednesday prior to the meeting. In order for an agenda item to be placed on any  
26 other Board Meeting, except an Emergency Meeting, the deadline to submit the complete  
27 agenda package is noon six (6) calendar days prior to the Board meeting. Agenda  
28 deadlines may be adjusted by the County Coordinator or designee to accommodate  
29 holidays or other circumstances. Agenda items submitted past the deadline (but prior to  
30 public release of the agenda) may be placed on the agenda only with approval of the  
31 County Coordinator or designee.

32  
33 A "complete agenda package" includes all of the following:

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

41  
42 (b) All supporting/back-up documentation, such as, reports, maps, and  
43 documents for signature; and

44  
45 (c) Hard copies of (a) and (b). The number of copies will be determined by the  
46 County Coordinator or designee, and may change from time to time.

1 Documents proposed for Board adoption or approval that constitute legally binding  
2 obligations of the Board, such as contracts or agreements, must be submitted to the  
3 County Attorney for review and approval as to form and legal sufficiency prior to  
4 submission of the agenda package to the County Coordinator.

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

12  
13 **Rule 7. AGENDA REVIEW MEETING; PUBLIC RELEASE OF THE AGENDA**

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

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

25  
26 **Rule 8. ATTENDANCE; QUORUM; VOTING; RECESS, CONTINUANCE OR**  
27 **CANCELLATION OF A MEETING**

28  
29 Commissioners are expected to attend all scheduled Board meetings. Three (3)  
30 Commissioners constitute a quorum for the transaction of business. If a quorum is lost  
31 during a meeting, the remaining Commissioners may finish discussions (but take no  
32 action) and may adjourn the meeting.

33  
34 In accordance with Section 286.012, Florida Statutes, each Commissioner who is present  
35 at a meeting shall vote on each matter, unless that member has a conflict of interest under  
36 state ethics laws or, in the case of a quasi-judicial matter, is unable to be an impartial  
37 decision-maker. Commissioners shall vote "yes" in support of a motion and "no" when  
38 voting not to support a motion. Silence by a member will be recorded as a “yes” vote.

39  
40 The Board may recess or continue any meeting to a time certain as may be determined  
41 by the Board. Any meeting may be cancelled for cause (including, but not limited to,  
42 emergency conditions, lack of agenda items, a quorum will not be present) by the Chair  
43 and the County Coordinator. The Board Office will provide notice of the cancellation to all  
44 Commissioners and will post public notice as specified in Rule 5. Otherwise, upcoming  
45 meetings may be cancelled by vote of the Commission at any Regular Meeting.

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

2  
3 The Chair shall be the presiding officer of the Board. At a Regular Meeting in December  
4 each year, the Board will elect one of its members to serve as the Chair and one to serve  
5 as the Vice Chair who shall be the presiding officer in the absence of the Chair. In the  
6 absence of both the Chair and the Vice Chair, any member may call the meeting to order  
7 and the quorum present will designate a Temporary Chair for that meeting.

8  
9 All discussion and comment during a meeting should be directed to the Chair, as the  
10 presiding officer.

11  
12 In the event the presiding officer must leave the meeting room, the presiding officer shall  
13 pass the gavel to any Commissioner and by accepting the gavel, that Commissioner will  
14 lead the meeting until the presiding officer returns to the meeting room.

15  
16 The presiding officer shall call the members of the Commission to order at the time noticed  
17 for the meeting. The presiding officer, with the assistance of the Sergeant-at-Arms, shall  
18 preserve order and decorum at all meetings. The presiding officer, or other County staff  
19 person specified by the Board in its motion, is authorized to and shall sign all ordinances,  
20 resolutions, proclamations, contracts, agreements and other documents approved by the  
21 Commission.

22  
23 The presiding officer may move, second and debate, subject only to such limitations of  
24 debate as are enforced by these rules on all members. If the presiding officer desires to  
25 make a motion or second a motion, the presiding officer shall relinquish the gavel to any  
26 Commissioner who shall serve as the presiding officer until the Chair has finished their  
27 motion or second.

28  
29 No motion may be debated or put to a vote unless seconded. No Commissioner may  
30 reserve the priority to make a motion. At anytime, a Commissioner state "I move that we  
31 vote immediately." This motion will apply to any pending motion(s). Further, any motion  
32 to vote immediately: (1) must be seconded; (2) is not debatable; (3) cannot interrupt a  
33 speaker; (4) requires a two-thirds vote (because it prevents or cuts off debate); (5) takes  
34 precedence over all pending motions; and (6) can have no motion applied to it except  
35 withdrawal by the Commissioner who made the motion. All motions or amendments shall  
36 be reduced to writing, by the Clerk, upon request of a member of the Board.

37  
38 Each Commissioner desiring to speak shall address the presiding officer and, upon  
39 recognition by the presiding officer, shall confine their remarks to the question under  
40 debate and shall avoid personal attacks or inappropriate language. A Commissioner who  
41 has the floor shall not be interrupted unless it is necessary for the presiding officer to call  
42 the Commissioner to order. In which case, the Commissioner must cease speaking until  
43 the question or order is determined by the presiding officer without debate and, if in order,  
44 the Commissioner may proceed.

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

7  
8 **Rule 10. PUBLIC PARTICIPATION; SERGENT-AT-ARMS; ORDER AND DECORUM**  
9

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

15  
16 **B. How and When Public Comment is Taken.** It is recognized that Board Meetings  
17 are a limited public forum in which the Board must conduct necessary County business  
18 and so these rules balance the rights of individuals to speak on County government  
19 issues, while ensuring order and decorum are maintained and that County business can  
20 be transacted in a timely manner.

21  
22 1. How to Submit Public Comment. Any person may submit comment on  
23 agenda items or non-agenda items either: (a) In-person by attending the Board meeting  
24 and speaking on an agenda item and/or during a general public comment period; and/or  
25 (b) Electronically by submitting comment via email to [levybocc@levycounty.org](mailto:levybocc@levycounty.org), or via the  
26 public comment form online at [https://www.levycounty.org/departments/commissioners -](https://www.levycounty.org/departments/commissioners_new_page/public_comment_form.php)  
27 [\\_new\\_page/public comment form.php](https://www.levycounty.org/departments/commissioners_new_page/public_comment_form.php)

28  
29 2. General Public Comment. General public comment is an opportunity for  
30 persons to address the Board on issues that are **not** on the agenda at a Regular Meeting.  
31 Each speaker is limited to a maximum of 3 minutes and the total public comment period  
32 is limited to 30 minutes. Since Special Meetings and Workshops are limited to the specific  
33 matter(s) on the agenda, there will not be general public comment, but public comment  
34 will be allowed on the agenda items.

35  
36 3. Public Comment on Agenda Items. The Board will take public comment on  
37 all agenda items, except for ministerial acts or those taken by the Board to deal with an  
38 emergency situation affecting the public health, welfare or safety, if allowing public  
39 comment would cause an unreasonable delay in the ability of the Board to act. Generally,  
40 each speaker is limited to a maximum of 3 minutes and must confine their comment to  
41 the agenda item being considered. As directed by the presiding officer, public comment  
42 may be taken once during an item, rather than upon every motion concerning that item.

43  
44 4. Time Limits. Time limits in this Rule are a guide and other time limits may  
45 be established by the presiding officer based on the number of participants. In addition,

1 the presiding officer may adopt a time limitation to provide equal time for opponents and  
2 proponents speaking to any particular issue.

3  
4 **C. Procedures for Public Comment.** Each speaker is encouraged to submit a public  
5 comment form (via email or on-line) in advance of the meeting; however, at a minimum,  
6 each person who speaks during public comment must:

- 7
- 8 1. give their name and address in an audible tone of voice;
- 9
- 10 2. limit their comments to the topic (general or agenda item) and the time provided;
- 11
- 12 3. address their comments to the Chair as the presiding officer and not to any  
13 individual member of the Board, any member of staff, nor any other member of the  
14 public;
- 15
- 16 4. follow any further directions given by the presiding officer; and
- 17
- 18 5. provide 7 copies of any documents they present to the Clerk for distribution to  
19 the Board members, the Board Office and the Clerk. These documents will not be  
20 returned to the speaker.
- 21

22 **D. Conduct of Members of the Public.** No person other than a Commissioner and the  
23 person having the floor shall be permitted to enter into any discussion, either directly or  
24 through a member of the Commission, without permission of the presiding officer. No  
25 question shall be asked except through the presiding officer. Members of the public are  
26 not permitted to possess food, drink, props, signs, posters, or other similar material in the  
27 meeting room.

28  
29 **E. Disruption of Meeting.**

- 30
- 31 1. Persons demonstrating disruptive behavior at meetings or persons violating  
32 established rules of order will be warned by the presiding officer. If such conduct  
33 continues, the presiding officer may do any or all of the following:
  - 34 a. call a recess;
  - 35 b. request the removal of such person(s) by the sergeant-at-arms upon a  
36 finding of “disruptive behavior” – refer to F below;
  - 37 c. adjourn the meeting, or
  - 38 d. take such other appropriate action as permitted by law.
- 39 2. “Disruptive behavior” of a speaker includes, but is not limited to:
  - 40
  - 41 a. Refusal to confine comment to the topic; or
  - 42 b. Refusal to conform to time limits on speaking; or
  - 43 c. Refusal to leave speaking podium when directed to do so.
  - 44



1 3. "Disruptive behavior" of persons within the meeting room and the County  
2 Government Center includes any conduct that violates rules of order and disrupts  
3 the meeting. This includes, but is not limited to:

- 4
- 5 a. Violent or tumultuous conduct threatening the safety of another;
- 6 b. Conduct creating danger to property or any person;
- 7 c. Provoking or engaging in a fight;
- 8 d. Use of words that may threaten or outrage others;
- 9 e. Using obscene, profane, or vulgar language or language directed at  
10 personalities; or
- 11 f. Outbursts of approval or disapproval, jeers or heckling which  
12 interrupt a speaker or the deliberation of the Board.
- 13

14 **F. Enforcement of Order and Decorum.** It is the duty of the presiding officer to maintain  
15 order and decorum at each meeting and workshop. Any Commissioner may request the  
16 presiding officer enforce order and decorum upon a motion and a majority vote by the  
17 Board. In the event of disruptive behavior:

18 1. The presiding office will first warn the person(s) that their conduct is  
19 disrupting the meeting and if the disruptive behavior continues, the person(s) will  
20 be removed from the meeting.

21 2. If the conduct continues, the presiding office will revoke the persons right to  
22 attend or speak at the meeting and direct the sergeant-at-arms to remove the  
23 person from the meeting.

24 3. Upon instructions of the presiding officer, the sergeant-at-arms (who may  
25 request assistance from any law enforcement officer assigned to the meeting) shall  
26 escort or remove any person who engages in the disruptive behavior from the  
27 Board meeting room and/or the County Government Center or other location of a  
28 meeting. The sergeant-at-arms will provide information explaining the law on  
29 trespass and Section 871.01, Florida Statutes, regarding Disturbing Schools, and  
30 Religious and Other Assemblies, and advise the person that there are alternate  
31 means of presenting the person's views to the Board. If the person refuses or  
32 resists removal, the person may be placed under arrest.

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

## 37 **RULE 11. QUASI-JUDICIAL MATTERS**

38 **A. Quasi-Judicial Hearings; Formal or Informal hearing; Time Limitations.** Quasi-  
39 judicial hearings before the Board will be conducted as informal hearings in accordance  
40 with Section C, unless a Party (defined in B below) requests a formal hearing. The  
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1 difference between formal and informal is the level of legal formality with which the  
2 hearing is conducted, with a formal hearing being similar to appearing before a judge in  
3 a court room.

4  
5 A Party that desires a formal hearing must submit a complete application for formal QJ  
6 hearing (on the form provided by the County) to the County Attorney before the close of  
7 business at least seven (7) calendar days prior to the Board meeting when the matter is  
8 noticed to be heard.

9  
10 In any quasi-judicial hearing, the time limits may be modified by the Board on motion of  
11 a Commissioner or upon request of a Party. A Party requesting additional time must  
12 specify the amount of time desired and why such time is necessary. In considering such  
13 request, the Board should be mindful of providing each Party with an opportunity to  
14 participate, but without undue repetition and delay. Comment or information that is  
15 repetitious of a prior speaker may be limited or stopped by the presiding officer and the  
16 sharing, transferring or yielding of speaking time to another person is not allowed.

#### 17 18 **B. Parties and “Affected Party” status**

19  
20 In any quasi-judicial hearing, the “Parties” consist of the County, the applicant and each  
21 affected party. Any person entitled to written notice of the quasi-judicial matter will be  
22 considered an “automatic affected party.” Persons who are not entitled to written  
23 notice, but believe they are an “affected party” because they have a special interest or  
24 would suffer an injury distinct in kind and degree from that shared by the public at large,  
25 may request a determination of “affected party” status.

26  
27 Each person seeking a determination of affected party status must submit a complete  
28 application for affected party status (on the form provided by the County) to the County  
29 Attorney before the close of business at least seven (7) calendar days prior to the  
30 Board meeting when the matter is noticed to be heard. At the hearing, the Board will  
31 make a determination of affected party status by considering the facts articulated in the  
32 application. If the Board determines that the person is not an affected party, that person  
33 may participate during public comment.

34  
35 **C. Informal Quasi-Judicial Hearings.** Quasi-judicial hearings before the Board will be  
36 conducted as informal hearings, unless a Party (defined in B above) requests a formal  
37 hearing in accordance with A above. Cross-examination is not permitted in informal  
38 hearings; however, a member of the Board may question any person they deem  
39 relevant to the matter. Any person, who is not a Party, may speak on the matter in the  
40 public comment portion of the hearing. The presiding officer may limit the time of any  
41 portion of an informal hearing to avoid unnecessary repetition and delay. The order of  
42 presentation for an informal hearing is as follows:

43

<b>Order</b>	<b>Maximum Time Limit</b>
Disclosure of ex-parte communication (Refer to I below)	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)	20 minutes
County Staff presentation (the Staff report and presentation is to advise the Board of the requirements and to provide professional analysis and/or recommendation to the Board)	20 minutes
Affected Parties (if any)	10 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

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**D. Formal Quasi-Judicial Hearings.** The order of presentation for a formal hearing is as follows:

Order	Maximum Time Limit
Determination of affected party status (those not entitled to written notice, but who requested a determination based on their special interest or injury.)	Not applicable
Swearing-in (Oath) of each Party who intends to testify at the hearing	Not applicable
Disclosure of ex-parte communication (Refer to I below)	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 (the Staff report and presentation is to advise the Board of the requirements and to provide professional analysis and/or recommendation to the Board) <sup>1</sup>	20 minutes
Affected Party for (if any) <sup>1</sup>	10 minutes per person
Affected Party against (if any) <sup>1</sup>	10 minutes per person
Rebuttal (by Applicant and/or County Staff) <sup>1</sup>	5 minutes per person
Closing by Applicant, County Staff and Affected Parties	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  
2     <sup>1</sup> Witnesses may be presented and cross examined by any Party. However, cross examination  
3 is limited to 10 minutes per witness. In addition, the Board may call any witness it deems  
4 necessary to reach a complete and informed decision. The examination of witnesses shall be  
5 conducted by direct examination on matters which are relevant and material to the issue. After  
6 the conclusion of direct examination, the witness may be cross-examined by another Party.  
7 Cross-examination is limited to matters raised in the direct examination of the witness. No re-  
8 direct is allowed unless requested by a party stating the desired area of inquiry and that request  
9 is approved by the presiding officer. If re-direct is allowed, it shall be limited to questions of the  
10 witness on issues raised in the cross-examination. All questions shall be directed through the  
11 presiding officer and the witness shall answer the question unless the presiding officer deems the  
12 question to be irrelevant or immaterial.  
13

14 **E. Final action of the Board.** The Board’s vote to approve or deny at the conclusion  
15 of the hearing, unless continued, is direction to the County Attorney to prepare a written  
16 order or ordinance (as appropriate to the matter being considered) that describes the  
17 approval and specifies any conditions, requirements or limitations; or that describes the  
18 reason(s) for denial. The written order or ordinance will be provided to the Board for  
19 final approval at a subsequent Special Meeting or Regular Meeting. Upon approval of  
20 the order or ordinance, the presiding officer shall execute and the Clerk shall attest  
21 same and it shall constitute final action of the Board.  
22

23 **F. Representation of Parties.** Any Party may be represented by an attorney. If  
24 an attorney represents a party, the attorney shall identify the person(s) they represent  
25 and whether their client supports or opposes the matter before the Board.  
26

27 **G. Evidence.** Evidence before the Board will include, but not be limited to, verbal  
28 testimony and written evidence that addresses whether the application is consistent with  
29 and meets the requirements of the County's adopted Comprehensive Plan, Code, rules,  
30 policies or plans and other applicable laws. It is up to the Board to weigh the evidence  
31 presented and to determine whether such evidence is competent and substantial. The  
32 Board must base its decision on the competent, substantial evidence presented at the  
33 hearing.  
34

35 **H. Continuances.** The Board may at any time during a hearing, continue the hearing,  
36 and may request further information from any Party.  
37

38 **I. Ex Parte Communications.** In accordance with Section 286.0115, Florida  
39 Statutes, the Board adopts this process to disclose ex-parte communications (e.g., site  
40 visits, expert opinions, and other verbal or written communication outside of the quasi-

1 judicial hearing) in order to remove the presumption of prejudice and to allow parties  
2 who have opinions contrary to those expressed in the ex-parte communication a  
3 reasonable opportunity to refute or respond to the ex-parte communication. Any Party  
4 may question, through the presiding officer, a Commissioner about any ex parte  
5 communications. Before or during the hearing at which a vote is taken on the quasi-  
6 judicial matter, each Commissioner who received or engaged in ex-parte  
7 communications must:

8  
9 1. As to Verbal Communications. Disclose the subject of the communication and  
10 the identity of the person, group, or entity with whom the communication took place.

11  
12 2. As to Written Communications. Enter copies of all written communications into  
13 the record.

14  
15 3. As to Site visits and consultation with experts. Disclose any investigations or  
16 site visits made by the Commissioner and the receipt of any expert opinions regarding  
17 the quasi-judicial matter. If such are reduced to writing, then a copy of the written  
18 communications must be entered into the record.

19  
20 4. Confirm ability to be an impartial decision-maker. State for the record whether  
21 they are able to be an impartial decision-maker. If they are not able to be impartial, the  
22 Commissioner must abstain from participating and voting in the quasi-judicial hearing.

23  
24  
25 **RULE 12. WAIVER OF THESE RULES.** These Rules (except those that are required  
26 by law or those that involve notice) may be waived by a 2/3rds vote of the members  
27 present at a meeting, provided there is quorum.

28  
29 **Section 2.** Resolution #2004-23, Resolution 2013-52 and Resolution Number 2021-023  
30 and any other prior agenda policies or Board rules of procedure are hereby repealed and  
31 shall be of no further force or effect. This Resolution shall become effective upon  
32 adoption.

33  
34 **PASSED AND DULY ADOPTED** this \_\_\_\_\_ day of April, 2023.

35  
36 **BOARD OF COUNTY COMMISSIONERS**  
37 **OF LEVY COUNTY, FLORIDA**

38  
39  
40 ATTEST: Danny J. Shipp, Clerk  
41 of the Circuit Court and Ex-officio Clerk  
42 to the Board of County Commissioners

43  
44  
45 \_\_\_\_\_  
46 Matt Brooks, Chair

47  
48 \_\_\_\_\_  
49 Danny J. Shipp, Clerk

50 Approved as to form and legal sufficiency

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3

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Nicolle M. Shalley, County Attorney