



By-laws of the Hillsborough County City-County Planning Commission

ROBERTS RULES OF ORDER ROBERTS RULES OF ORDER ROBERTS
RULES OF ORDER ROBERTS RULES OF ORDER ROBERTS RULES OF
ORDER ROBERTS RULES OF ORDER ROBERTS RULES OF ORDER
ROBERTS RULES OF ORDER ROBERTS RULES OF ORDER ROBERTS
RULES OF ORDER ROBERTS RULES OF ORDER ROBERTS RULES OF
ORDER ROBERTS RULES OF ORDER ROBERTS RULES OF ORDER
ROBERTS RULES OF ORDER ROBERTS RULES OF ORDER ROBERTS
RULES OF ORDER ROBERTS RULES OF ORDER ROBERTS RULES OF
ORDER ROBERTS RULES OF ORDER ROBERTS RULES OF ORDER
ROBERTS RULES OF ORDER ROBERTS RULES OF ORDER ROBERTS
RULES OF ORDER ROBERTS RULES OF ORDER ROBERTS RULES OF
ORDER ROBERTS RULES OF ORDER ROBERTS RULES OF ORDER

April 18, 2011

Planning Commission

Edward F. Giunta, II
Chair

Frank M. Chillura
Vice Chair

Derek L. Doughty
Member-at-Large

Jill Buford
Bruce P. Cury
Brian P. Hollands
Vivian M. Kitchen
Hung T. Mai
Gary D. Sears
Ray Young

Robert B. Hunter, FAICP
Executive Director

TABLE OF CONTENTS

	PAGE
1.0 <u>PURPOSE</u>	1
2.0 <u>DEFINITIONS</u>	1
2.1 EMERGENCY	1
2.2 EXECUTIVE COMMITTEE	1
2.3 GOOD CAUSE	1
2.4 INTERESTED PERSON	1
2.5 MEMBER(S)	1
2.6 EX OFFICIO MEMBER(S)	1
2.7 PUBLIC HEARING	1
2.8 REGULAR MEETING	2
2.9 SPECIAL MEETING	2
2.10 WORKSHOP	2
2.10.1 Public Participation Workshop	2
2.10.2 Planning Commission Workshop	2
3.0 <u>OFFICERS</u>	2
3.1 TENURE	2
3.2 SELECTION	2
3.3 VACANCY IN OFFICE	2
3.4 DUTIES	3
3.4.1 Chair	3
3.4.2 Vice-Chair	3
3.4.3 Member-at-Large	3
4.0 <u>COMMITTEES</u>	4
4.1 AD HOC COMMITTEES	4
4.2 PURPOSE OF AD HOC COMMITTEES	4
5.0 <u>MEETINGS</u>	4
5.1 SCHEDULE OF PLANNING COMMISSION MEETINGS	4
5.1.1 Regular Meetings	4
5.1.2 Special Meetings and Workshops	4
5.1.3 Public Hearings	4
5.1.4 Annual Meeting	5
5.2 SCHEDULE OF AD HOC COMMITTEE MEETINGS	5
5.3 NOTICE OF PLANNING COMMISSION AND AD HOC COMMITTEE MEETINGS	5
5.4 AGENDA OF MEETINGS	5
5.5 RULES OF ORDER	6
5.6 QUORUM	6

	PAGE
5.7 CONDUCT OF MEETING	6
5.7.1 Chair Participation	6
5.7.2 Form of Address	7
5.7.3 Public Participation	7
5.7.4 Limitation on Testimony	7
5.7.5 Motions	7
5.7.6 Voting	7
5.7.7 Reconsideration	7
5.8 ORDER OF BUSINESS AT MEETINGS	8
5.8.1 Regular Meetings	8
5.8.2 Special Meetings or Workshops	8
5.8.3 Public Hearings	9
5.8.4 Order of Consideration of Individual Agenda Items	9
5.9 OPEN MEETINGS	9
6.0 <u>ATTENDANCE</u>	10
6.1 ATTENDANCE STANDARDS	10
6.2 EXCUSAL FROM MEETINGS	10
6.3 FAILURE TO MEET ATTENDANCE STANDARDS	10
7.0 <u>MEMBERSHIP RESPONSIBILITIES</u>	10
7.1 COMPLIANCE WITH LAWS	10
7.2 REQUESTS FOR INFORMATION	10
7.3 COMPLIANCE WITH ADOPTED RULES AND STANDARDS	10
7.4 STATEMENTS BY MEMBERS	11
7.5 OATH OF OFFICE	11
8.0 <u>ADMINISTRATION</u>	12
8.1 POLICIES	12
8.2 STATUTES	12
8.3 STAFF	12
8.4 DEFENSE OF CLAIMS	13
8.4.1 Liability Insurance	13
8.4.2 Legal Assistance	13
9.0 <u>RULES OF CONSTRUCTION</u>	14
10.0 <u>AMENDMENT</u>	14
APPENDICES	
STANDARDS OF CONDUCT	APPENDIX A

BY-LAWS OF
THE HILLSBOROUGH COUNTY CITY-COUNTY PLANNING COMMISSION

- 1.0 PURPOSE: These *By-laws* are adopted by the Hillsborough County City-County Planning Commission, hereinafter called the "Planning Commission," to govern the performance of the Planning Commission's duties and to inform the public of the nature of the Planning Commission's internal organization, operations and other related matters.
- 2.0 DEFINITIONS:
- 2.1 EMERGENCY: Any occurrence or threat thereof, whether accidental or natural, caused by man, in war or in peace, which necessitates immediate action because it results or may result in substantial injury or harm to the population or the Planning Commission or substantial damage to or loss of property or public funds.
- 2.2 EXECUTIVE COMMITTEE: The Executive Committee shall consist of the Chair, Vice-Chair and Member-at-Large.
- 2.3 GOOD CAUSE: A substantial reason, which is put forward in good faith.
- 2.4 INTERESTED PERSON: Any person who has or may have or who represents any group or entity, which has or may have some concern, participation or relation to any matter, which will or may be considered by the Planning Commission.
- 2.5 MEMBER(S): The Members shall be the ten (10) voting Planning Commissioners appointed pursuant to Chapter 97-351, Laws of Florida.
- 2.6 EX OFFICIO MEMBER(S): Ex Officio Members shall serve on the Planning Commission as provided by law.
- 2.7 PUBLIC HEARING: A meeting of the Planning Commission convened for the purpose of receiving public testimony regarding a specific subject and for the purpose of taking action on amendment to or adoption of a comprehensive plan. A public hearing may be convened with less than a quorum present; however, no official action other than adjournment or continuation of the public hearing to another time may be taken unless a quorum is present.

- 2.8 REGULAR MEETING: The regularly scheduled meeting of the Planning Commission at which official business may be transacted.
- 2.9 SPECIAL MEETING: A meeting of the Planning Commission held at a time other than the regularly scheduled meeting time. Official business may be transacted at a special meeting.
- 2.10 WORKSHOP: A meeting where Members (including Ex Officio Members) are present to discuss a specific subject; however, no official action shall be taken at a workshop. A workshop may be convened with less than a quorum present. Two types of workshops may be convened:
- 2.10.1 A "Public Participation" workshop is the type where advance public notice is provided and the public is encouraged to attend and register to speak on the agenda.
- 2.10.2 A "Planning Commission" workshop is the type where advance public notice is provided, but the purpose of the workshop is to allow the Planning Commission to meet with staff to review and discuss various subjects.
- 3.0 OFFICERS: The Planning Commission shall have the following officers: a Chair, a Vice-Chair and a Member-at-Large. All officers shall be Members of the Planning Commission.
- 3.1 TENURE: All officers shall hold office for one (1) year or until a successor is elected. However, any officer may be removed by a majority of the total Members, (i.e., by six [6] votes).
- 3.2 SELECTION: At the regular meeting in November, the Members shall nominate one or more candidates to fill each office. Immediately following the close of nominations, the Planning Commission shall vote to fill each office, with the vote for each office being taken in the order in which candidates for that office were nominated, until one is elected. New officers shall take office immediately upon the conclusion of the election of officers.
- 3.3 VACANCY IN OFFICE: A vacant office shall be filled by the Planning Commission at its first regular meeting following the vacancy. The officer so elected shall serve the remainder of their predecessor's term in office.

3.4 DUTIES: The officers shall have the following duties:

3.4.1 Chair: The Chair shall:

- (a) Preside at all meetings of the Planning Commission.
- (b) Preside at Executive Committee meetings.
- (c) Establish such ad hoc committees as the Chair may deem necessary and appoint their members and chairs.
- (d) Call special meetings and workshops and public hearings.
- (e) Sign all contracts, resolutions, and other official documents of the Planning Commission, unless otherwise specified in the *By-laws* or *Policies of the Hillsborough County City-County Planning Commission*, hereinafter referred to as the *Policies*.
- (f) Express the position of the Planning Commission as determined by vote or consensus of the Members.
- (g) See that all actions of the Planning Commission are taken in accordance with the *By-laws, Policies, Code of Ethics, Code of Conduct*, applicable law and other Planning Commission policies.
- (h) Perform such duties as are usually exercised by the Chair of a commission or board, and perform such other duties as may from time to time be assigned by the Planning Commission.

3.4.2 Vice-Chair: The Vice-Chair shall, during the absence of the Chair or the Chair's inability to act, have and exercise all of the duties and powers of the Chair, and shall perform such other duties as may from time to time be assigned to the Chair by the Planning Commission.

3.4.3 Member-at-Large: The Member-at-Large shall, during the absence of both the Chair and the Vice-Chair or their inability to act, have and exercise all of the duties and powers of the Chair, and shall perform such other duties as may from time to time be assigned to the Chair by the Planning Commission.

4.0 COMMITTEES:

- 4.1 AD HOC COMMITTEES: An ad hoc committee shall consist of a committee chair, who shall be a Member of the Planning Commission, and at least two additional Members. The Chair may serve as a member of all ad hoc committees. All ad hoc committees shall have an expiration time identified by the Chair at the time of creation or shall dissolve at the expiration of the Chair's term.
- 4.2 PURPOSE OF AD HOC COMMITTEES: The purpose of establishing ad hoc committees is to facilitate the accomplishment of a specific task identified by the Chair at the time of the appointment. In order to assure that the Planning Commission as a whole will receive the benefit of its staff's independent professional planning judgment, ad hoc committee members shall not attempt to influence staff's professional recommendations.

5.0 MEETINGS:

5.1 SCHEDULE OF PLANNING COMMISSION MEETINGS:

- 5.1.1 Regular Meetings: Regular Meetings shall take place on the second Monday of each month and shall be held in the Board Room of the Planning Commission or at another suitable location designated by the Chair. If the regular meeting date shall fall on a legal holiday, then the regular meeting shall be held on the first (1st) or third (3rd) Monday (which is not a legal holiday), as determined by the Chair.
- 5.1.2 Special Meetings and Workshops: Special meetings and workshops shall be held at the call of the Chair or majority of officers. Special meetings and workshops shall convene at a time designated by the Chair and shall be held in the Board Room of the Planning Commission or at another suitable location designated by the Chair.
- 5.1.3 Public Hearings: Public hearings of the Planning Commission shall be held at a time designated by the Chair. If the matters to be heard are not completed by 10:00 P.M., then the public hearing shall be continued until a date and time certain. Upon appropriate motion, the Planning Commission may, at its option, extend the public hearing beyond 10:00 P.M. Public hearings shall be held in the

Board Room of the Planning Commission or at another suitable location designated by the Chair.

- 5.1.4 ANNUAL MEETING: Each November, prior to the election of officers, the Chair shall remind Members of the Planning Commission's Code of Ethics and Code of Conduct, as ascribed to by each Member in writing upon appointment, through the Oath of Office.
- 5.2 SCHEDULE OF AD HOC COMMITTEE MEETINGS: Each ad hoc committee shall meet at the call of the committee chair. Ad hoc committee meetings shall not be scheduled during the times reserved for Planning Commission meetings. Ad hoc committee meetings shall be held at the offices of the Planning Commission or another suitable location designated by the committee chair.
- 5.3 NOTICE OF PLANNING COMMISSION AND AD HOC COMMITTEE MEETINGS: The Executive Director of the Planning Commission shall be responsible for providing written public notice of all Planning Commission meetings. Except in case of emergencies, written notice of any meeting shall be given at least five (5) days prior to the meeting. In case of emergency, notice of such meeting shall be given to each Member (including Ex Officio Members) as far in advance of the meeting as possible and by the most direct means of communication. In addition, notice of such emergency meeting shall be given to the media, utilizing the most practicable method. Written notice of any meeting shall state the date, time and place of the meeting, a brief description of the agenda for the meeting, and shall be provided in accordance with the requirements of Florida law.
- 5.4 AGENDA OF MEETINGS: The agenda for all meetings of the Planning Commission shall be established by the Chair with the assistance of the Executive Director. Members or the Executive Director may request that an item be placed on the agenda by communicating such request to the Chair or the Executive Director at least seven (7) days prior to the meeting date. The Chair shall consider with the Executive Director on a month to month basis whether there shall be a consent agenda.

The agenda for each ad hoc committee meeting shall be established by the committee chair and shall be prepared by the Executive Director. Members of an ad hoc committee or the Executive Director may request that an item

be placed on an ad hoc committee agenda by communicating such request to the committee chair or the Executive Director at least seven (7) days prior to the committee meeting date.

The agenda shall list the items in the order they are to be considered. For good cause stated in the record, items on the agenda may be considered out of the stated order with the approval of the Chair. The agenda for any Planning Commission or ad hoc committee meeting shall be delivered to the respective Members at least five (5) days prior to the meeting date and shall be mailed or delivered to the media and other interested persons at that time, except in case of an emergency meeting, where the agenda will be provided to Members, the media and interested parties as far in advance of such meeting as practicable.

5.5 RULES OF ORDER: Except where they are inconsistent with the *By-laws*, *Roberts Rules of Order* shall be used for the conduct of all Planning Commission and ad hoc committee meetings.

5.6 QUORUM: A simple majority of Members shall constitute a quorum for the transaction of business at all regular and special meetings and public hearings. Public hearings may be conducted with less than a quorum, but no action shall be taken unless a quorum is present. When a quorum is present, a majority of the Members present may take action on matters properly presented at the meeting, unless a larger vote is required by the *By-laws*, the *Policies* or applicable statutes. Workshops, both types, may be conducted with less than a quorum, but no official action may be taken in a workshop. A majority of the Members present, whether or not a quorum exists, or the Executive Director at the direction of the Chair, may adjourn or continue any meeting to another time.

5.7 CONDUCT OF MEETING:

5.7.1 Chair Participation: The presiding Chair shall not be deprived of any rights and privileges by reason of being presiding Chair, but may move or second a motion only after the gavel has been passed to the Vice-Chair, Member-at-Large or another Member.

5.7.2 Form of Address: Each Member shall address only the presiding Chair for recognition; and shall confine their remarks to the question under debate.

- 5.7.3 Public Participation: Any member of the public may address the Planning Commission at a regular or special meeting, public hearing, or public participation type workshop, after signing in with the Executive Director for a specific item. When recognized by the Chair, a member of the public shall state their name, address, the person on whose behalf they are appearing and the subject of their testimony. Each member of the public shall limit their presentation to three (3) minutes unless otherwise authorized by the Chair.
- 5.7.4 Limitation of Testimony: The Chair may rule testimony out of order if it is redundant, irrelevant, indecorous or untimely.
- 5.7.5 Motions: The Chair shall restate motions before a vote is taken and shall state the maker of the motion and the name of the supporter.
- 5.7.6 Voting: Voting shall be by voice, as a group, but a Member shall have their vote recorded in the minutes of the meeting if so desired. A roll call vote shall be taken if any Member so requests. Any Member may give a brief explanation of their vote. A tie vote shall result in failure of a motion.
- 5.7.7 Reconsideration: A motion to reconsider an item on which a vote has been taken may be made only by a Member who voted with the prevailing side. The motion to reconsider must be made on the day the vote to be reconsidered was taken, or at the next succeeding meeting of the same type as the meeting at which the vote to be reconsidered was taken (i.e., at the next succeeding regular meeting if the vote to be reconsidered was taken at a regular meeting). To be in order, the motion to reconsider must be made under the consideration of old business. Adoption of a motion to reconsider requires the approval of at least a simple majority of the votes cast. If a motion to reconsider is adopted, the Members shall consider the need for additional notice to interested persons before a vote is taken on the item being reconsidered. In the event the vote subject to the motion for reconsideration was taken at a special meeting or a public hearing for which no subsequently scheduled meeting will provide an opportunity for reconsideration of the item, then the motion may be made at the next regular meeting in the manner provided.

5.8 ORDER OF BUSINESS AT MEETINGS: The order of business shall be determined by the Chair; however, the following is provided as a guide.

5.8.1 Regular Meetings:

- (a) Chair explains purpose and order of meeting.
- (b) Invocation and Pledge of Allegiance.
- (c) Roll call.
- (d) Approval of minutes of prior meetings.
- (e) Public input of items not on the agenda.
- (f) Consideration of individual agenda items.
- (g) Consideration of administrative items.
- (h) Presentation of the Executive Director's Report.
- (i) Presentation of the Chair's Report.
- (j) Consideration of individual agenda items under old business.
- (k) Consideration of individual agenda items under new business.
- (l) Presentation of ad hoc committee reports.
- (m) Adjournment.

(Note: see §5.8.4 for order of consideration of individual agenda items)

5.8.2 Special Meetings or Workshops:

- (a) Invocation and Pledge of Allegiance.
- (b) Roll call.
- (c) Chair explains purpose and order of special meeting or workshop.
- (d) Consideration of individual agenda items.
- (e) Adjournment.

(Note: see §5.8.4 for order of consideration of individual agenda items)

5.8.3 Public Hearings:

- (a) Invocation and Pledge of Allegiance.
- (b) Roll call.
- (c) Chair explains purpose and order of meeting.
- (d) Consideration of individual agenda items.
- (e) Adjournment.

(Note: see §5.8.4 for order of consideration of individual agenda items)

5.8.4 Order of Consideration of Individual Agenda Items: The order of consideration of any individual agenda item shall be as follows unless otherwise authorized by the Chair:

- (a) Chair introduces item.
- (b) Staff presents its report (fifteen [15] minutes).
- (c) Applicant makes a presentation (fifteen [15] minutes).
- (d) Proponents are heard (three [3] minutes each).
- (e) Opponents are heard (three [3] minutes each).
- (f) Applicant presents rebuttal (three [3] minutes). The applicant may also reserve time from their fifteen (15) minute presentation in (c) above for the purpose of rebuttal.
- (g) Planning Commission Members ask questions.
- (h) Motion is made, seconded and debated. The Chair may limit debate to a time frame that the Chair specifies.
- (i) Vote is taken.

The Chair may expand all time limitations established by this section.

5.9 OPEN MEETINGS: All Planning Commission meetings and all meetings of ad hoc committees are open to the public except for attorney-client privileged meetings, all as provided by Florida's Government-in-the-Sunshine Law, *Chapter 286, Florida Statutes*.

6.0 ATTENDANCE: Members are expected to attend all meetings of the Planning Commission.

6.1 ATTENDANCE STANDARDS: No Member shall miss three (3) meeting days of any type, per fiscal year, excluding workshops, without excuse by the Chair.

6.2 EXCUSAL FROM MEETINGS: Each Member who knows that their attendance at a meeting will not be possible, shall notify the Executive Director of the anticipated absence and the reason therefor. The Executive Director shall communicate this information to the Chair who may excuse the absent Member for good cause.

6.3 FAILURE TO MEET ATTENDANCE STANDARDS: If a Member fails to meet attendance standards, the Planning Commission shall declare the Membership position vacant, notify the appropriate governing body of the vacancy and request that the governing body appoint a new Member.

7.0 MEMBERSHIP RESPONSIBILITIES:

7.1 COMPLIANCE WITH LAWS: All Members (and Ex Officio Members) shall comply with the applicable provisions of the *Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes*.

7.2 REQUESTS FOR INFORMATION: A Member request for information shall be made to the Executive Director, who shall promptly coordinate provision of the requested information as described in the Planning Commission *Policies*. The Executive Director shall provide a copy of the requested information to all Members.

7.3 COMPLIANCE WITH ADOPTED RULES AND STANDARDS: Members shall comply with the By-Laws, Policies, Standards of Conduct, and other rules or guidelines adopted by the Planning Commission, defining the manner in which they will perform the duties of their office. If a written complaint is received, the complaint shall be forwarded to the Planning Commission attorney, who shall determine whether the complaint alleges any violation relating to Chapter 112, Part III, Florida Statutes, and if so, the attorney shall advise the complaining party that such complaints must be directed to the Florida Commission on Ethics. All complaints not relating to Chapter 112, shall be reviewed by the Executive Committee, at a

duly noticed meeting, which shall report its findings and recommendations to the Planning Commission at a regular meeting. At the Executive Committee meeting, both the complaining party and the party subject to the complaint may submit written statements and relevant documents for review, and each shall have the opportunity to address the Executive Committee on the subject matter of the complaint, for a period of time not to exceed 15 minutes, following which the Executive Committee shall discuss the matter and make findings and recommendations by majority vote. No public comment shall be taken at the Executive Committee meeting. In the event a member of the Executive Committee is named in the complaint, such member shall be recused from participating, and the immediate past chair or the Member with the most seniority, in that order of priority, shall serve on the Executive Committee in place and stead of the recused member. The Planning Commission, upon receipt and discussion of the Executive Committee's findings and recommendations, may take such action as it deems appropriate, which may include, without limitation, issuing a censure or reprimand and a written report to the appointing authority. The Standards of Conduct may be amended from time to time by a vote of two-thirds of the Members. The Standards of Conduct shall be published in conjunction with the Planning Commission By-laws.

7.4 STATEMENTS BY MEMBERS: Members will from time to time be asked to give their opinions regarding matters, which have been or will be considered by the Planning Commission. No Member shall be prohibited from stating their individual opinion on any matter; however, in doing so, each Member shall take care to make clear that the opinion expressed is their own, and does not constitute the official position of the Planning Commission.

7.5 OATH OF OFFICE: Following appointment, a Member shall be administered the Planning Commissioner Oath of Office, as follows:

"I, (name), a Planning Commission appointee of the (local government name), do solemnly swear or affirm that I will faithfully perform the duties of my appointed office, and will support and honor to the best of my ability all applicable laws of the State of Florida, Hillsborough County, (the City of *name if applicable*) as well as the by-laws, beliefs, vision, mission,

policies, procedures, and standards of conduct of the Hillsborough County City-County Planning Commission. I hereby through this oath affirm that I will perform the duties of this public trust in a fair, equitable and ethical manner befitting the dignity and responsibilities of the office.

Planning Commissioner Signature
Planning Commissioner Printed Name

Sworn before me this ____ day of _____, 20_

Name (Clerk of the Court or Designee) Seal

Witness

8.0 ADMINISTRATION: The Planning Commission may adopt rules for the transaction of business and the orderly meeting of its responsibilities. The administration of Planning Commission activities shall be accomplished through official actions of the Planning Commission in accordance with the following guidelines:

- 8.1 **POLICIES**: The Planning Commission shall adopt, by a vote of a two-thirds majority of the Members, *Policies* to guide the administration of the Planning Commission. The *Policies* shall be published in conjunction with the *By-laws*. The *Policies* may be amended from time to time by a vote of a two-thirds majority of the Members.
- 8.2 **STATUTES**: The Planning Commission shall abide by legislation authorizing and specifying its duties and functions and all other requirements of Florida law.
- 8.3 **STAFF**: The staff of the Planning Commission shall consist of the Executive Director and such additional employees as authorized by the Planning Commission. The staff shall be directed by the Executive Director. The Executive Director shall serve solely at the pleasure of the Planning Commission.

8.4 DEFENSE OF CLAIMS: The Planning Commission shall defend, save and hold harmless from, and indemnify each Member, including all ex officio members of the Planning Commission (collectively, the "Commissioner(s)" for purposes of this Section), from and against any action in tort or for any injury or damage suffered as a result of any act, event or omission of action occurring within the scope of his or her official duties as a Commissioner to the extent permitted by Florida law and availability of funding, provided such action, injury, damage or harm is not the result of conduct outside the course and scope of his or her official duties as a Commissioner, or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for human rights, safety or property.

8.4.1 The Executive Director shall obtain and maintain public liability insurance with directors and officers insurance coverage ("D&O" Insurance) for the protection and benefit of the Commissioners, in such amounts as are determined to be sufficient from time to time by a majority of the Members. The D&O Insurance coverage required by this Section is not intended to replace any other protective measures, insurance, policy of indemnification or offer to defend such claims made available from or provided by the jurisdiction or unit of government (the "Appointing Authority") appointing such Commissioner(s) to serve on the Planning Commission, or any statutory right, benefit or protection, but is provided by the Planning Commission to supplement such other protections.

8.4.2 In the event of any claim or allegation of wrong doing ("claims") against a Commissioner for which D&O Insurance is denied, and for which the Appointing Authority fails or refuses to defend, the Planning Commission shall consider the request by such Commissioner for legal assistance, and may authorize the retention of special and/or independent counsel to defend the claims, provided the claims are related to conduct within the scope of the official duties of the Commissioner. Nothing in this Section shall be construed to alter or amend the provisions of Section 111.07, Florida Statutes, or any subsequent or other provision of Florida law governing payment for the defense of public officers and officials.

- 9.0 RULES OF CONSTRUCTION: The following rules apply to the text of this document.
- 9.1 The particular controls the general.
- 9.2 The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- 9.3 Words used in the present tense include the future; words used in the singular number shall include the plural and the plural the singular unless the context clearly indicates the contrary.
- 9.4 Words not defined shall have the meaning commonly ascribed to them.
- 10.0 AMENDMENT: The *By-laws* may be amended by a two-thirds majority vote of the Members. Any amendment shall be proposed at a regular meeting and voted upon at the next regular meeting of the Planning Commission.

The performance of the Planning Commission and commitment of each Planning Commissioner in meeting these Standards of Conduct is affirmed by the following signatures:

APPENDIX A

STANDARDS OF CONDUCT

HILLSBOROUGH COUNTY CITY-COUNTY PLANNING COMMISSION

RECOGNIZING THAT PERSONS HOLDING A POSITION OF PUBLIC TRUST ARE UNDER CONSTANT OBSERVATION, AND RECOGNIZING THAT MAINTAINING THE INTEGRITY AND DIGNITY OF THE PUBLIC OFFICE IS ESSENTIAL FOR MAINTAINING HIGH LEVELS OF PUBLIC CONFIDENCE IN OUR INSTITUTIONS OF GOVERNMENT AND IN THE IMPARTIALITY OF THE PLANNING COMMISSION, EVERY COMMISSIONER PLEDGES TO ADHERE TO THE FOLLOWING STANDARDS OF CONDUCT. THE FLORIDA CODE OF ETHICS SHALL DETERMINE ANY QUESTION RELATING TO VIOLATIONS OF CHAPTER 112, PART III, FLORIDA STATUTES.

1. Regularly attend all scheduled meetings of the Planning Commission as well as special or called meetings relevant to the office.
2. Prepare for each meeting.
3. Create a positive environment in meetings of the Planning Commission.
4. Maintain an attitude of courtesy and consideration toward colleagues, citizens and staff during all discussions and deliberations.
5. Allow citizens, colleagues and staff sufficient opportunity to present their views, within the prescribed rules for conduct of meetings of the Planning Commission.
6. Avoid the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens or staff.
7. Avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest.
8. Respect all local, state and federal laws, rules and other regulations.
9. Publicly acknowledge the adopted position when asked about a decision of the Planning Commission.
10. Not engage in harassing behavior or unwelcome conduct of a sexual nature towards other Planning Commissioners, employees, clients or citizens.
11. Members shall uphold the prestige of their office, and avoid impropriety and the appearance of impropriety.
12. Members shall not convey the impression that they are in a position to influence the outcome of a decision of the Planning Commission, and shall not attempt to use their office to influence or sway the professional staff recommendation.

13. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group. Members shall not allow personal or business relationships to impact upon their conduct or decisions in connection with Planning Commission business and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates. This provision is not intended to prevent any Member from joining or having an affiliation with any business, professional, or special interest organization.

14. Members shall avoid creating the appearance of impropriety by refraining from engaging in private discussions with the applicant or their representatives or any member of the public or interested party about specific upcoming Planning Commission agenda items. If a Member receives a private written, telephonic or electronic communication about an agenda item, the Member will promptly forward the information to the Executive Director so that it may be shared with all other Members. Members shall refrain from any private discussion of Planning Commission business with other Members per the requirements of Florida's Government-in-the-Sunshine Law, Chapter 286, Florida Statutes.

15. Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding or possibility that it will influence the official action of the Member during Planning Commission proceedings. The same standard shall apply to a gift, loan, favor, etc. for the spouse, child or relative or business partner of the Member. Chapter 112, Florida Statutes, shall govern all determinations of violations under this paragraph.

16. Members shall not solicit funds from any other Member or the Planning Commission's staff in support of any person's campaign for election to local or state public office.

17. Members should refrain from participating in any proceeding in which their impartiality may reasonably be questioned. A Member whose personal, employment or business relationship with a person or entity that is subject to a recommendation of the Planning Commission shall seek the advice and counsel of the Planning Commission Attorney, if such relationship could conceivably influence the Member's impartiality during the Planning Commission's discussion of the subject. The provisions of Chapter

112, Florida Statutes, the Code of Ethics for Public Officers and Employees, shall govern conflict of interest determinations.

18. Members shall remain vigilant against deviations from Planning Commission By-laws, Policies and mission statement.

The performance of the Planning Commission and commitment of each Planning Commissioner in meeting these Standards of Conduct is affirmed by the following signatures: