

# **POINT PAPER**

## **RULES FOR THE COMMUNITY REDEVELOPMENT AGENCY**

**03/23/09**

**ISSUE:** With the creation of the Community Redevelopment Advisory Board (CRA Advisory Board) last month, certain issues need to be addressed relating to Rules for the CRA Board.

**BACKGROUND:** In February, 2009, the City Commission passed an Ordinance establishing the Commission as the governing body of the CRA. The CRA had “by-laws” which acted as rules for the CRA Board. The proposed rules would replace and supersede those rules as they are either irrelevant or are inconsistent with discussions by the City Commission regarding the CRA.

**DISCUSSION:** These Rules have been drafted to provide guidance as to the following:

1. Official Board Action
2. Board Officers and Attorney
3. Types of Meetings
4. Conduct of Meetings and Voting
5. Conflicts and use of Robert’s Rules of Order
6. Repeal of prior rules of procedure and By-Laws

**RECOMMENDATION:** Adopt the proposed Rules for the Palmetto Community Redevelopment Agency Board.

**BUDGET IMPACT:** None

**RULES FOR THE PALMETTO  
COMMUNITY REDEVELOPMENT AGENCY BOARD  
(March, 2009)**

The Palmetto Community Redevelopment Agency Board (Board) has adopted these rules (Rules) to govern its meetings, hearings and its workshops and the operations of the CRA.

**1. APPLICABILITY.**

The Rules shall govern the meetings, hearings, and workshops of the Board and operations of the Palmetto Community Redevelopment Agency (CRA).

**2. OFFICIAL BOARD ACTION.**

**2.1 MATTERS FOR BOARD CONSIDERATION.** Any matters that relate to the Board's duties, authority or powers under Chapter 163, Florida Statutes, or other applicable law or which relate to the Board's property or legal or financial interests, or the public health, safety, welfare, or morals of CRA may be brought before the Board for appropriate consideration or action.

**2.2 DELEGATION OF AUTHORITY.** The CRA acts through the Board and the authorized actions of its employees, agents, and legal representatives. To the extent permitted by law, the Board may delegate its authority to perform action on behalf of the CRA Board. In delegating authority, the CRA shall provide sufficient guidelines and expression of its objections to enable efficient performance of the matter for which the authority has been delegated.

**2.3 DESIGNEES.** Wherever the Rules delegate authority or responsibility to the Mayor, City Clerk, the Attorney, or the CRA Director, such authority or responsibility is understood to extend to his or her respective designee.

**3. BOARD OFFICERS AND ATTORNEY.**

**3.1 OFFICERS.** The Mayor of the City shall serve as presiding officer of the Board, but shall not be a member of the Board. The Mayor shall have the right to participate in any discussion of the Board. The Mayor shall see that all acts of the CRA are faithfully executed, and sign resolutions, orders, and contracts on behalf of the CRA as authorized by the CRA. The Mayor shall not be a member of the CRA, and not have the authority to make or second a motion or vote or any motion, resolutions, orders and contracts on behalf of the CRA as authorized by the CRA. The Vice Mayor of the City shall serve as presiding officer of the CRA in the absence of the Mayor.

**3.2 ASSIGNMENT OF DUTIES.** The Mayor shall have the authority to assign honorary and administrative duties to other members of the Board.

**3.3 QUORUM AND OFFICERS.** A quorum exists when a majority of the Board is present. Unless otherwise provided by law, a majority vote, where a quorum is present, constitutes action of the Board. In the absence of the Mayor and Vice Mayor at the time scheduled for the opening of a public meeting or workshop, the first Board Member who notifies the Clerk of the Board Member's intention to preside over the meeting shall have all of the duties and authority of the Mayor until the arrival of The Mayor or Vice Mayor. In the absence of a required quorum, those Board Members assembled, including a single Board Member, if only one is present, may take measures to obtain a quorum, fix the time to which to adjourn or take a recess, and open and continue a public hearing on any scheduled matter to a time and date certain, but shall take no testimony and conduct no other business. Nothing in this Section 3.3 shall limit any procedure, rules, statutes, or other lawful authority governing the conduct of business in the event of a disaster or emergency.

**3.4 ATTORNEY.** The City Attorney shall serve as Attorney to the CRA.

#### **4 MEETINGS.**

**4.1 TYPES OF PUBLIC MEETINGS.** The Board shall have the authority to hold the types of meetings set forth below.

**4.1.1 Regular Meetings.** The Board may establish and announce a meeting schedule. The schedule may be updated to include regular and special meetings, including meetings primarily focused on items considered under or specifically related to the City's Comprehensive Plan or Land Development Code which may also be designated as Land Use Meetings. ~~All regular meetings shall ordinarily commence at 7:00 p.m. in the City Commission Chambers on the first Monday of each month.~~(removed 3/23/09 by board) Any scheduled regular meeting may be held, rescheduled, canceled, or held in a different location pursuant to motion adopted at a regular meeting by a majority of the Board Members present.

**4.1.2 Special Meetings.** A special meeting of the Board may be called by the Mayor or by a majority of the Board Members present at a meeting of the Board. Whenever a special meeting is called, written notice shall be given by the City Clerk to the Mayor, Board Members, the Attorney, the CRA Executive Director, and any persons entitled, as a matter of law, to written notice, and the press, stating the date, hour and place of the meeting and the purpose(s) for which the meeting is called. At least twenty-four (24) hours must elapse between the time the meeting is noticed and the time the meeting is to be held.

**4.1.3 Emergency Meetings.** An emergency meeting may be called by the highest ranking officer of the Board available. An emergency meeting may be called only when the person calling the meeting believes that a

situation exists that may involve serious consequences and that requires immediate consideration or action by the Board. Whenever such emergency meeting is called, the City Clerk or, if he or she is unavailable, the person calling the meeting, shall make a diligent and good faith attempt to notify the Mayor, each Board Member, the City Attorney, the CRA Director, any person entitled to notice as a matter of law, and the press stating the date, hour, and place of the meeting, the nature of the emergency, and the purpose(s) for which the meeting is being called. The notice shall be in writing if possible. No other business shall be transacted at the meeting, and the minutes of each emergency meeting shall include the nature of the emergency and the record of notice.

**4.1.4 Workshops.** The Board may hold workshops also known as work sessions from time to time for consideration of matters that are not ready for Board action. No formal action may be taken at workshops.

**4.1.5 Public Notice.** The City Clerk shall provide public notice of all meetings and workshops/work sessions in accordance with law.

#### **4.2 PRIVATE SESSIONS.**

**4.2.1 Litigation Meetings.** The City Attorney and other attorneys representing the City may meet in private session with the Mayor and the Board to discuss pending litigation to which the City is a party before a court or administrative agency so long as such meetings are noticed, held and reported, and the records thereof preserved and made available to the public upon conclusion of the litigation in compliance with Section 286.011(8), Florida Statutes (2008), and any amendments thereto.

### **5. CONDUCT OF MEETINGS.**

**5.1 STAFF.** Generally the CRA Executive Director and the Director's staff shall serve as staff to the CRA and the Mayor, as Presiding Officer.

#### **5.2 VOTING, MOTIONS, AND RECONSIDERATION.**

**5.1.1 Voting.** Unless otherwise provided by law, when the Board has finished discussion and is ready to vote a question, Mayor shall call for the vote. Each Board Member shall vote "aye" or "nay" or abstain from voting when legally required to do. Immediately prior to, or after the vote, the Mayor may allow any Board Member to give a brief statement to explain his or her vote, which shall not be used to further argue in favor of or against the motion. The vote upon any question shall be by voice vote unless any Board Member requests that a roll call vote or show of hands be taken; provided, that when necessary for the purpose of accurately ascertaining the outcome of a vote or for compliance with legal

requirements, the Mayor or Clerk may require a roll call vote or show of hands.

- 5.1.2 Preparation or Modification of Motions.** Prior to a vote on any matter, Board Member may request that staff prepare or modify the motion during a recess called for that purpose. Alternatively, if advisable in the Board's discretion, staff may be instructed to prepare wording to be brought back to the Board later for motion and vote at that meeting or a subsequent meeting of the Board. The City Attorney or the CRA Director may request that a motion and vote be delayed to allow preparation or revision of a motion, as provided hereunder.
- 5.1.3 Tie Votes.** When the vote of the Board is equally divided, the status quo ante shall be maintained. In such an event, a person who sought a change in status quo shall be considered to have had the request denied and shall have available the same remedies or rights of review that one would have had if the request had been denied by a majority vote of the Board, unless, at the same meeting, the Board votes to approve the requested action with conditions or stipulations attached, or to table, defer, or continue the matter in an attempt to obtain action by a majority vote.
- 5.1.4 Routine Reconsideration.** When a question has been decided by the Board, a Board Member voting on the prevailing side may move for reconsideration of the question at the same meeting, the next regular or special meeting of the Board. If the question was decided by a tie vote, any Board Member may move for reconsideration of the question at the same meeting or at the next regular or special meeting of the Board or at the next meeting of the Board where a full Board is present.
- 5.1.5 Corrections of Clerical Errors.** Any Board Member may move at any time for correction of clerical or typographical errors inadvertently included in any matter previously passed by the Board.
- 5.1.6 Effect of Approvals and Denials of Motions.** When a matter is brought forward to a vote based on a motion to approve it or approve it with modifications, and such motion fails, the status quo ante shall be maintained and the matter shall be considered to have been denied. A denial shall not preclude a subsequent motion to approve with different modifications at the same meeting. When a matter is brought to a vote based upon a motion to deny it, and said motions fails, the matter shall not be considered granted and shall be treated as if no action has been taken on the matter. Such a vote shall not preclude a subsequent motion at the same meeting to approve or approve with modifications.

**6 CONFLICTS; USE OF OTHER RULES**

**6.1 CONFLICT WITH LAWS.** In any instance where the procedure established by these rules violates or is in conflict with federal or state law, city ordinance, or final and binding order of a court or administrative agency, or rights thereunder, the procedures established hereunder shall be inoperative to the extent of such conflict. If any portion hereof is finally held by a court of competent jurisdiction to be invalid, such portion shall be deemed severable from the remainder and, to the extent possible the remainder shall be operative without the invalid portion

**6.2 ROBERT'S RULES OR ORDER.** In all cases not covered by this resolution, Robert's Rules of Order, tenth edition, shall be used as a general guide and may be followed by the Mayor, unless the Board by majority vote decides otherwise.

**7 PUBLICATION.**

Upon adoption of the Rules and any amendment hereof, the CRA Director shall cause same to be published in a form suitable for distribution to the public. Copies shall be provided by the Mayor, City Clerk and CRA Director to all persons who request them. Copies shall be available for review by the public at all meetings of the CRA Board.

**8 REPEAL OF PRIOR RULES**

These Rules repeal, replace and supersede any prior rules of procedure or bylaws enacted by the CRA.

Approved by majority vote of the CRA Board, with a quorum present this 23<sup>rd</sup> day of March, 2009.