

CITY OF MARCO ISLAND FLORIDA



HANDBOOK FOR BOARDS & COMMITTEES

REVISION OF
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CITY OF MARCO ISLAND HANDBOOK FOR BOARDS AND COMMITTEES

Sec. 1-101. Establishment of Boards and Committees.

The Marco Island City Council believes that an effective means of citizen participation in city government is the use of advisory boards and committees. The City Council has given careful thought to the creation of advisory boards and committees to ensure that they will be beneficial and will likely make positive contributions to the community.

Advisory boards and committees fill an important role in the governance process as they:

- Allow for an in-depth examination of issues.
- Serve as a communication channel between elected officials and the community.
- Bring a wide range of ideas and expertise to public decision-making.
- Assist in resolving conflicts.
- Provide training for new leaders.

Sec. 2-201. Procedure for Establishment.

Boards, committees, or commissions may be established by ordinance, resolution or motion at the discretion of City Council, and shall also describe the duties and the qualifications of its members.

Some boards are considered statutory or quasi-judicial. That is, the basis for their creation is established by state law and/or local ordinance. They may fulfill both an advisory and quasi-judicial role. They may give policy advice, but they may also make independent decisions, rulings, and findings on a particular matter. As of this publication date, there is one statutory board – the Planning Advisory Board.

Committees may be standing or ad hoc. Standing committees are those that are considered permanent, so long as they have an assigned mission with goals and objectives. City Council evaluates its committees and may choose to create additional committees or to abolish committees that no longer have an important mission and/or goals. Ad hoc committees may be appointed for specific and limited issues. These committees are temporary in nature and will be disbanded when the objectives are accomplished. The city's standing advisory committees are: Audit Advisory Committee, Beach Advisory Committee, Beautification Advisory Committee, Code Advisory Committee, Parks and Recreation Advisory Committee, and Waterways Advisory Committee. (Hereafter, the word "committee" refers to both City boards and committees.)

Sec. 2-202. Qualifications of Members.

In addition to qualifications that may be specified for membership by state statutes, the Charter, ordinance, resolution, or motion, a person appointed to a board, committee or commission shall be a resident of the city, shall be a registered elector, and shall serve without compensation.

Sec. 2-203. Appointment of Members; Vacancies.

Except as otherwise provided by state statutes, ordinance, resolution, or motion, appointments to a board, committee, or commission shall be filled by the City Council in accordance with the following procedure:

1. The City Council may direct the city manager to advertise a vacancy and seek resumes from interested members of the public willing to accept appointment.
2. The composition of each board, committee, or commission shall consist of seven members. Each City Council member shall reserve the right to recommend the appointment of one member. The City Council may accept or reject the recommendation.
3. If a vacancy occurs on a board, committee, or commission during the term of the council member, that council member shall have the right to recommend a replacement to fill the

vacancy to complete the unexpired term. City Council may accept or reject the recommendation.

4. The City Council may delegate the appointment of advisory committees to the city manager.

Sec. 2-204. Terms of Members.

Unless otherwise regulated by state statutes, ordinance, resolution or motion, the following applies: The members appointed to all boards, committees, or commissions shall serve staggered terms that run concurrently with the terms of office of the appointing City Council member.

- a. Such staggered terms shall commence for appointed members as follows:
 - June 1 – following the election of the appointing City Council member for the Audit Advisory Committee.
 - February 1 – following the election of the appointing City Council member for all other boards, committees, or commissions.
- b. Such staggered terms shall end for appointed members at the earliest of any of the following:
 - May 31 -following the election for which the appointing City Council member did qualify, or would have been qualified, to seek re-election, or was term-limited, in the case of appointments to the Audit Advisory Committee; or
 - January 31 - following the election for which the appointing City Council member did qualify, or would have been qualified, to seek re-election, or was term-limited, in the case of appointments to all other boards, committees, or commissions;
 - Upon replacement by a person appointed by the procedure described in Section 203; or
 - Upon removal by majority vote of City Council.
- c. No members appointed to, or remaining on any boards, committees or commissions after February 1, 2013 may be re-appointed more than one time, nor may serve more than a total of eight (8) years on any board, committee or commission, nor any combination of boards, committees or commissions.
- d. If reappointment or replacement is not made prior to or at the expiration of a term of office, the member shall continue to serve until a reappointment or replacement is made.

Sec. 2-205. Removal of Members.

Unless otherwise precluded by state statutes, ordinance, resolution, or motion, any member of a board, committee, or commission shall serve at the pleasure of City Council and may be removed by City Council with or without cause.

Sec. 2-206. Meetings; Attendance Requirements.

1. Regular Meetings. Meetings shall be scheduled in accordance with the ordinance or resolution authorizing the establishment of the board, committee, or commission. Public Notice of the meeting shall be provided in accordance with procedures adopted for City Council meetings. Meetings may be called by the committee chair or by the city manager or his/her designee.
2. Quorum. A majority of all members appointed to the board, committee, or commission shall constitute a quorum for the transaction of business unless otherwise required by the ordinance or resolution authorizing the establishment of a particular board, committee, or commission.
3. Minutes. A written record of the proceedings of the board, committee, or commission shall be kept showing its action on each question considered. Such record shall be filed with the city clerk and shall be open to public inspection.
4. Attendance. Unless otherwise provided by state statutes, ordinance, resolution, or motion, absence from thirty percent of the meetings held by a board, committee, or commission within any twelve month period, which period shall be considered to be the twelve month period immediately prior to and including the day of the last absence, shall automatically operate to vacate the seat of a member.

Sec. 2-207. Rules of Procedure.

Unless otherwise regulated by state statutes, ordinance, or resolution, the city manager shall prepare standard Rules of Procedure for the conduct of meetings. Such Rules of Procedure shall be followed by each appointed board, committee, or commission.

Sec. 2-208. Authority of Council Regarding Establishment and Dissolution.

Unless otherwise regulated by state statutes, the City Council may establish and dissolve a city board, committee, or commission.

Sec. 2-209. Understanding the Committee Process.

To be considered for appointment, citizens are asked to volunteer their time and service to their community by submitting a letter of interest and a brief resume. Citizens who seek appointment to a committee should consider the following:

1. A clear understanding of the mission and goals of the committee and a willingness to advance those goals through a participative committee process.
2. Willingness to commit sufficient time and energy to the committee to achieve the goals. In that committees typically meet at least once each month on a year-round basis, extended absences will not allow a committee member to fulfill their obligations.
3. Willingness to participate in the discussion and decision-making process with recognition that consensus is desired and decisions are rendered on a majority basis.
4. Willingness to contribute to creating and maintaining a supportive group climate.
5. Recognition that the position is advisory and that city staff and/or City Council may or may not take the advice of the committee. A committee member should recognize that it is the City Council who are the elected representatives of the community and who are ultimately responsible for the adoption of public policy. Rejection of recommendations by City Council should not be viewed as a lack of respect or appreciation of a committee. City Council ultimately determines public policy after receiving input from many sources within the community.
6. Recognition that there may be a verification of experience and qualifications. For candidates to the Planning Advisory Board there may be a background check.

Sec. 2-210. Functions.

The function of committees may include the following:

1. Solicit public input;
2. Conduct research and prepare reports, ordinances, or other policy documents;
3. Provide technical review of requests for proposals, work products, proposed policies, ordinances, capital and operating programs, etc.;
4. Formulate recommendations for consideration by the city manager and City Council;
5. Make authorized decisions that are applicable to the committee;
6. Perform work tasks as a committee or sub-committee member;
7. Develop mission statement and goals and objectives, review goals and objectives annually and modify as deemed appropriate by the committee and City Council;
8. Receive assignments from the city manager/staff liaison and City Council;
9. Conduct public hearings on proposed policies as may be requested by staff liaison and City Council;
10. Hear appeals of administrative decisions (if statutory board);
11. Consider staff reports on administrative and policy matters and provide recommendations to the staff liaison, department directors, and the city manager;

Sec. 2-211. Communication.

Unless otherwise provided, the City Council collectively and/or the city manager/staff liaison will assign tasks and priorities to the committees. Committees may recommend other matters for

research, discussion, and consideration provided they are consistent with the defined purpose of the committee and the goals and objectives, and provided that the city manager or designated staff liaison concurs with such initiatives and recommendations. Committees have no authority to represent the City Council or the city manager or to direct the activities of the city staff. Members shall refrain from public statements that may be construed as the policy of the city or of City Council. Members shall avoid using their positions to advance initiatives or garner public support for or against policies or programs.

Sec. 3-301. Conduct of Members.

Committee members need to be informed advocates and should contribute to the group's productivity. Members should be faithfully committed to attend scheduled meetings, and to be prepared to participate in the decision process.

The committee chair shall conduct the meetings firmly and courteously while maintaining order at all times. The chair shall rule "out of order" remarks that involve personalities or attack motives or characters of another member, a citizen, or subject matters that are not related to the matters before the committee. Committee members shall have the opportunity to speak. The chair shall recognize that all members have equal rights, privileges, and obligations. The chair shall ensure that members of the public addressing the committee are treated with courtesy and respect.

Committee members shall at all times act with decorum toward the other members and the public attending the meetings. Members should speak clearly and concisely to avoid any misunderstandings as to the intent. Members should not speak a second time on a subject until all who wish to speak have done so.

Sec. 3-302. Counter Productive Behavior.

Nearly all committee members make positive contributions. However, occasionally a committee member may fall into one of the following categories deemed counter productive and a hindrance to positive meetings and outcomes:

1. The talker/complainer. This member likes to talk and always has an opinion on every matter. More often than not the talk deals with complaints without constructive criticism and/or recommendations. This person may view the committee as ineffective or out of consonance with the general public because they do not agree with the committee's decisions or direction.
2. A member with a hidden agenda. In this example, a committee member wishes to accomplish certain objectives that are not consistent with that of the committee. Other members may be suspect of the motives of that committee member and are unsure as to whether the member is working toward the collective goals of the committee or toward the goals of that committee member.
3. The inattentive member. In this example, a committee member frequently fails to pay attention to the discussion at hand, to read agenda information distributed before the meeting, or to understand complex issues that the committee must deal with. This member may propose initiatives that have already been debated or resolved by the committee on a previous occasion. This member may also frequently raise issues that are not on the agenda, or integrate diverse issues that are not specific to the issue being discussed by the committee.
4. The savior. This committee member believes they are the only person protecting the people from their government. Without appreciating the public policy process and the value of citizen input, this person generally expresses anger toward staff liaison, elected officials, and fellow committee members. Anger and resentment are frequently noticed during committee discussions and valuable committee time is taken while engaged in arguments with this member. This member may also believe that they are immensely qualified or over qualified for the position based upon education experience, previous involvement in the committee's area, and years residing on Marco Island.

5. The letter writer. This committee member may disagree with the discussion that has taken place at a meeting or with the general actions or direction a committee may be taking. As a result, this committee member submits a letter to the editor of the local newspaper in order to voice concerns. This committee member may state that they are submitting the letter as a citizen and not as a member of the committee. This may occur even when the information included in the letter is taken directly from the discussions at one or more committee meetings. The letter writer should understand that a fellow committee member is not allowed, under Florida Sunshine Laws, to directly respond to the letter, either through the newspaper or as a direct response to the committee member. If fellow committee members take issue to the letter, they may only use the committee meeting as a forum for discussion concerning the letter and the writer's motives. It should be understood by all committee members that differences of opinion should be discussed during committee meetings in order to serve the best interest of the committee and community.
6. The User of Killing Phrases. In this example a committee member is not receptive to the ideas of others and uses common phrases in an attempt to quash further consideration by other committee members. These phrases include, "That won't work"; "We've never done that before"; "City Council will never go along with that idea"; "That's not the way we do things"; "That's a dumb idea"; "Get real"; "You don't know what you're talking about."

Recognizing these killer phrases will allow other members to disregard them and to concentrate on the ideas and thoughts presented by committee members.

Sec. 3-303. Procedure to Address "Problem" Members.

It is the role of the chair and each committee member to ensure that there is a diversity of opinion with recognition that each committee member is capable of making valid contributions to the committee. When it is apparent that a committee member cannot support the goals of the committee, consistently disrupts the committee process, drains more energy from the committee than adding value toward its success, acts disagreeably toward other members and the public, or in other ways fails to add value toward the outcome, then the chair should document the behavior and discuss these problems with the city manager or his designated staff liaison.

The city manager shall thereafter meet with the member, explain the problems as viewed by the committee chair and the staff liaison, and ask for modification of behaviors. If the city manager believes that the member is not able or willing to modify problem behavior or, after a reasonable period of time, the committee chair and staff liaison believe the member has not modified behavior, then the city manager shall ask the member to resign. If the member refuses to resign, the city manager may remove the member from the committee, subject to confirmation of removal by the City Council.

Sec. 3-304. Attendance.

Absence for any reason from the number of meetings listed below within the twelve (12) month period beginning January 1 of each year, shall automatically operate to vacate the seat of a member. City Council may reappoint a member whose seat has been vacated due to absence.

- Planning Advisory Board 5 meetings
- All other advisory committees 3 meetings

Sec. 4-401. Successful Meetings.

While all members of a committee are from the same community and may share common interests, there may be strong disagreements. It is important that diversity of opinion be encouraged. However, these opinions should be directed toward the specific issue at hand, and not toward others who may differ in opinion. It is reasonable to expect that there is no one right

solution that everyone will agree upon. Community issues may have several opinions, all of which may have legitimate points.

While all members may seek the perfect solution from everyone's perspective, that may not be possible. The committee should strive for consensus, but even with successful achievement of consensus there may be a minority who will disagree with the final outcome.

Consensus building is a key to successful committees. Consensus building is finding reasonable solutions that the committee as a whole can "live with." While finding consensus is an ideal, in some cases we must accept the majority vote and move on. The minority should respect the decision of the majority and avoid public criticism of the majority-supported decision(s) thereafter.

Sec. 5-501. Selecting a Chair; Facilitation.

When selecting a chair for a committee, members should consider the ability of an individual to facilitate successful meetings. Facilitate means, "to make easier." A facilitator is a person who can make meetings flow more smoothly and be more productive. A chair can help the group identify a variety of possible ways to approach problems and then helps the group reach an agreement. While the staff liaison should generally be a good facilitator, it is equally or more important that the chair facilitate the process that results in good meetings and decisions. The chair should keep a meeting focused on the subject of discussion, remain in a neutral role until other members have expressed themselves, be goal oriented, and be prepared to help the committee recognize when accomplishments have been achieved.

Sec. 6-601. Ethics.

State ethics laws are applicable to members of committees. Whenever there is any doubt as to appropriate ethical actions on the part of a committee member, advice should be sought from the city manager through the committee's staff liaison.

Sec. 6-602. Financial Disclosure.

Members of the Planning Advisory Board are required by state law to complete "Form 1, Statement of Financial Interest," published by the Commission on Ethics. At the option of City Council, other committee members may be required to complete Form 1. The committee and its members will be advised should such requirement be in effect. When required, Form 1 must be completed upon initial appointment to a committee and provided to the County Supervisor of Elections. Thereafter, the Supervisor of Elections will mail the Form 1 to the committee member each year. The committee member is expected to complete the Form 1 and return it to the County Supervisor of Elections within the specified time.

Sec. 6-603. Acceptance of Gifts.

State law prohibits a member from accepting a gift worth in excess of \$100 from a person or agent of a person who, for compensation, seeks, or sought within the past twelve months, to influence decision making within the city. The law also requires the reporting of other gifts valued in excess of \$100 on a quarterly basis. The best practice for a committee member is to refuse acceptance of all gifts other than gifts provided by friends and relatives that have no association with the member's position with the city. The City of Marco Island's policy is a "No Tolerance" policy. Gifts should be refused regardless of value.

Sec. 6-604. Conflicts of Interest.

Conflict of interest laws apply to committees. They are summarized as follows:

1. Do not ask for or accept anything of value based on an understanding that it will influence you in your public duties, or accept anything of value when you know or should know that it was given to influence you in the discharge of your public duties.

2. Do not use your public position or public resources to obtain a special benefit for yourself or anyone else.
3. Do not use or disclose information by virtue of your public position and not available to the public for personal benefit.
4. Do not advocate the appointment, employment, promotion, or advancement of a relative to or within the city.
5. Do not purchase, rent, or lease from or to the city from your or your spouse's or your child's business.
6. Do not hold any employment or contract with a business or agency regulated by or doing business with the city or which will pose a conflict between your private interests and public duties.

Sec.6-605. The Sunshine Law.

The Sunshine Law equally binds all members of governmental bodies, be they advisory board, committee members, or elected officials. Committee members should be briefed by the city attorney.

Sec. 7-701. Rules of Procedure.

Each committee shall elect a chair, vice-chair, and secretary-recorder. The chair, vice-chair, and secretary-recorder shall be elected for a period of one-year and may be reappointed for additional one-year terms. In the absence of the chair, the vice-chair shall preside. In the absence of the chair and vice-chair, members shall elect a presiding member. The secretary-recorder shall record meetings and prepare minutes. Minutes shall be approved by the committee. The task of recording and preparing minutes on behalf of the secretary-recorder may be assigned to staff by the city manager.

Sec. 7-702. Quorum.

A majority of committee members serving shall constitute a quorum for the conduct of business at any meeting. A member present, but disqualified from voting on a question by state law, ordinance, or resolution due to conflict of interest shall be counted for purposes of determining a quorum. A quorum for the Code Enforcement Board is a minimum of four (4) members.

Sec. 7-703. Conduct of Meetings.

Members are required to abide by the ruling of the chair. Questions of order shall be decided by the chair without debate, subject to appeal by the committee.

Sec. 7-704. Agenda.

The staff liaison, in consultation with the chair, shall be responsible for the preparation of the agenda for meetings. The agenda, with supporting documentation, shall be distributed to members of the committee at least forty-eight (48) hours in advance of any meeting. Any member of the committee may request that a subject be placed on a future agenda. Upon the concurrence of the members, the subject may be placed on the next agenda. Items may be added to the agenda at the meeting, but such additions shall be limited to emergency or time-sensitive matters, and must be approved by a majority of the members present. Such late additions to the agenda should be accompanied by appropriate explanatory documentation.

Sec. 7-705. Meetings and Public Input.

Advisory committee meetings shall generally be held once each month and are scheduled by the committee chair or staff designee. Members of the public are welcome to attend all meetings of boards and committees. Audience speakers will not have to sign up to speak on agenda items, although those who do will go first. Audience speakers will be limited to one four-minute comment

per agenda item and public comment session. Speaker time limits may be extended upon approval of the chair.

Sec. 7-706. Minutes.

A written record of the proceedings shall be kept by the secretary/recorder/staff liaison showing the committee's action on each question considered. Minutes shall be brief and shall reflect recommendations of the committee. The minutes shall be filed with the city clerk and be open to public inspection. A copy shall also be provided to City Council.

Sec. 7-707. Public Notice.

Public notice of meetings shall be prepared by city staff in accordance with the procedures adopted for City Council meetings. A public notice for any meeting will be posted at least twenty-four (24) hours in advance at city hall and on the city's website.

Sec. 7-708. Voting Requirements.

All recommendations shall be by majority vote of members present at a public meeting. Every member present, including the chair, shall vote on every question, except when required to refrain from voting by state law. The vote on every question shall be recorded in the minutes.

Sec. 7-709. Committee Reports.

Committee reports and recommendations are to be provided in writing to the city manager and staff liaison. The city manager may schedule reports and recommendations on the City Council agenda as deemed appropriate.

Sec. 8-801. Training.

Committee members shall be given an orientation and training in the specifics of their responsibilities. This should include distribution of the Committee Handbook, a review of the "Sunshine Laws," quasi-judicial proceedings, and rules and responsibilities, Rules of Procedure, conduct, goals and objectives, and facilitation of good meetings. The orientation may be given to the whole committee at one time or, when appointments are made during the middle of a term, the orientation may be provided to the appointed individual. The staff liaison is responsible for the orientation, which may include meetings with the city manager.

Sec. 9-901. Staff Liaison.

The city manager may appoint a member of the city staff to serve as liaison between each committee and the city manager and City Council. The designated liaison shall be an ex-officio and non-voting member of the committee. The staff liaison shall be responsible for the communications between the committee, the city manager, and City Council. The staff liaison provides administrative support to the committee, assists the committee in developing goals and objectives, provides information as to other activities that may be occurring in the city that influence the mission of the committee, ensures that the meetings are publicly noticed and that minutes are recorded and retained for the public record, and distributes the agenda with supporting material to committee members on a timely basis.

Should the staff liaison observe limitations on the ability of the chair of a committee to effectively lead and facilitate meetings, the staff liaison shall report observations to the city manager. The city manager and/or staff liaison shall meet with the chair and discuss methods to facilitate effective meetings.

Sec. 10-1001. City Council – Communication with Committee Members.

City Council may, and is encouraged, to occasionally attend meetings of the committees. Council members should recognize that the purpose of the committee is to allow volunteer citizens to

propose policy, initiate studies and projects consistent with approved goals, and offer feedback on city activities and proposed policies. While councilors may communicate with the committee, each councilor should avoid attempts to influence the recommendation and outcome of an issue under consideration by the committee. A councilor should avoid assigning tasks or policy initiatives to committees without the consent of the full council. Communication between a councilor and a committee member should be anticipated and encouraged. Councilors should recognize that a committee member may interpret a discussion to be a matter of council policy when, in fact, that may not be the case. A councilor should also recognize that a single committee member might be communicating their particular opinion and not that of the full committee.

Sec. 10-1002. Empowering Committees.

City Council should recognize that members of boards and committees are citizens of the community and volunteers who are willing to devote their personal time and attention to enhance the governing process. A committee's performance will improve as City Council allows them to act, to make decisions, and to take risks. City Council can take the following actions to help promote the effectiveness of committees:

1. Increase visibility by calling public attention to a committee's accomplishments.
2. Share information from the committee through distribution of minutes, public presentations, and council comments during the City Council meeting. Listen actively when committee chairs are making presentations to City Council, even if diverse viewpoints are presented.
3. Give credit for ideas and contributions of a committee
4. Allow the committee discretion to make recommendations consistent with the committee's mission, goals, and objectives.
5. Ensure there is a constructive climate for innovation and communication, and interaction between the committee and the public

Sec. 11-1101. Quasi-Judicial Proceedings.

The City Council and the Planning Advisory Board are required to make quasi-judicial decisions. The Marco Island City Council acts as the City's Zoning Board of Appeals and the City's Construction Board of Adjustments and Appeals. When City Council acts in their capacity as these two boards, it is not acting in its legislative capacity. City Council is acting in its quasi-judicial capacity.

Quasi-judicial proceedings are one of the most difficult undertakings of a board. As will be explained in this chapter, the decisions of a board in quasi-judicial matters have very strict procedural guidelines that have been defined by the courts over the years. Failure to follow these guidelines and procedures is one of the easiest ways to allow the courts to overturn a decision of a board. To understand the role of a board and its relationship to the City Council and city manager, it is useful to understand the concept of "Separation of Powers" and its applicability to boards.

Sec. 11-1102. Separation of Powers.

Like the federal and state governments, the City of Marco Island is influenced by the doctrine of Separation of Powers between the legislative branch, the executive branch, and the judicial branch. The city has legislators (City Council) and executive (city manager), while the county, state, and federal systems provide the judicial branch.

1. The legislative branch makes laws and policies. The City Council adopts laws through ordinances, which are general rules of policy applicable to all persons similarly situated.
2. The executive branch (city manager) administers and enforces the law. In doing so, it implements a law's requirements and charges persons not in compliance with violations. The City Council at times exercises executive powers.
3. The judicial branch applies the law to particular facts, interpreting it through application on a case-by-case basis.