

**AT A WORKSHOP MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JUNE 1, 2021 AT 4:30 P.M., THE
FOLLOWING PROCEEDING WAS HAD, VIZ:**

Present: Brenda Holt, Chair, District 4
Dr. Anthony "Dr. V" Viegbesie, Vice Chair, District 2
Eric Hinson, District 1
Kimblin NeSmith, District 3
Ronterious "Ron" Green, District 5
Edward J. Dixon, County Administrator
Clayton Knowles, County Attorney
Hannah Pope, Deputy Clerk

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE

Commissioner Nesmith called the workshop to order at 4:30 pm. He then asked for a moment of silence followed by the Pledge of Allegiance to the U. S. Flag.

Commissioner Green entered the workshop at 4:31 pm

CITIZENS REQUESTING TO BE HEARD (3-Minute Limit)

Anyone wishing to speak on agenda items or non-agenda items should schedule or notify the County Administrator's Office before attending the meeting and will be asked to follow the Gadsden County Public Meetings Citizens Access Guidelines. Also, Public comment for Commission meetings can be submitted via email to CitizensToBeHeard@gadscencountyfl.gov until noon on Tuesday, June 1, 2021. Comments submitted after the deadline, but prior to the meeting, will be added to the official record. The County cannot guarantee that Commissioners and staff will have adequate time to review comments prior to the meeting.

Mr. Knowles read the above statement and there where no citizens to be heard at this time.

GENERAL BUSINESS

1. Discussion of Ordinance 2002-004 (Rules of Procedure for Meetings of the Gadsden County Board of County Commissioners) (Edward J. Dixon, County Administrator)

Commissioner Nesmith introduced the above item.

Mr. Knowles came before the board to present them with the proposed ordinance that would be replacing Ordinance 2002-004. He stated that he added the previously discussed issues from the last workshop as well as looking to other Counties for their Rules of Procedures for Meetings. He stated that he was not able to find any authority that would allow a board to remove one of its members within its own Rules of Decorum. Yet, if there was a safety issue where two individuals came to blows, he believed that the Sheriff would jump in but the removal of a duly elected Commissioner would create some due process issues. Mr. Knowles stated that he kept the base of the document regarding the meetings being open to the public. Types of meeting are one of the items for discussion that historically there are questions about. Gadsden County does not specify a time or define Special and Emergency Meetings. Mr. Knowles wanted the Board members to consider a time of day or day of the week that Special meetings should take place. Emergency meetings cannot be planned for but special meetings could. He stated that the first part is based on the distribution of meeting schedule. A meeting schedule will be distributed prior to each calendar year listing the dates of all anticipated meetings of the Board. Meetings set to be conducted the day after a legal holiday may be rescheduled. Meetings may be postponed or

canceled by a motion approved at any Board meeting by a majority of the members present. The Board will not meet the first and third Tuesday in July. Other counties have codified the cancelation of their meetings. This is so the commissioners do not have to cancel the meetings when they are meeting with the Florida Association of Counties (FAC) and the National Association of Counties (NACo) in July. Mr. Knowles stated that since there was little information regarding workshops in the Ordinance, he looked to Walton County. Workshops are only for discussion and no formal actions can be taken. Workshops are held to discuss items of special importance or complexity that require longer than usual staff presentation and Board questions. These meetings are typically held on the second and fourth Wednesday of each month and may include Regular and/or Consent Agenda items, Public Hearings in the case of a timing issue, and other matters that may be presented for formal action during a Regular, Special or Emergency Meeting, in addition to any Workshop presentations. The days and dates are still open for board discussion and are only place holders at this time.

A special meeting of the Board may be called by a majority of the members. When a Commissioner desires to call a Special Meeting he/she shall notify the County Administrator in writing via email. Upon receipt of such request, the County Administrator shall notify the remaining Commissioners of such request in writing and poll the Commissioners individually as to whether they are for or against calling a Special Meeting. The time stamp on an email shall be presumed to be the effective time of giving notice. The notice shall state the business to be transacted at such meeting, including "all other business that may come before the Board." The notice shall be published to the County's website and disseminated via email to all local media who have requested to receive such notices. The Chair may, upon not less than twenty-four (24) hours' notice and via email to every Commissioner and every party receiving email notification hereunder, cancel any special meetings of the Board which he or she had previously called pursuant to this Rule. If after reasonable diligence it was not possible to give notice to each Commissioner or to allow 24 hours to elapse between the time the Clerk receives notice of the meeting and the time the meeting is held, such failure shall not affect the legality of the meeting if a quorum is in attendance.

Mr. Knowles stated that there are two options for how Emergency meeting may be called by the Chair since there were questions on what is done at emergency meetings. He stated that an emergency meeting of the Board may be called by the Chair whenever in his/her opinion an emergency exists which requires immediate action by the Board. Whenever an emergency meeting is called, the Chair shall notify the County Administrator, who shall notify each member of the Board in writing or verbally of the date, time and place of the meeting and the purpose for which it is called, and no other business shall be transacted. There cannot be any stacking of items onto an Emergency Meeting agenda. There is only one major item and other items relating to that item on an Emergency Meeting agenda. This is so staff can be prepared and there are no surprises coming into these types of meetings. At least 24 hours shall elapse between the time the County Administrator receives notice of the meeting and the time the meeting is to be held. If because of the nature of the emergency it is not possible to give notice to each Commissioner or it is impossible to allow 24 hours to elapse between the time the County Administrator receives notice of the meeting and the time the meeting is held, such failure shall not affect the legality of the meeting if a quorum is in attendance. Mr. Knowles added the sections that stated "No items with fiscal impact above an unmet amount shall be considered during an Emergency Meeting

unless the appropriate State or Federal entity has declared a State of Emergency affecting the County. This guaranties that large purchases could not be voted on in an emergency meeting unless it regards to that emergency. Mr. Knowles asked about what the members thought the amount should be set at for emergency issues.

Commissioner Green stated keep the amount as is until everyone has a chance to look over the proposed changes.

Mr. Knowles stated that they are not going to approve anything right now and that he would email all of the Commissioners the proposed document as well.

Mr. Knowles stated Commissioners should remain in the Chambers at all times unless an emergency or illness should occur. Commissioners present in the meeting should not absent themselves for a particular item. Should a Commissioner need to remove himself/herself from the chamber during a meeting, they should announce the reason for their absence, on the record. The Clerk shall record such absence in the minutes of the meeting if there is an issue of an absence from the chamber that Commissioners need to state the reason for leaving so it could be added to the record. This is so the commissioner can still get the adequate information and do not miss any votes. He also stated that he believes that the Clerks' Office already recorded when Commissioners entered and exited the meetings.

Chair Holt entered the work shop at 4:46 p.m.

Mr. Knowles went over what he had previously stated for the Chair since she had just entered the workshop.

Commissioner NeSmith asked if there was a previous practice for adding in the scheduled break from meetings or is that something that the Board just started this year.

Chair Holt stated that the breaks were taken because of the FAC schedule. The Commissioner would be at those meetings during that time of the year. She stated that this would be up to Mr. Knowles since they need to comply with that guideline since most of the County's outside help came from the State and FAC.

Mr. Dixon stated that FAC meets at the end of June and NACo meets in July which is a longer process.

Commissioner NeSmith asked if not meeting in July would allow the Commissioners to attend those meetings.

Mr. Dixon answered yes that they would be able to attend both FAC and NACo.

Commissioner Hinson entered the work shop at 4:50 p.m.

When reviewing what was previously stated for the Commissioners who had just entered the Workshop, Mr. Knowles stated that there needed to be at least a 48-hour notice for special meetings since there is no emergency to them.

Commissioner NeSmith asked if there were any statutory rules for meeting notices.

Mr. Knowles stated that there are only statutory rules for emergency meetings.

Chair Holt stated that sometimes they call emergency meetings before a predicted emergency so the County could have the necessary voting done beforehand so the County could get Federal Emergency Management Agency (FEMA) money.

Commissioner Viegbesie entered the work shop at 4:56 p.m.

Mr. Knowles stated that the one of the proposed changes are the Rules of Decorum and Civility. He stated that other counties make it to where their board must have a preserved civility and decorum. The Board expressly recognizes that promoting and preserving decorum and civility enhances the Board's ability to fairly and expeditiously conduct the business of the County. While the Board is in session, the Chair shall preserve order and decorum. A Commissioner shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Board, nor disturb any Commissioner while speaking or refuse to obey the orders of the Board or its Chair. This includes Manner of Speaking and that no Commissioner shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first being recognized by the Chair. When two or more Commissioners seek recognition by the Chair, the Chair shall name the Commissioner who is to speak first. No Commissioner shall be interrupted by another without the consent of the Commissioner who has the floor, except by rising to a question of order. A Commissioner, in speaking on any matter, shall confine him/herself to the question, or matter before the Board, shall not use unbecoming abusive or unparliamentary language and shall avoid commenting on personalities or character of other Board members, former Board members, other officials, staff, or the public.

Chair Holt stated that the Commissioners address the Chair and the Chair recognizes them then they can start speaking. There have been times when another Commissioner would like to comment and yielding that has been going on. She stated that they cannot yield, the Commissioners must first address the Chair.

Mr. Knowles stated that was correct.

Chair Holt stated this was to help keep order and not have debates on the issues at hand.

Commissioner Green asked what happens to a Commissioner who does not adhere to the policies and procedures.

Mr. Knowles stated it was up to the Board to maintain the decorum amongst themselves since he cannot do anything as the County Attorney. If the board did not follow it and other than an ethics complaint, he did not know what could be done from a legal standpoint.

Commissioner Viegbesie stated on other committees that he has served on, if a Commissioner was recognized by the Chair, the Chair would recognize one person at a time. The other Commissioners would not interrupt unless recognized by the Chair.

Mr. Knowles asked if the Commissioners wanted to do away with yielding.

Commissioner Viegbesie stated if the comment was on point with what was being said let the individual say it but have the Chair recognize them.

Mr. Knowles stated since there is going to be another workshop on this issue, he will go ahead and create a yielding section to be added to give options.

Chair Holt stated that she liked the idea of letting Commissioners finish their statements.

Commissioner Hinson stated that the Chair has to say quiet on matters.

Mr. Knowles stated that the Chair should remain objective as per the current code.

Commissioner Hinson stated that when he was Chair he did not say a word and he let the other Commissioners speak. A chairman should not keep speaking and respect the opinions of the other Commissioners.

Mr. Knowles asked if Commissioner Hinson wanted to change what was written.

Commissioner Hinson stated in his opinion a Chairman should not control the meetings and should not tell a Commissioner to stop talking.

Mr. Knowles stated that they could add whatever the Board decided and the ability for the Chairman to debate was issued in the previous Code. He asked if Commissioner Hinson wanted something added that barred the Chairman from speaking on that item until they recognize them self.

Commissioner Hinson stated he wanted something that made them stay objective in their decisions.

Mr. Knowles stated that he can add a little bit of language to that effect and when it is brought back before the Board, they can give their opinions on this addition.

Mr. Dixon stated that the objectivity is to control the meeting and not the Commissioners. He stated that the Chair remains a Commissioner and is why the Chairman has the same powers as the other Commissioners. The objective portion is about who is speaking when and not to choose your buddy as opposed to the person you would not like to hear from.

Mr. Knowles stated that the wording can be cleaned up to satisfy all of the concerns that he has heard thus far.

Chair Holt stated that it did not matter who the Chair is, they can uphold the decorum. She mentioned that when Commissioners fight it was not ok to not remove them from the room.

Mr. Knowles stated that if it is a life safety issue that it is up to the Sheriff's deputy.

Chair Holt stated with all of the violence now days there needs to be something in the document that says what staff/county officials do if something happens. She stated that with all of the violence it is bad that the County does not have a metal detector.

Mr. Knowles stated that his colleagues and himself will work to get all concerns addressed regarding this issue. He stated that it is going to be tough outside of physical violence to remove a Commissioner from a meeting.

Commissioner Green stated that Mr. Dixon clarified his concerns regarding the Chairman issue. He stated that it was his understanding that since the Board votes on the Chairman it does not mean that that individual is not also a Commissioner.

Mr. Knowles stated if he understands Commissioner Hinson correctly that the Chair should be objective and not favor any Commissioner above another.

Commissioner Viegbesie stated that whether the Chairman likes the comment or not, to make sure that they do not interrupt the Commissioner who is speaking at that time. The Chairman should give the Commissioners the same respect that Commissioners should give the other Commissioners. That Commissioner should be able to finish their statements before another Commissioner can speak as well as the Chairman. That whoever the Chairman/person may be if they do not like the commit that is being made, they do not interject in the middle of the comment.

Commissioner Hinson stated that it is the Chairman's job is to make sure that the meeting is going smoothly. He stated that it is so the meetings do not have long conversations over every topic. Commissioner Hinson asked what Commissioners do if the Chairperson gets out of hand. Also, do they stay as Chairperson or are they removed from that position.

Mr. Knowles stated there is nothing in the Code on how the Commission votes on a Chairperson.

Commissioner Viegbesie stated that it has been in the second meeting in November.

Mr. Knowles asked if the Board wanted to codify that.

Commissioner NeSmith asked how long was the term for the Chairman.

Chair Holt answered one year.

Mr. Knowles stated so November to November, and that would be the second meeting in November.

Commissioner Hinson asked if there was a way to remove a Chairman if they become a danger to the Commissioners.

Mr. Knowles stated that there is nothing in the Code that shows how the County elects or removes a Chairperson and that would need to be added.

Commissioner Green exited the workshop at 5:18pm

Commissioner Viegbesie stated since it is an internal leadership change the vote needs to be super majority vote to remove a chairman fairly.

Mr. Knowles asked would that be a super majority of the Board or Board members present.

Commissioner Viegbesie stated a super majority of the Board members.

Commissioner Nesmith asked if there has been any documentation on what other Counties have done to remove their elected Chairman and Vice-Chairman.

Commissioner Green entered the workshop at 5:22p.m.

Mr. Knowles stated that he looked at 10 Counties' Codes and the issue is not the removal but the voting. He stated that he will look into those issues before the next meeting on this topic.

Chair Holt stated that the Board's Code cannot control the Commissioner's speech since that would go against the First Amendment. Commissioners that have issues with the overlapping speech sometimes the Chairperson has to interrupt to stop the interruptions that are happening.

Mr. Knowles stated that any person shall be removed by the sheriff's officer if they are a danger to the individuals in the building.

Commissioner Viegbesie stated that those elements need to be added to the documents. He hopes to never have to throw out a commissioner.

Bishop Green asked if the public was not meant to speak at the workshops.

Mr. Knowles stated that the public just needs to raise their hands.

2. Review and Discuss the June 1, 2021 Regular BOCC Meeting Agenda (Edward J. Dixon, County Administrator)

There was no discussion regarding the Agenda items.

Chair Holt exited the workshop at 5:43 p.m.

Senator Lorraine Ausley came before the Board for an update for the submitted projects such as \$400,000 for the mobile health unit, \$50 Thousand dollars for the Chattahoochee Mountain bike trail, and \$755 Thousand dollars for new fire truck for Quincy. Those were the projects that were submitted and accepted into the budget to be sent to the Governor. Senator Ausley stated that she wants to keep lines of communication open.

Chair Holt entered the workshop at 5:46 p.m.

Commissioner Viegbesie asked if the mobile health unit and other projects are subject to the governmental veto.

Senator Ausley stated that this is all up to the Governor and his decisions.

MOTION TO ADJOURN

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, MR. DIXON DECLARED THE
WOPKSHOP ADJOURNED AT 5:54 P.M.**

GADSDEN COUNTY, FLORIDA

**BRENDA A. HOLT, Chair
Board of County Commissioners**

ATTEST:

Nicholas Thomas, Clerk