

Hillsborough County
City-County
Planning Commission

By-laws

of the

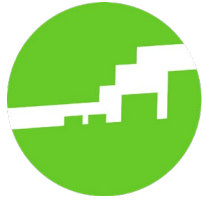
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October 10, 2016 Revised August 14, 2023



**Hillsborough County
City-County
Planning Commission**

Planning Commission

Chair

Nigel Joseph

Vice Chair

Matthew Buzza

Member-At-Large

Karen Kress

Steven Bernstein

Bryce Bowden

Giovanny Cardenas

Steven Fernandez

Vivienne Handy

Jess Louk

Hemant Saria

Michelle Orton, Ex-Officio

Tony Rodriguez, Ex-Officio

Executive Director

Melissa Zornitta



**Hillsborough County
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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 COMMISSIONER: The Members and Ex Officio Members of the Planning Commission.
- 2.2 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.
- 2.3 EXECUTIVE DIRECTOR: The Executive Director shall be the chief administrative officer of the Planning Commission.
- 2.4 EX OFFICIO MEMBER(S): Ex Officio Members shall serve on the Planning Commission as provided by law.
- 2.5 GOOD CAUSE: A substantial reason, which is put forward in good faith.
- 2.6 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.
- 2.7 MEMBER(S): The Members shall be the ten (10) voting Planning Commissioners appointed pursuant to Chapter 97-351, Laws of Florida.
- 2.8 MPO MEMBER: The MPO Member shall be the Member elected by the Planning Commission to serve as a member of the governing board of the Metropolitan Planning Organization.

- 2.9 MPO ALTERNATE: The MPO Alternate shall be the Member elected by the Planning Commission to serve as an alternate, in place of the MPO Member, whenever the MPO Member is unable to attend meetings.
- 2.10 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.
- 2.11 REGULAR MEETING: The regularly scheduled meeting of the Planning Commission at which official business may be transacted.
- 2.12 SPECIAL MEETING: A meeting of the Planning Commission, including emergency meetings, held at a time other than the regularly scheduled meeting time. Official business may be transacted at a special meeting.
- 2.13 WORKSHOP: A meeting where Commissioners 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:
- 2.12.1 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.
- 2.12.2 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 October, the Executive Director shall (i) solicit information from each Member regarding such Member's desire to hold elected office during the coming year, and the particular office or offices of interest to each Member (the "Statements of Interest"); and (ii) distribute a summary or copies of the Statements of Interest to the Planning Commission, showing those interested in holding office. Subsequently, at the regular meeting in November, the information obtained from the Statements of Interest shall constitute the initial list of nominees for each office, and the names of all such nominees shall be listed on the ballot for each office in alphabetical order. The ballot shall also contain a blank space for nominations from the floor. Upon receiving further nominations, if any, the Chair shall declare the nominations for each office closed. The Members of the Planning Commission shall cast written ballots for each office. The Planning Commission attorney shall read the ballots and announce the results for each office. 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) Appoint members and chairs of standing committees, except as otherwise provided in these Bylaws.
 - (d) Establish any ad hoc committee(s) the Chair may deem necessary and appoint the members and chair(s).
 - (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, Standards 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 STANDING COMMITTEES:

4.1.1 EXECUTIVE COMMITTEE: The Executive Committee shall be composed of the Chair, Vice-Chair and Member-at-Large, and shall have the duties designated by the By-laws, and such other duties as are approved from time to time by a majority of the Members of the Planning Commission.

4.1.2 BUDGET COMMITTEE: The Chair shall appoint the members of the Budget Committee and the committee chair following the election of officers each year, and the committee shall assist the Executive Director annually or as necessary to develop budget proposals for submittal to the County. Committee members shall serve until their replacements are designated.

4.1.3 PUBLIC INFORMATION COMMITTEE: The Chair shall appoint the members of the Public Information Committee and the committee chair following the election of officers each year. The committee shall assist and provide recommendations to the Executive Director concerning public information programs and outreach efforts of the Planning Commission to the general public, including, without limitation, the

annual Community Design Awards Program. Committee members shall serve until their replacements are designated.

- 4.2 AD HOC COMMITTEES: The Chair may appoint ad hoc committees from time to time, as needed, which shall consist of at least three (3) of the Members. All ad hoc committees shall have an expiration time identified by the Chair at the time of creation or shall dissolve upon expiration or termination of the Chair's term. Ad hoc committees are intended to facilitate the accomplishment of a specific task identified by the Chair at the time of the appointment.
- 4.3 STAFF INDEPENDENCE: To assure that the Planning Commission as a whole will receive the benefit of its staff's independent professional planning judgment, 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 may 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 the Members. 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 Standards of Conduct, as ascribed to by each Member in writing upon appointment, through the Oath of Office.
- 5.2 SCHEDULE OF COMMITTEE MEETINGS: Each committee shall meet at the call of the committee chair. Committee meetings shall not be scheduled during the times reserved for Planning Commission meetings. 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 COMMITTEE MEETINGS: The Executive Director of the Planning Commission shall be responsible for providing public notice of all Planning Commission meetings. Except in case of emergencies, public notice for any meeting shall be given at least seven (7) days prior to the meeting. In case of an emergency, notice of such meeting shall be given to each Commissioner as far in advance of the meeting as possible and by the most direct means of communication. In addition, public notice for an emergency meeting shall be posted not less than 24 hours before the meeting. Notice for any meeting shall state the date, time and place of the meeting, a brief description of the agenda for the meeting, and at a minimum, shall be posted on the Planning Commission's web site, at its offices, and 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 Executive Director with the assistance of the Chair. Commissioners may request that an item be placed on the agenda by communicating such request to the Executive Director at least fourteen (14) days prior to the meeting date.

The agenda for committee meetings shall be established by the committee chair and prepared by the Executive Director. Committee members and the Executive Director may request that an item be placed on a committee meeting 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 for any Planning Commission or committee meeting shall be delivered to the respective members at least five (5) days prior to the meeting date, and shall be posted to the Planning Commission's web site at that time.

In the special case of an emergency meeting, the agenda will be provided to the Commissioners and posted on the web site at the earliest practical time. The agenda for any such meeting shall list the items in the order they are to be considered. For good cause stated in the record, the Chair may change the stated order at the meeting.

5.5 RULES OF ORDER: Except where inconsistent with the *By-laws, Roberts Rules of Order* shall govern the conduct of all Planning Commission and 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: Prior to official action being taken on any proposition coming before the Planning Commission (excluding ministerial actions, such as approval of minutes, proclamations or other exemptions prescribed by law), any member of the public shall be afforded the opportunity to be heard by the Planning Commission at a regular, special or emergency meeting, public hearing, or in a public participation type workshop. Members of the public shall sign in to speak on agenda items, and for each agenda item, when recognized by the Chair, shall state their name, address,

the person or entity on whose behalf they are appearing, and the subject of their testimony. In the case of new business or other matters requiring official action, not otherwise scheduled on the meeting agenda, the Chair shall invite public comment prior to the Planning Commission taking official action. Presentations by members of the public shall be limited to three (3) minutes, unless otherwise authorized by the Chair.

Physical Attendance Required: On all agenda items coming before the Planning Commission for a decision-action, whether publicly or privately initiated, the applicant or its designated representative shall physically attend the meeting and present the matter for consideration. Failure to comply with the attendance requirement shall automatically result in a continuance of the agenda item to the next regular meeting of the Planning Commission. In the case of a Plan Amendment without sufficient time remaining for Planning Commission and local government review during the pending cycle, the Plan Amendment shall automatically be continued to the next cycle, and such an event shall constitute a “continuance” initiated by the applicant. The applicant’s ancillary consultants and/or representatives, and interested members of the public, may attend and participate in the meeting virtually or by telephone conference call, as permitted by the Planning Commission and applicable law.

- 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 for 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 committee reports.
- (m) Adjournment.

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

5.8.2 Special Meetings:

- (a) Chair explains purpose and order of the Special Meeting.
- (b) Invocation and Pledge of Allegiance.
- (c) Roll call.
- (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 and Workshops:

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

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

5.8.4 Consideration of Individual Agenda Items requiring action: 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, workshops and committee meetings 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 physically 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 Commissioners shall comply with the applicable provisions of Florida law, including, without limitation, the *Code of Ethics for Public Officers and Employees*, Chapter 112 (Part III), Florida Statutes; Chapter 119, Florida Statutes (Public Records); and Chapter 286, Florida Statutes (Sunshine law).
 - 7.2 REQUESTS FOR INFORMATION: A Commissioner may request information from 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 Commissioners.

7.3 COMPLIANCE WITH ADOPTED RULES AND STANDARDS: Commissioners 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 may allege 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 in a fair, equitable, ethical and dignified manner, and in compliance with all applicable laws of the State of Florida, (Hillsborough County or City, as applicable), and the practices and procedures established by the Planning Commission.

Planning Commissioner Signature

Planning Commissioner Printed Name

Sworn before me this ____ day of _____, 20____.

Name (Clerk of the Court or Designee)

Seal

Witnesss

8.0 APPOINTMENTS TO BOARDS, COUNCILS AND COMMITTEES

8.1 APPOINTMENT OF A CITIZEN VOLUNTEER TO THE METROPOLITAN PLANNING ORGANIZATION CITIZEN ADVISORY COMMITTEE:

8.1.1 SOLICITATION OF QUALIFIED CANDIDATES: The Planning Commission staff shall solicit and publish a press release (and post notice on the web site) requesting interested individuals to submit an application for appointment to the Metropolitan Planning Organization Citizen Advisory Committee ("MPO-CAC").

8.1.2 CANDIDATE QUALIFICATIONS: At a minimum, qualified candidates shall be registered voters in Hillsborough County, and residents of the State of Florida. Candidates may not serve on any other transportation related County or municipal committee or board during the term of the appointment. Candidates shall timely submit a signed and completed application form. If the submittal is

not complete, the application shall be rejected. The Executive Director, with assistance from the Planning Commission Attorney, shall prepare the Application form for approval by the Planning Commission. Subsequent changes to the application form shall be approved from time to time by the Planning Commission.

8.1.3 PRELIMINARY REVIEW: The Executive Director and Executive Committee shall review the applications at a Workshop and recommend the top three candidates to the Planning Commission. In the event no more than three applications are received, all applications shall be reviewed by the Planning Commission.

8.1.4 PRESENTATION AND FINAL REVIEW: The candidates in consideration shall be invited to make a three minute presentation to the Planning Commission concerning their qualifications and interest in being appointed to the MPO-CAC.

8.1.5 APPOINTMENT: The appointment to the MPO-CAC shall be for a two year term and shall be approved by a majority of at least six (6) votes of the Members of the Planning Commission. After each round of voting, the candidate with the lowest number of votes shall be eliminated.

8.1.6 VACANCY: Should a vacancy occur, the Planning Commission shall follow the same procedures and the appointed candidate shall serve the remainder of the current term.

8.1.7 TERMINATION: The appointee shall serve at the will of the Planning Commission and may be removed from their appointment at any time for any reason or no reason.

8.1.8 STATUS REPORTS: The appointee shall provide a timely oral or written status report to the Planning Commission following each MPO-CAC meeting. The report shall provide a summary of the events occurring at the meeting.

8.2 APPOINTMENT TO GOVERNING BOARD OF THE METROPOLITAN PLANNING ORGANIZATION: At the regular meeting in November, the Members of the Planning Commission shall elect a Member to serve as an MPO Member and an MPO Alternate. The process for election and the

tenure for the appointment shall be the same as for election of officers, pursuant to Sections 3.1 and 3.2 above. The election shall take place immediately following the election of officers, and each position shall be separately elected. Should the MPO Member or the MPO Alternate become unable to serve or cease to be a Member, the Planning Commission shall fill the vacancy at a regular meeting for the remaining term.

9.0 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:

9.1 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.

9.2 STATUTES: The Planning Commission shall abide by legislation authorizing and specifying its duties and functions and all other requirements of Florida law.

9.3 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.

9.4 DEFENSE OF CLAIMS: The Planning Commission shall defend, save and hold harmless from, and indemnify each Commissioner 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.

9.4.1 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.

9.4.2 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 a 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.

10.0 EXECUTIVE DIRECTOR HIRING AND TERMINATION:

10.1 HIRING AND TERMINATION: Hiring and termination of the Executive Director shall be approved by a majority vote of the Members of the Planning Commission.

10.2 OPTIONAL SELECTION PROCESS FOR NATIONWIDE SEARCH: Upon a decision by a majority of the Members of the Planning Commission to engage in a nationwide search for an Executive Director, the Planning Commission may consider using as a guideline and modify, as appropriate, the following process:

- (a) The Planning Commission identifies and selects a professional consultant (the "Consultant") to serve as the administrator for the nationwide search and the selection process.

- (b) The Executive Committee oversees and provides status reports to the Planning Commission on all phases of the selection process occurring prior to the final selection and live candidate interviews by the Planning Commission.
- (c) The Consultant, with the assistance of the Executive Committee, (i) develops the qualifications for the position, (ii) develops a plan for targeted recruitment and publication of notices of solicitation for the position, (iii) conducts the recruitment of qualified candidates, and (iv) reviews and evaluates the applications received for compliance with the qualifications and other requirements of the solicitation.
- (d) The Chair invites the administrator responsible for planning and zoning in each of the Planning Commission's four (4) client governments to participate in the selection process, and the administrators or their designated representatives serve as advisory members of a screening panel (the "Screening Panel"). The Screening Panel consists of the client government representatives and the Executive Committee. The voting members of the Screening Panel are the Executive Committee members.
- (e) The Screening Panel's responsibility is to evaluate the pool of applicants and identify, as appropriate, a "short list" of the most qualified candidates (estimated at three to five) for consideration, interview and final selection by the Planning Commission. The Screening Panel, with assistance from the Consultant, develops a screening plan for identifying the most qualified candidates. The screening plan may include any components deemed appropriate by the Screening Panel, including, without limitation, (i) evaluation of employment history, education and professional achievements, (ii) phone, personal or web-based video interviews, (iii) background checks, and (iv) reference checks.
- (f) The Screening Panel develops the screening components with input from the following stakeholder groups: (i) the Planning Commission, (ii) senior Planning Commission staff, and (iii) and interested citizens.
- (g) The Consultant develops a pool of interview questions with input from the Planning Commission, senior Planning Commission staff, and the Screening Panel. Prior to the interviews, the Chair or other designee of the Executive Committee, after consultation with the Consultant, determines the particular questions to be used in the interview.

- (h) The final selection of one preferred candidate, with whom an employment contract is to be negotiated, will be conducted by the Planning Commission through live interviews. The client government representatives on the Screening Panel and one representative of senior Planning Commission staff are invited to participate, on an informal basis, in the live interview process. The live interview is facilitated by the Consultant.

11.0 RULES OF CONSTRUCTION: The following rules apply to the text of this document.

11.1 The particular controls the general.

11.2 The words "shall" or "will" are mandatory and not discretionary. The word "may" is permissive.

11.3 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.

11.4 Words not defined shall have the meaning commonly ascribed to them.

12.0 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.

APPENDICES

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. [ALL QUESTIONS OF CONDUCT RELATING TO FLORIDA'S CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES, SHALL BE GOVERNED BY CHAPTER 112, PART III, FLORIDA STATUTES.]

Commissioner's shall:

1. Prepare for and regularly attend all meetings (including public hearings) of the Planning Commission relevant to the office.
2. Maintain the integrity and dignity of their office, by extending courtesy and consideration toward colleagues, citizens and staff during all discussions and deliberations, and by avoiding any appearance of impropriety.
3. Allow citizens, colleagues and staff sufficient opportunity to present their views, within the prescribed rules for conduct of meetings of the Planning Commission.
4. Refrain from abusive comments or intimidating language directed at colleagues, citizens or staff, including gestures, body language or distracting activity that conveys a message of disrespect and/or lack of interest.
5. Publicly acknowledge the adopted position when asked about a decision of the Planning Commission.
6. Not engage in harassing behavior or unwelcome conduct of a sexual nature towards other Planning Commissioners, employees, clients or citizens.
7. Not convey the impression they may be in a position to influence the outcome of a decision of the Planning Commission, nor attempt to use their office to influence or sway the professional staff recommendation.
8. Discharge their duties and responsibilities without favor or prejudice toward any person or group, and shall not allow personal or business relationships to impact upon their conduct or decisions in connection with Planning Commission business, nor lend their influence towards the advancement of personal interests or towards the advancement of the interests of family, friends or business associates. [This provision is not intended to prevent any Commissioner from joining or having an affiliation with any business, professional, or special interest organization.
9. Avoid any appearance of impropriety and refrain from engaging in private discussions with the applicant or their representatives or any member of the public or

other interested party about specific upcoming Planning Commission agenda items. If a Commissioner receives a private written, facsimile or electronic communication about an agenda item, the Commissioner shall promptly forward the information to the Executive Director so it may be shared with all Commissioners. [Commissioners are prohibited from engaging in private discussions with other Commissioners about Planning Commission business, pursuant to Florida's Government-in-the-Sunshine Law, Chapter 286, Florida Statutes.]

10. Not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything of value in violation of Chapter 112, Florida Statutes, or any other thing or consideration given with the understanding or possibility that it may influence the official action of the Commissioner during Planning Commission proceedings. Commissioners shall timely report all gifts required by Chapter 112, Florida Statutes.

11. Not solicit funds from any other Commissioner or the Planning Commission staff in support of any person's campaign for election to local or state public office.

12. Refrain from participating in any proceeding in which their impartiality may reasonably be questioned. Commissioners shall seek advice and counsel from the Planning Commission's attorney whenever a conflict of interest shall arise from a personal, employment or business relationship with a person or entity affected by any business item coming before the Planning Commission for review or recommendation. *Florida's Code of Ethics for Public Officers and Employees*, Chapter 112, Florida Statutes, shall govern conflict of interest determinations.

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

(Name)

(Name)

(Name)

(Name)

(Name)

(Name)

(Name)

(Name)

(Name)

(Name)

(Name)

(Name)