



## **POLICY 1.09**

**4-C** I recommend that the Board adopt the proposed revised Policy 1.09, entitled “Advisory Committees to the Board.”

[Contact: Joseph M. Moore, PX 48510]

### **Adoption**

### **CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on May 28, 2008 without any changes.
- There are several revisions to the Policy concerning the Board’s advisory committees. The terms of this Policy control advisory committees to the Board except to the extent a particular committee's policy contains contrary language. This Policy generally sets forth the purpose, structure, composition, function and protocols of advisory committees, unless their charter policy states otherwise.
- This policy also clarifies the member appointment procedure and clarifies the role of staff supporting the various committees.
- This revision provides a process for removing frequently absent members, prohibits a conflicting employment relationship with the district, and also sets forth the process for members to appear by electronic media, and provides processes for recording committee votes.
- This revision also updates statutory references.

## POLICY 1.09

### ADVISORY COMMITTEES TO THE BOARD

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3 1. Advisory committees may be created to advise the board on specific matters which  
4 require extensive study and discussion. All committees shall be created by written  
5 charter and no advisory committee charter shall conflict with the charter or any  
6 other advisory committee created to advise the board. This policy governs board  
7 advisory committees unless a specific policy governing the committee contains  
8 contrary language, in which event the specific policy controls and supersedes this  
9 policy. All charters shall include the following:
  - 10 a. An explicit statement of the committee's mission.
  - 11 b. Uniform rules of parliamentary procedure, such as Roberts' Rules, under  
12 which the committee will conduct its meetings.
  - 13 c. Qualifications for membership and terms of membership.
  - 14 d. Procedure for appointment/reappointment of members.
  - 15 e. A provision which permits the board to modify or terminate the charter before  
16 its expiration date upon recommendation of the superintendent with stated  
17 cause.
  - 18 f. Expiration date of the charter, if any.
- 19 2. For charters which extend beyond one (1) year, the board, upon recommendation  
20 by the Superintendent, may review the viability of the ~~order~~ charter.
- 21 3. The committee shall, at its initial organizational meeting, select a chairperson and  
22 adopt standing rules which shall include meeting dates and times, ~~attendance~~  
23 ~~requirements and removal of those members who exceed the acceptable number~~  
24 ~~or excused or unexcused absences.~~
- 25 4. Advisory committee members shall serve only in a voluntary capacity. All advisory  
26 committee members shall be residents of Palm Beach County.
- 27 5. Unless otherwise specified in the charter, a member who was nominated by a  
28 board member shall be entitled to remain a committee member as long as the  
29 nominating board member serves on the board. However, the nominating board  
30 member may exercise his/her discretion to remove such committee member at any  
31 time. The board shall address all pending vacancies in a reasonable period of  
32 time. A committee member may be reappointed on recommendation of the  
33 appointing person or entity, as approved by the board, unless the charter of the

34 committee provides otherwise. If a vacancy exists as to the position of an  
35 appointing Board member for a particular district, the Committee members  
36 appointed by that Board member may continue to serve as voting members on the  
37 Committee until and unless the new Board member for that district decides to  
38 remove that Committee member at any time.

39 6. Advisory committees should not be appointed to advise on matters requiring  
40 decision by the board unless adequate time is available for a thorough study by the  
41 committee.

42 7. Upon the board's approval of nominations, the board shall appoint ~~to~~ as voting  
43 members of advisory committees from names submitted by the superintendent,  
44 board members, or any other source the board deems appropriate as set forth in  
45 the committee's charter. If there are staff Staff members on the committee, they  
46 shall constitute a minority of committee membership. Board members may serve  
47 in a non-voting capacity on advisory committees. The board attorney/designee  
48 may be invited to attend committee meetings and render legal advice.

49 8. Members of advisory committees should be representative of the entire community.  
50 A lay member shall serve as chair.

51 9. Members of advisory committees are subject to the conflict of interest rules in  
52 Chapter 112, Fla. Stat.

53 10. During the ~~pendency of a~~ time a person is a voting member of an advisory  
54 committee member's term, that committee member or any company in which the  
55 member ~~has~~ may have a direct financial interest, shall not do business with the  
56 district, and shall not have a conflicting employment relationship with the district, as  
57 the Committee member is subject to those standards within Fla. Stat. in  
58 ~~accordance with~~ § 112.313, F.S., and relevant ethics opinions issued by the Florida  
59 Commission on Ethics.

60 11. All documents maintained as public records by persons in their capacity as  
61 committee members are subject to public disclosure as required by Chapter 119, F.  
62 S., unless exempt under Fla. Stat § 119.071 or other statutes.

63 12. All advisory committee meetings shall be subject to the open meeting Sunshine  
64 provisions of § 286.011, F. S.

65 13. The board shall appoint one of its members to provide liaison with and serve as a  
66 non-voting ex-officio member of each of its committees; however, all board  
67 members shall be encouraged to attend meetings of various committees at their  
68 convenience.

69 14. The superintendent shall appoint one or two staff members to serve as liaison  
70 between the superintendent and board committees, and serve as non-voting ex-

71 officio members. The person(s) serving in this capacity shall meet or  
72 communication with committees, keep informed as to committee activities, provide  
73 for the use of resources, and advise in the preparation of reports. The staff  
74 member(s) shall report all committee activities directly to the superintendent. The  
75 Superintendent shall designate staff to provide administrative support to the  
76 committee. This support staff will be responsible for scheduling meetings, taking  
77 meeting minutes and maintaining the records of the committee.

78 15. Correspondence between the board and its committees shall be conducted by the  
79 board chairman.

80 16. The committee shall serve only as an advisory body. No voting committee member  
81 shall direct staff. Any requests for services shall be directed to the superintendent.

82 17. The board shall see that the public is made aware of the services and  
83 recommendations rendered by advisory committees as required by law.

84 18. Reports of the findings, conclusions, or recommendations of advisory committees  
85 shall be made to the superintendent and staff on an annual basis or more often, if  
86 required, and may be presented to the board at a regularly scheduled board  
87 meeting, special meeting, or workshop.

88 19. The superintendent shall maintain a record of all existing advisory committees and  
89 their chairs.

90 20. Voting Members will be removed automatically should they miss three consecutive  
91 regular meetings, unless, by request of the member, the Chair grants  
92 compassionate leave due to personal, business, or familial exigency. A quarterly  
93 report will be made to the Board regarding the attendance of appointed committee  
94 members.

95 21. Under the following circumstance, voting Committee members may attend  
96 meetings and participate at meetings through the use of an interactive video and/or  
97 telephone systems, as long as a quorum of voting Committee members are  
98 physically present at the meeting. Voting members of the Committee may  
99 participate and vote by use of electronic media technology to allow a member of  
100 the Committee who is not physically present to attend the meeting, in those  
101 instances where the Committee member is confined to home or hospital due to  
102 illness or accident or in those situations where the Committee member's absence  
103 is due to a death or serious illness of an immediate family member. Committee  
104 members may not participate in this manner if they are on vacation. Any other  
105 situations which cause a member to be absent from a meeting will require a vote  
106 by majority of the Committee to allow the member to participate, by this technology.

107 22. A unanimous vote will be considered if all Committee members voting (not  
108 abstaining due to potential conflict of interest) audibly vote "yes", show by hands a

109 “yes,” or all those who are voting and present have indicated a “yes” vote on the e-  
110 agenda system, or if they remain silent it will also mean consent (unless they  
111 abstained due to a potential conflict of interest.) However, if a member votes “no’  
112 on the e-agenda, audibly, or by a show of hands, it will then be considered a split  
113 vote. If a vote is evenly tied for and against a measure, such tie vote shall defeat  
114 the measure. For each vote, the Chair or acting chair shall announce the vote, and  
115 the names of any member in dissent, after it is tabulated.

116 STATUTORY AUTHORITY: Fla. Stat. §§ ~~230.22(1); 230.22(2); 230.23005(10)~~  
117 1001.32(2); 1001.41(1) & (2); 1001.43(10)

118 LAWS IMPLEMENTED: Fla. Stat. §§ ~~230.22(1); 230.23005(10); 286.011; 112.313;~~  
119 218.415; 1001.32(2); 1001.41(1); 1001.43(2) & (10)

120 HISTORY: 02/18/72; 07/21/82; 02/4/98 (as Policy2.08); 02/25/2002 (as P-1.09);  
121       /      /08

Legal Signoff:

The Legal Department has reviewed proposed Policy 1.09 and finds it legally sufficient for adoption by the Board.

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Attorney

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Date