

**TOWN OF BELLEAIR
COMMISSION PROCEDURES MANUAL
(Revised January 2025)**

PREAMBLE AND STATEMENT OF INTENT

Consistent with the provisions of Sections 1.02 and 2.08 (b) of the Town of Belleair Charter, and Chapters 166 and 163 of the Florida Statutes, the Town of Belleair Commission has adopted these rules (hereinafter, the Commission Procedures) to govern its meetings, hearings, and workshops. While encouraging appropriate public participation and an informal and civil atmosphere, the Commission intends to retain the structure and decorum required for the orderly and professional conduct of its business.

1. APPLICABILITY.

These procedures shall govern the meetings, hearings, and workshops of the Town of Belleair Commission, as well as other administrative matters associated with the conduct of the Town's business.

2. OFFICIAL COMMISSION ACTION.

2.1 MATTERS FOR COMMISSION CONSIDERATION. Any matters that relate to the Commission's duties, authority or powers under Chapter 166, Florida Statutes, or other applicable law or which relate to the Town's property or legal or financial interests, or the public health, safety, welfare, or morals of the Town may be brought before the Commission for appropriate consideration or action.

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

2.3 DESIGNEES. Wherever the Commission Procedures delegate authority or responsibility to the Town Clerk, the Town Manager, or the Town Attorney, such authority or responsibility is understood to extend to his or her respective designee.

3. COMMISSION OFFICERS.

3.1 SELECTION OF DEPUTY MAYOR. At the first regular meeting of the Commission in April of each year, the Commission shall elect a Deputy Mayor from among the current Commission Members. The Deputy Mayor shall serve for a term of one year from the date of appointment. The Deputy Mayor, once approved by the Commission, shall hold office until a successor is approved, unless removed

from office by a majority vote of the Commission prior thereto, or unless the Deputy Mayor resigns from that position, or the Deputy Mayor's status as a Town Commission Member ceases for any reason.

3.2 DEPUTY MAYOR DUTIES. In the absence of the Mayor, the Deputy Mayor shall have all the duties and authority of the Mayor until the arrival of the Mayor.

3.3 QUORUM; ATTENDANCE AT MEETINGS. A quorum exists when three members of the Commission are present. Unless otherwise provided by law, a majority vote of those present, where a quorum exists, constitutes action of the Commission. In the absence of the Mayor and the Deputy Mayor at the time scheduled for the opening of a public meeting or workshop, the remaining Commission Members present shall designate from among themselves a Commission Member to preside over the meeting and hold all of the duties and authority of the Mayor until either the Mayor or Deputy Mayor arrives. In the absence of a required quorum, those Commission Members assembled, including a single Commission 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 in any quasi-judicial matter and shall 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 APPOINTMENT OF MEMBERS TO OTHER COMMISSIONS. The Commission may appoint Commission Members to sit on or serve as liaison to other governmental committees or positions, whether created by law or interlocal agreement, including but not limited to service on county-wide transit or planning boards, as permitted by law. As soon as reasonably possible, such appointees shall report to the full Commission items of interest to the Town in order that the Commission may take action, comment, or make a recommendation regarding such matters. Any such action, comment, or recommendation (or the lack thereof) shall be conveyed by the appointee to the other commission or committee prior to its action on such item. If the appointed member (and alternate if one has been designated) cannot attend a meeting of a governmental committee or position, and there is no intervening meeting of the Commission at which a substitute could be appointed, the Mayor shall have the authority to appoint another Commission Member as a substitute appointee for the meeting of the committee or position. An appointee shall timely report to the Commission on the relevant proceedings of and actions taken by of the committee or position.

4. MEETINGS.

4.1 TYPES OF PUBLIC MEETINGS. The Commission has the authority to conduct any form of meeting allowed by law. To regulate the most common types of meetings the Commission will conduct, the following provisions apply to such meetings:

- 4.1.1 **Regular Meetings.** The Commission may establish and announce a regular meeting schedule. Regular meetings shall be held on the 3rd Tuesday of each month at 5:30 p.m. The Commission may, at a publicly noticed meeting, change the date and time of regular meetings, or cancel a regular meeting; however, the Commission must hold at least one regular meeting per month.
- 4.1.2 **Special Meetings.** A special meeting of the Commission may be called by the Mayor or Deputy Mayor. A majority of the Commission Members present at a meeting of the Commission may also call a special meeting. Whenever a special meeting is called, written notice shall be given by the Town Clerk to Commission Members, the Town Manager, the Town Attorney, and any persons entitled to written notice as a matter of law, and the press, stating the date, hour and place of the meeting and the purpose(s) for which the meeting is called. At least seventy-two (72) 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 Mayor, or in the Mayor's absence the Deputy Mayor, or in the absence of both, by a Commission Member. An emergency meeting may be called only when the officer calling the meeting believes that a situation exists that may involve serious consequences to life, safety or welfare of the Town or its residents, and that requires immediate consideration or action by the Commission. Whenever such emergency meeting is called, the Town Clerk or, if he or she is unavailable, the person calling the meeting, shall make a diligent and good faith attempt to notify each Commission Member, the Town Manager, the Town Attorney, 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 Commission may hold workshops from time to time for consideration of matters that are not ready for formal Commission action. Such workshops/work sessions may include briefings by Town staff or consultants, with the opportunity for comment by applicants and citizens on matters pertaining to pending development approval applications. No formal action may be taken at workshops.
- 4.1.5 **Public Notice.** The Town Manager shall provide public notice of all meetings and workshops in accordance with law.

4.2 PRIVATE SESSIONS.

- 4.2.1 **Litigation Meetings.** The Town Attorney and other attorneys representing the Town may meet in private session with the Town Commission and the Town Manager to discuss pending litigation to which the Town 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 Florida Statutes, § 286.011(8).
- 4.2.2 **Risk Management Meetings.** Portions of the Commission's meetings and proceedings that are conducted pursuant to the Town's Risk Management Program (whether administered internally or via a third party provider) and that relate solely to the evaluation of claims filed with the Risk Management Program, or that relate solely to offers of compromise of such claims, may be held in private session, so long as such meetings or portions of meetings are held and a record thereof is preserved in compliance with Florida Statutes § 768.28(16). In accordance with Florida Statutes § 768.28(16)(d), the minutes of Risk Management Meetings and other records thereof are exempt from public disclosure under Florida Statutes § 119.07(1) until termination of all litigation and settlement of all claims arising out of the same incident.
- 4.2.3 **Collective Bargaining Meetings.** All discussions between the Town Manager, the Town Attorney, and the Commission relative to collective bargaining shall be closed and exempt from the provisions of Florida Statutes § 286.011, as provided in Florida Statutes § 447.605.

4.3 PREPARATION OF AGENDA.

- 4.3.1 **Town Manager.** The Town Manager shall prepare the agendas and assemble the accompanying backup or background information for the Commission meetings. No item may be added to the agenda without the approval of the Town Commission or Town Manager, except as stated in Sections 4.3.2 and 4.3.3
- 4.3.2 **Town Attorney.** As a normal course of action, the Town Attorney should coordinate any agenda items he or she wishes to be placed on the agenda with the Town Manager. However, the Town Attorney may add supplemental items to the Commission agenda after it has otherwise been established whenever, in the discretion of the Town Attorney, such items require Commission attention at that meeting and cannot wait for the next regular meeting.
- 4.3.3 **Commission Member.** Any Commission Member may ask the Town Manager to place an item on an agenda at any time prior to the finalization

of the agenda, so long as all applicable notice requirements would be satisfied.

4.3.4 **Items Not On Agenda.** Matters that do not require separate public notice may, with the consent of the majority of the Commission Members present, be considered and acted upon at any regular or special Town Commission meeting.

4.3.5 **Distribution of Agenda.** The agenda and all related materials will be delivered to the Commission in electronic form by 5:00 p.m. on the Friday preceding the Commission meeting.

4.4 **CONTINUANCE OF MEETINGS DUE TO EMERGENCY.** Where necessary to continue a public meeting due to an emergency, the Mayor, Deputy Mayor, or Town Manager are hereby delegated authority to continue the meeting to a date certain or indefinitely. The continuance shall be announced at the time and place where the meeting was scheduled to begin and, where possible, shall be publicly announced prior thereto so as to provide reasonable public notice thereof.

For purposes of this rule, an “emergency” means an emergency as defined in Florida Statutes § 252.34(4), as amended, or as declared by the Governor of Florida or by the Town Commission, or a natural or manmade disaster or threat thereof that in the reasonable judgment of the Mayor, the Town Manager, or Police Chief, renders the Commission’s meeting environment unduly dangerous to the Commission, staff, or those members of the public who may seek to attend.

5. CONDUCT OF MEETINGS.

5.1 **GENERALLY.** At the hour set for each meeting, members of the Commission, the Town Attorney, the Town Manager, and the Town Clerk shall be seated and the business of the Commission shall be taken up in accordance with the agenda prepared for the meeting. The Mayor, as the presiding officer, may take business out of order if he or she determines that such a change will expedite the business of the Commission or will otherwise be in the Town’s best interest.

5.2 RULES OF DEBATE.

5.2.1 **Questions Under Consideration.** When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to amend, to adjourn, to lay on the table (i.e., to postpone indefinitely), to continue or defer to a date uncertain (i.e., to postpone until the occurrence of an independent event which will definitely occur at an unknown time), or to continue or defer to a date certain until the question is decided. These types of motions shall have preference in the order in which they are mentioned and motions to adjourn or to lay on the table shall be decided without debate. Upon the request of the Town Manager or Town

Attorney, made prior to final action on any matter, that the matter be deferred or continued to a future Commission agenda, the Commission shall vote on whether to defer or continue the matter as requested.

5.2.2 **Motions by the Mayor.** The Mayor may second any motion, or after relinquishing the gavel, may make any motion. The Mayor shall not retake possession of the gavel until the Commission has acted upon his or her motion.

5.2.3 **Discussion.** Every Commission Member desiring to speak for a purpose shall notify the presiding officer and, upon recognition, shall confine himself or herself to the question under debate. Provided, however, the presiding officer may allow Commission Members to dialogue with each other to obtain information or clarification on an issue under discussion.

5.2.4 **Interruption.** A Commission Member, once recognized, shall not be interrupted when speaking, unless it is to call that Commission Member to order or as herein otherwise provided. If a Commission Member, while speaking, is called to order, or if a question of personal privilege is raised, the Commission Member who had the floor shall cease speaking until the question of order or privilege is determined by the presiding officer and, if in order, that Commission Member shall thereafter be permitted to proceed. A ruling of the presiding officer on a point of parliamentary order can be overturned by a majority vote of the Commission Members present. A question of privilege is defined as a pressing situation affecting a right or privilege of the Commission or an individual Commission Member that warrants interruption of pending business. Examples are the need to deal with disruptive noise or introduction of a legally confidential subject in the presence of those not entitled to knowledge thereof.

5.3 **ADDRESSING THE COMMISSION.** A member of Town staff who addresses the Commission shall first be identified for the record and shall utilize the speaker's lectern or microphones made available for staff so as to allow his or her comments to be recorded. Each other person who addresses the Commission shall speak from the speaker's lectern, or if disabled or when otherwise appropriate, use a portable microphone, and shall provide his or her name, address, and whether he or she speaks on behalf of others. Time restrictions on members of the public addressing the Commission shall be as set forth below and shall be monitored by the Town Clerk and enforced by the presiding officer.

5.3.1 **Citizens' Comments at Regular Meetings.** Subject to sections 5.4.1 through 5.4.3 of this procedures manual, the Commission shall allow individuals in attendance to address the Commission for three (3) minutes to bring to the Commission's attention a matter that is appropriate for the Commission's action under section 2.1 of this procedures manual. If the subject of a person's comments is on the agenda for that day as a quasi-

judicial public hearing, the person shall be heard when the Commission takes up the agenda item rather than during Citizens' Comments. As to items not on the agenda, the Commission shall not ordinarily take action at the same meeting wherein an item is first raised at citizen comments, but may direct that the item be placed on a future agenda. Individuals planning to speak at any Commission meeting shall sign the Speaker's Sign-In Form prior to speaking.

5.3.2 **Citizens' Comments at Special Meetings and Workshops.** At special meetings and workshop meetings, the Commission may allow individuals in attendance to speak during a specified portion of the meeting for three minutes each on the subject of the meeting or workshop. The remaining portion of the meeting or workshop shall be devoted to discussion among Commission Members and Town staff, consultants, attorneys, and other persons with knowledge or expertise deemed helpful to the Commission. Workshops which have been advertised as public hearings for the purposes of briefings on pending development approval applications shall permit the opportunity for Citizens' Comments on agenda items during the public comments portion of the hearing.

5.3.3 Pursuant to Florida Statutes § 286.0114, members of the public shall be given a reasonable opportunity to be heard on any proposition before the Commission. This opportunity need not occur at the same meeting at which the Commission takes official action on the proposition, so long as the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the Commission takes the official action. This section does not prohibit the Commission from maintaining orderly conduct or proper decorum in its meetings, and the opportunity to be heard is subject to the provisions of this procedures manual. An opportunity to be heard need not be provided where an official act must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if doing so would cause an unreasonable delay in the ability of the Commission to act; the official act is no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations; the meeting at which the act takes place is exempt from the sunshine law; or where the Commission is acting in a quasi-judicial capacity.

5.4 ORDERLY MEETINGS.

5.4.1 The Mayor shall be the presiding officer at meetings and shall initially decide all procedural or parliamentary questions. The ruling of the presiding officer on a procedural issue can only be overturned by a majority vote of the Commission Members present.

5.4.2 All persons in attendance at a Commission meeting, public hearing, or workshop shall conduct themselves in a civil manner and refrain from action that disrupts the meeting or hinders the Commission in performing its duties. To these ends such persons are prohibited from:

5.4.2.1 committing acts of violence toward any person;

5.4.2.2 making threats of violence or speaking “fighting words” that are likely to provoke violence;

5.4.2.3 disrupting the proceedings with excessive commotion or excessively loud shouting or other noise or use of obscene or crude language;

5.4.2.4 interfering with the rights of others to speak, hear, see, or attend the proceedings;

5.4.2.5 being unduly repetitious or presenting matters not relevant to the agenda item under consideration;

5.4.2.6 continuing to speak after the allotted time has expired or after having been ruled out of order;

5.4.2.7 speaking from a location other than the speaker’s lectern or other place designated by the Commission; or

5.4.2.8 using obscene or profane language.

5.4.3 The presiding officer shall rule out of order any person(s) violating these provisions for orderly meetings. In appropriate situations, e.g., if such person(s) refuse to cease such violations, the presiding officer may have such person(s) removed from the meeting, hearing, or workshop by law enforcement personnel or take such other actions as may be reasonably necessary to enforce these requirements. A temporary recess may be called while such efforts are occurring.

5.5 PUBLIC HEARINGS.

5.5.1 **Explanation of Terms.** For purposes of this procedures manual, unless the context requires otherwise, the following terms have the definitions set forth or the usages explained below:

5.5.1.1 “Public Hearing” - refers to a hearing where the public is entitled to be heard on a matter pending before the Commission. Some examples are hearings to consider adoption, repeal, or amendment of ordinances, or in some cases, resolutions.

- 5.5.1.2 “Quasi-judicial Hearing” - refers to a type of public hearing in which the Commission is required to assume a more adjudicatory role, as distinguished from a legislative role. In quasi-judicial hearings certain procedural requirements are imposed by law. The following types of public hearings shall be conducted as quasi-judicial hearings: individual parcel zoning amendments; development agreements if accompanied by a quasi-judicial development application; conditional use permits; special exceptions; vested rights determinations; consideration of a site plan application; an appeal to the Commission of an administrative determination; and such other hearings as may be required by law to be treated as quasi-judicial.
- 5.5.1.3 “Applicant(s)” - means persons who have duly made formal application for Commission action or approval in a quasi-judicial context of an item affecting their legal or property rights.
- 5.5.1.4 “Proponent(s)” - in a quasi-judicial setting, means person(s) other than an applicant, who support an applicant’s position; or, in other settings, means persons who favor adoption of an ordinance or resolution or an affirmative decision on a matter under consideration by the Commission.
- 5.5.1.5 “Opponent(s)” - in a quasi-judicial setting means person(s) who oppose an applicant’s position; or, in other settings means persons who oppose adoption of an ordinance or resolution or an affirmative decision on a matter under consideration by the Commission.
- 5.5.1.6 “Affected Persons” - means an applicant in a quasi-judicial hearing or an opponent or proponent whose interest and involvement in a public hearing matter is such that he or she would have legal standing under Florida law as a party in court or administrative litigation challenging Commission action in the matter.

5.5.2 **Conduct of Public Hearings (Non-quasi-judicial).** Public hearings involving a non-quasi-judicial matter(s) shall ordinarily proceed in the following manner:

- 5.5.2.1 Initial Presentation by Staff. Town staff shall make the initial presentation to the Commission regarding any item under consideration.

- 5.5.2.2 Public Comment. After presentation by staff, the presiding officer shall open the public comment portion of the public hearing for the purpose of hearing persons who want to be heard on the item under consideration.
- 5.5.2.3 Closing of Public Comment. The presiding officer shall close the public comment portion of the public hearing upon the conclusion of the comments of the last appropriate speaker or the expiration of the speaking times allowed under the procedures. Thereafter, unless time for public comment is extended or public comment is re-opened in accordance with these procedures, no additional public comments shall be allowed except in specific response to questions by staff or Commission Members.
- 5.5.2.4 Staff Response and Summary. After public comment is closed, staff shall be allowed an opportunity to respond, to summarize, or to further explain staff's position and to advise of changes in staff's position, if any.
- 5.5.2.5 Inquiry, Clarification and Comments During Presentations. It is the intent of the Commission that its public hearings be orderly and, to that end, interruption of presentations is ordinarily to be avoided. It is also the intent of the Commission that a complete record of relevant facts be established and a complete understanding of the matters under consideration be obtained. Accordingly, the presiding officer, at any time during a public hearing, may allow Commission Members to comment or make inquiry of persons addressing the Commission, or of staff or other persons in attendance or may allow staff, the Town Manager or the Town Attorney to comment or make such inquiries.

5.5.3 **Conduct of Quasi-judicial Public Hearings.**

- 5.5.3.1 Oath or Affirmation. Prior to addressing the Commission at a quasi-judicial public hearing, each person who intends to address the Commission shall declare, pursuant to oath or affirmation administered by the Town Clerk, or other duly authorized person, that the factual statements or representations that he or she will present shall be truthful and accurate. The form of oath or affirmation shall be substantially as follows:

“Do you swear, or affirm, that the factual statements and factual representations which you are about to give or

present before or to this Commission during this public hearing will be truthful and accurate?”

Any person who knowingly makes a false statement or representation under oath or affirmation shall be subject to criminal and other sanctions as provided by law, in addition to any consequences provided for under these procedures or the Town of Belleair Code of Ordinances.

- 5.5.3.2 Introduction by Staff. Town staff shall introduce the quasi-judicial matter to the Commission so as to provide an overview of the proposed matter, and identify issues for the Commission's consideration.
- 5.5.3.3 Ex Parte Communications. Commission members may enter into the record factual matters which are not already contained in the record, when such Commission members have personal knowledge pertaining to the physical characteristics of a site, its surroundings, or other communications relevant to the matter being heard.
- 5.5.3.4 Applicant's Presentation. After staff presentation, the applicant(s) shall be allowed to make a presentation to the Commission. The applicant has the burden of proving that the proposal satisfies the criteria established by law or ordinance (for example, that it is consistent with the comprehensive plan and complies with the standards for approval in the Land Development Code).
- 5.5.3.5 Staff's Presentation. After applicant's(s) presentation, staff shall present the staff's report and recommendation.
- 5.5.3.6 Public Comment. After presentation by the applicant(s) and staff, the presiding officer shall open the public comment portion of the quasi-judicial hearing, if applicable, for the purpose of hearing persons who desire to be heard on the item under consideration.
- 5.5.3.7 Closing of Public Comment. The presiding officer shall close the public comment portion of the public hearing upon the conclusion of the comments of the last appropriate speaker or the expiration of the speaking times allowed under these procedures. Thereafter, unless time for public comment is extended or public comment is re-opened in accordance with these procedures, no additional public comments shall be

allowed except in specific response to questions by staff or Commission Members.

- 5.5.3.8 Staff Response and Summary. After public comment is closed, staff shall be allowed an opportunity to respond, to summarize, or further explain staff's position and to advise of changes in staff's position, if any.
- 5.5.3.9 Applicant's(s') Rebuttal Presentation. After staff response, Applicant's(s') rebuttal shall be allowed in quasi-judicial matters. Rebuttal shall only address comments made in the previous presentations.
- 5.5.3.10 Factual Errors. Any person(s) who believe that the rebuttal presentation includes an error of fact may be allowed an opportunity to point out such error of fact. This relates to a demonstrable falsehood or misstatement of objective fact. It is not an opportunity to argue the merits of a proposal.
- 5.5.3.11 Commission And Staff Inquiry. After staff and applicant(s), have made presentations as outlined above and the public comments portion of the hearing is closed, the Commission shall have a final opportunity to comment or ask questions of any applicant(s), staff member or other persons who provided testimony. The presiding officer may allow staff to respond to comments of an applicant(s) or citizen at this time.
- 5.5.3.12 Inquiry, Clarification and Comments During Quasi-Judicial Presentations. It is the intent of the Commission that its quasi-judicial public hearings be orderly and to that end interruption of presentations is ordinarily to be avoided. It is also the intent of the Commission that a complete record of relevant facts be established and a complete understanding of the matters under consideration be obtained. Accordingly, the presiding officer, at any time during a public hearing, may allow Commission Members to comment or make inquiry of persons addressing the Commission, or of staff or other persons in attendance or may allow staff, the Town Manager or the Town Attorney to comment or make such inquiries. In quasi-judicial hearings, affected parties may ask questions, through the presiding officer, of the person(s) who make a presentation to the Commission. The presiding officer may allow the affected parties' question(s) during the presentation or may require the question(s) to await the conclusion of the presentation, in accordance with the above stated intent of the Commission.

5.5.4 **Time Periods for Public Hearing Matters.** The following time limits shall apply to presentations in public hearings:

5.5.4.1 an applicant in a quasi-judicial matter shall be entitled to a total of ten (10) minutes without interruption;

5.5.4.2 persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption;

5.5.4.3 all other persons shall be entitled to speak three (3) minutes each without interruption; and,

5.5.4.4 an applicant's rebuttal shall be limited to five (5) minutes, unless otherwise set by the presiding officer.

5.5.4.5 pointing out factual errors shall be limited to one (1) minute, unless otherwise set by the presiding officer.

5.5.5 **Other Procedural Guidelines.**

5.5.5.1 Speaker Registration. Persons wishing to make presentations at a public hearing shall, prior to the time at which the items to be heard, register with the designated staff on the forms provided, and shall provide such information as required to organize the agenda and order of presentation. Five (5) or more persons associated together as Proponents or Opponents of an item may be required to select a spokesperson.

5.5.5.2 Limit On Presentations. No person who has made a presentation for or against an item at a given meeting shall be allowed to make additional comments as of right except where due process requires it.

5.5.5.3 Authorization of Group Representatives. Before a person representing an organization or group speaks, that person shall state whom he or she represents and establish how he or she received authorization to speak on behalf of such organization or group of persons, which shall include written authorization, unless the presiding officer waives this requirement. In quasi-judicial hearing matters, anyone representing an organization must present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration, unless the presiding officer waives this requirement. The Commission may make further inquiry into

the representative authority of such person. Only one ten minute time allotment per hearing is allowed for each organization or group of persons represented at the hearing.

5.5.5.4 Interruption of Presentations. Notwithstanding any provisions herein, the presiding officer, the Town Manager, or the Town Attorney may interrupt and request termination or other appropriate limitation of any presentation or discussion of matters that should not appropriately or legally be considered by the Commission under applicable Florida Statutes, decisions of Florida or federal courts, Town ordinances or Town code provisions in deciding the item then under consideration.

5.5.5.5 Experts. In quasi-judicial proceedings, persons purporting to offer expert testimony shall identify any educational, occupational, and other expertise that they possess that is relevant to their qualifications to speak regarding the matter under consideration. Persons purporting to offer expert testimony in other contexts, such as legislative proceedings, may likewise be required to identify their expertise. Any Commission Member, the Town Manager, or the Town Attorney may, upon authorization of the presiding officer, inquire further as to such expertise.

5.5.5.6 Additional Time For Presentations. With the consent of the Commission, the presiding officer may allow more than the allotted time for presentations by an applicant, proponent, or an opponent, or other speaker regarding an item, if the additional time is requested. In order to conserve time and facilitate an orderly meeting, preference shall be given to such requests when they are made in advance of the meeting to the Town Clerk. If more than a total of one-half (½) hour is requested by an applicant, proponent, or opponent, the request must be submitted in writing not later than the day before the meeting at which the item is to be heard; provided, however, even in the absence of a timely request for additional time to make a presentation, with the consent of the Commission, the presiding officer may grant such extension where, in his or her discretion, it is necessary to do so because of the considerations of law, equity, or fairness.

5.5.5.7 Continued Public Hearings

5.5.5.7.1 Generally. In any matter where it is known that a scheduled public hearing will be continued to a future date certain, the staff report may be postponed or abbreviated and public comment may be limited

to those persons who state that they believe they cannot be available to speak on the date to which the public hearing is being continued. Such persons shall be allowed to make their comments at the then current meeting if there is a quorum; provided, however, that upon making their comments, such persons shall waive the right to repeat or make substantially the same presentation at any subsequent meeting on the same subject. This waiver shall not preclude such persons from making different presentations based on new information or from offering response to other persons' presentations, if otherwise allowable, at any subsequent meeting.

5.5.5.7.2 Request for a Full Commission. Not more than one continuance of a quasi-judicial public hearing shall be granted on the grounds of a desire to obtain attendance by the entire membership of the Commission. Once a request to continue has been granted on those grounds, further continuances may be granted only for other grounds and where good cause is shown.

5.5.5.8 Non-Public Hearing Matters. If appropriate, with the consent of the Commission, the presiding officer may allow for public comments after staff presentation on matters that are not the subject of a public hearing. Each person allowed to address the Commission on such matters shall be allowed a maximum of three (3) minutes to comment. Extensions of time for public remarks may, with the consent of the Commission, be granted by the presiding officer.

5.5.5.9 Termination of Presentations. At any Commission proceeding, the presiding officer, unless overruled by a majority of the Commission Members present, may restrict or terminate presentations which in the presiding officer's judgment are irrelevant, frivolous, unduly repetitive, out of order, or in violation of this procedure manual.

5.5.5.10 Written Comments. Applicant(s), Proponent(s), and Opponent(s) of any matter under consideration by the Commission shall be entitled to submit timely written comments for consideration by the Commission. Relevant and admissible written comments submitted shall be considered and entered into the record of the meeting. Written comments received by Commission Members regarding a matter that is the subject of a

quasi-judicial public hearing shall be distributed to all Commission Members, the Town Manager, and the Town Attorney, and shall be made available for review by the applicant and the public in a reading file maintained by the Town staff.

5.5.5.11 Officials and Dignitaries. Notwithstanding other provisions hereof, the presiding officer may allow any elected or appointed public official, or representative thereof, or other dignitary to appear and make presentations at any time with regard to matters under consideration.

5.5.6 **Voting, Motions, and Reconsideration.**

5.5.6.1 Voting. Unless otherwise provided by law, when the Commission has finished discussion and is ready to vote a question, the presiding officer shall call for a roll call vote. Upon request, the Town Clerk shall read back or restate a motion before a vote is taken. Each Commission Member shall vote “aye” or “nay” or abstain from voting when legally required or allowed to do so. Pursuant to Florida Statutes § 286.012, Commission Members present at a Commission meeting may not abstain from voting in regard to any decision, ruling, or act taken up for a vote by the Commission, and the Town Clerk shall record a vote for each such member present, unless, with respect to any such member there is or appears to be a possible conflict of interest as defined in the Florida Code of Ethics for Public Officers and Employees. In the event of an abstention as set forth herein, such Commission Member must declare the reason for abstention on the appropriate form and file such form with the Town Clerk, who shall make the form part of the minutes of the meeting at which the abstention occurred. Immediately prior to, or after the vote, the presiding officer may allow any Commission 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. A Commission Member shall have the privilege of filing with the Town Clerk a written explanation of his or her vote which shall become part of the record of the proceeding.

5.5.6.2 Preparation or Modification of Motions. Prior to a vote on any matter, a Commission Member may request that staff prepare or modify the motion during a recess called for that purpose. Alternatively, if advisable in the Commission’s discretion, staff may be instructed to prepare wording to be brought back to the Commission later for motion and vote at that meeting or a

subsequent meeting of the Commission. The Town Attorney or the Town Manager may request that a motion and vote be delayed to allow preparation or revision of a motion, as provided hereunder.

- 5.5.6.3 Tie Votes. When the vote of the Commission 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 Commission, unless, at the same meeting, the Commission votes to approve it with conditions or stipulations attached, or to table, defer, or continue the matter in an attempt to obtain action by a majority vote.
- 5.5.6.4 Routine Reconsideration. When a question has been decided by the Commission, a Commission Member voting on the prevailing side may move for reconsideration of the question at the same meeting or the next regular meeting of the Commission. If the question was decided by a tie vote, any Commission Member may move for reconsideration of the question at the same meeting or at the next regular meeting of the Commission or at the next meeting of the Commission where a full Commission is present. In no event shall the motion to reconsider be made later than (30) days after a vote on a quasi-judicial matter.
- 5.5.6.5 Reconsideration Due to Vote Based on Mistake. Upon a finding by a majority of the Commission at any time that there is reason to believe that a vote of the Commission within the previous one year was based upon material mistake of fact or erroneous information, the matter may be brought up for reconsideration. Upon a finding by a majority of the Commission at any time that the material mistake of fact or erroneous information was intentionally caused or allowed by the person or entity in whose favor the previous vote was cast, the vote may be rescinded and all rights, duties, or liabilities thereunder modified or rendered null and void ab initio. Prior to rescinding such a vote, the Commission shall, where necessary to ensure due process of law, grant notice and opportunity to be heard to all persons who would be affected by such action.
- 5.5.6.6 Corrections of Clerical Errors. Any Commission Member may move at any time for correction of clerical or typographical

errors inadvertently included in any matter previously passed by the Commission.

5.5.6.7 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 motion 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.

5.5.6.8 Reconsideration of Item(s) on Consent Agenda or Presentations Upon Request Agenda. Where the Commission votes to reconsider one or more items that were previously approved on the consent agenda or presentations upon request agenda, the Commission may specify which item(s) shall be reconsidered and reconsider same without affecting the previous approval of the remaining items on the consent agenda or presentations upon request agenda.

5.5.6.9 Reconsideration to Resolve a Legal Dispute. The Commission may reconsider a prior decision, regardless of the time elapsed, when advised to do so by the Town Attorney for the purpose of resolving a legal dispute arising from the decision.

5.5.7 Commission Election of Members of Advisory Committees and the Like.

5.5.7.1 When the Commission is appointing members of advisory committees and the like, each Commission Member shall have the same number of votes as there are positions to be filled, though each Commission Member may only cast one vote per position.

5.5.7.2 The vote will proceed on nominees in the order they are nominated.

5.5.7.3 If fewer than all positions are elected after the first vote, or if there is a tie vote, there shall be a runoff between the persons tied for the highest number of votes. If one candidate has a plurality and others are tied with a lesser number of votes, there shall be runoff between the candidates who are tied to determine

which of them shall be in a subsequent runoff with the plurality candidate.

- 5.5.7.4 Multiple ballots may be taken if necessary to attempt to break a deadlock. If the Commission is unable to break a deadlock, the advisory committee position will remain unfilled until such time as there is a vote by a full Commission or the deadlock is otherwise broken.

5.6 Adjournment. At the conclusion of business, the presiding officer shall call for a motion to adjourn the meeting. Alternatively, the presiding officer may inquire whether there is any further business to come before the Commission and if no one speaks, may adjourn the meeting.

6. THE RECORD.

6.1 AUTOMATICALLY INCLUDED IN THE RECORD OF DECISION OF THE TOWN. The following documents shall automatically be included in the record of the decision of the Town:

- 6.1.1 the records of the Commission maintained by the Town Clerk; which include agenda packet, staff reports, and all items placed in the record under Section 6.2; and;
- 6.1.2 the development approval application, site plan, if any, and all accompanying documents submitted by the applicant; and
- 6.1.3 all documents in the Town planning staff's files for a development approval application; and
- 6.1.4 the most recent copies of résumés previously filed with the Town Clerk of Town staff and agents speaking on the matter that had been considered; and
- 6.1.5 comments, documents, and exhibits previously entered into the record at a prior Commission meeting or Planning and Zoning Board on the particular matter or on file with the Town Clerk or planning staff prior to the public hearing including written communications to members of the Commission and staff, if any; and
- 6.1.6 the Town of Belleair Comprehensive Plan; Town of Belleair Land Development Code (a/k/a the Land Development Code or "LDC"); and the Town of Belleair Code of Ordinances, all as may be amended; and
- 6.1.7 memoranda from the Town Attorney directed to the Town Commission or Town staff on that item.

- 6.2 ITEMS WHICH SHALL BE PLACED IN THE RECORD.** Any photographs, tapes, discs, or other recordings, documents, exhibits, diagrams, petitions, letters, or other materials presented to the Commission in support of, or in opposition to, an item to be considered by it shall be entered into the record. Where such items are in the form of handouts to be viewed by Commission Members at a Commission meeting, the presenter shall provide at least 12 copies. Additional copies may be required where necessary to meet public requests. The Commission may accept legally inadmissible items into the record for the purposes of preserving the record for appellate review, provided that Commission Members shall not consider those items, or parts thereof, which are inadmissible in reaching their decision. In the event the Commission has any questions as to the admissibility of any item presented for placement into the record, the Commission may defer admission of the item pending an opinion from the Town Attorney.
- 6.3 CUSTODIAN.** The Town Clerk shall be custodian of all of the documents entered into the record at any public hearing.
- 6.4 CORRECTION OF ERRORS IN THE RECORD.** In the event the Commission determines that there was an error, either of commission or omission regarding the placement of an item into the record, any member of the Commission may move to correct such error and such act of correction shall be done upon a majority vote of the members of the Commission.
- 6.5 EXHIBITS.** Unless an oversized exhibit is absolutely essential, documentary paper or photographic exhibits shall not exceed 11 inches by 17 inches and, if mounted on a backing, shall be removable therefrom.
- 6.6 SUBSTITUTION OF COPIES OF EXHIBITS.** When a person submits an original document as an exhibit for the Commission's consideration, the Commission or the Town Clerk, unless the Commission holds otherwise, may approve substitution of a copy or duplicate thereof after viewing the original and the copy or duplicate. The Town Clerk may then return the original to said person. Alternatively, the Town Clerk may, in the Town Clerk's discretion, and at the expense of the person requesting the return of the original, make or arrange for the making of a copy of the exhibit after which the original may be returned to the person requesting it.

7. CONFLICTS; USE OF OTHER RULES.

- 7.1 CONFLICT WITH LAWS.** In any instance where the procedure established by this resolution violates or is in conflict with federal or state law, Town 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.

7.2 ROBERT’S RULES OF ORDER. In all cases not covered by this procedure manual, the most recently published edition of Robert’s Rules of Order shall be used as a general guide and may be followed by the presiding officer, unless the Commission overrules the presiding officer’s ruling.

8. PUBLICATION.

Upon adoption of these Commission Procedures and any future amendments thereof, the Town Manager shall cause same to be published in a form suitable for distribution to the public, which may include publication on the Town’s web site. A copy shall be available with the Town Clerk for review by the public at all meetings of the Town Commission.