

RESOLUTION NO. 2023-R-_____

SEMINOLE COUNTY, FLORIDA

RESOLUTION

of the

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

AMENDING THE SEMINOLE COUNTY ADMINISTRATIVE CODE; AMENDING APPENDIX A (OPERATING POLICIES & PROCEDURES OF THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS); PROVIDING FOR REVISION TO THE REGULAR MEETING PROVISIONS AT SECTION 2.35 AND THE WORK SESSION MEETING PROVISIONS AT SECTION 2.40 TO MODIFY TIMES AND DATES OF SUCH MEETINGS; PROVIDING FOR REVISION TO SECTION 2.85 REQUIRING APPLICANT TO PAY FOR ADVERTISING COSTS OF APPLICANT CONTINUANCE REQUESTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Seminole County Administrative Code needs to be amended from time to time to reflect changes in the administration of county government; and

WHEREAS, Seminole County has established the organizational and administrative support structure for the Board of County Commissioners and operating procedures for meetings of the Board; and

WHEREAS, these matters require refinement to provide superior service to the Board of County Commissioners and residents of Seminole County; and

WHEREAS, the Board desires to revise the regular meetings and work sessions start times and meeting days to reflect current practices; and

WHEREAS, on February 8, 2023, the Fourth District Court of Appeals of Florida rendered a decision in Testa v. Town of Jupiter Island, 2023 WL 1808293 (2023), which held that for a local government board action to be valid in a matter continued to a time and date certain, that continued hearing date must be advertised with the same formality as required for the original hearing; and

WHEREAS, until either the Fifth District Court of Appeals of Florida or the Florida Supreme Court rules otherwise or the Florida Legislature provides a law to the contrary, it is in the best interest of Seminole County to follow the decision in the Testa case and provide advertisement of a matter continued to a time and date certain by the Board of County Commissioners (Board) with the same formality as required for the original hearing; and

WHEREAS, there is a cost associated with advertising a continued matter which is not contemplated in the initial application fee; and

WHEREAS, the Board's Operating Policies and Procedures allow for an applicant to request a continuance of a matter before the Board; and

WHEREAS, it is fair and equitable to amend the Board's Operating Policies and Procedures to provide that when a continuance is requested by an applicant that the applicant pay for the cost of advertising the continued hearing.

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

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings of the Seminole County Board of County Commissioners supporting the need for this Resolution.

Section 2. Section 2.35 of Appendix A (Operating Policies & Procedures of the Seminole County Board of County Commissioners) to the Seminole County Administrative Code is hereby amended as shown on Exhibit A attached to this Resolution.

Section 3. Section 2.40 of Appendix A (Operating Policies & Procedures of the Seminole County Board of County Commissioners) to the Seminole County Administrative Code is hereby amended as shown on Exhibit B attached to this Resolution.

Section 4. Section 2.85 of Appendix A (Operating Policies & Procedures of the Seminole County Board of County Commissioners) to the Seminole County Administrative Code is hereby amended as shown on Exhibit C attached to this Resolution.

Section 5. This Resolution will become effective upon adoption by the Board of County Commissioners.

ADOPTED this _____ day of _____, 20____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

By: _____
AMY LOCKHART, Chairman

Attachment

Exhibit A – Section 2.35 of Appendix A to the Seminole County Administrative Code
Exhibit B – Section 2.40 of Appendix A to the Seminole County Administrative Code
Exhibit C – Section 2.85 of Appendix A to the Seminole County Administrative Code

PHC/sjs
4/21/23
T:\CAO Protected\Admin Samples\Admin Resolutions Drafts\2023 Reso Appendix A draft Apr21(23).docx

Exhibit A

2.35 REGULAR MEETINGS. Unless otherwise noticed, the Board shall hold regular business meetings on the second and fourth Tuesdays of each month commencing at ~~9:30~~ 9:00 am. Regular meetings may be otherwise postponed or canceled by a majority consensus of the Board. When a regular meeting day falls on a legal holiday observed by the County, the regular meeting of the Board shall be held on the following day at the same time and place or on such date, time and place approved by the Board and noticed accordingly.

Exhibit B

2.40 WORK SESSION MEETINGS. In order to build consensus among the Commissioners, it is frequently advantageous for the Board to discuss in detail an issue or issues under its consideration without taking action. In such situations, the Board may hold a work session meeting.

A. Unless otherwise noticed, work session meetings shall generally occur on the ~~third~~ second Tuesday of the month, commencing at ~~9:30~~ 9:00 am. ~~Work session meetings may be postponed or canceled at the discretion of the County Manager, in consultation with the Chairman, or by a majority consensus of the Board.~~ The County Manager and/or the Board may designate additional work session meetings at any time during the month, including regular meetings and non regular days. When so designated, that meeting date, or portion thereof, shall be publicly noticed as a work session meeting.

B. Although the primary purpose of a work session meeting is open discussion, fact finding and consensus building, formal action may be taken by the Board at work session meetings, provided the subject matter of the proposed action is specifically noticed as a work session topic or that the specific action item was included in the work session meeting notice.

C. The conduct of public comment at a work session meeting shall follow that prescribed by Section 2.175 of these procedures, unless modified by the Chairman.

D. An agenda of the order of business at the work session meeting shall be prepared by the County Manager and made available to the public at least seven (7) calendar days before the work session meeting.

Exhibit C

2.85 CONTINUING AGENDA ITEMS.

A. APPLICANT CONTINUANCE REQUESTS.

(1) Any request from an applicant to continue a public hearing or other agenda item must be made in writing, with justification, and submitted by the applicant (or the appellant in the case of an appeal) to the County Manager's Office not later than 48 hours before the scheduled public hearing or other agenda item.

(2) A maximum of two continuances may be granted by request of the applicant/appellant. If the applicant/appellant is not prepared to present after two continuances, the application must be withdrawn and resubmitted to start the process over, including a new application fee. The Board may, by a majority vote, waive this limitation when it finds extenuating circumstances exist.

(3) Requests for continuances are not automatically granted, and the applicant/appellant, or its representative, should be in attendance at the meeting at which the public hearing or other agenda item is scheduled and be prepared for the Board to consider and act upon the item in question.

(4) The County may, either by a majority vote of the Board or through the issuance of an Executive Order, waive any of the provisions contained herein governing applicant continuance requests in conjunction with a declared Local state of Emergency.

(5) Upon the applicant's request for a continuance being granted by the Board, the applicant shall be required to pay to the County the cost of advertising the continued hearing as follows:

(a) For applications requiring a legal ad, new placards and notices a flat fee of \$450.00.

(b) For applications requiring a display ad, new placards and notices a flat fee of \$600.00.

The applicant shall provide payment to the County within ten (10) business days of the continuance being granted by the Board. Failure by the applicant to timely provide payment for the advertising of the continued hearing shall be deemed a withdrawal of the application.

B. ADMINISTRATIVE CONTINUANCES. The Board may on the recommendation of the County Manager, the recommendation of the County Attorney, or on its own, determine that circumstances exist which make the continuation of a public hearing or other agenda item in the best interest of the public.

(1) In such instances, the Board may:

(a) Continue the public hearing or other agenda item to a date certain; or

(b) Continue the public hearing or other agenda item indefinitely.

C. CONTINUANCE OF THE ENTIRE AGENDA. In cases of emergency or other extenuating circumstances, the Board may determine that all scheduled agenda item(s) will be continued. Under such circumstances, the County Manager or the County Attorney, as agreed

between them on a case by case basis, are authorized to convene the Board meeting and announce its continuance to the alternative date and adjourn the meeting.

D. The County Manager is directed to ensure that additional and supplemental notice of continued items occurs, when deemed appropriate, in order that the public will be fully advised of any continuances that may occur under the factual scenarios described in this Section.