

AT A WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON AUGUST 30, 2021, AT 4:00 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 marks
Edward J. Dixon, County Administrator
Clayton Knowles, County Attorney
Sara Green, Deputy Clerk
Marcella Blocker, Deputy Clerk

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE

Chair Holt called the workshop to order at 4:04pm., asked for a moment of silence and then led in the pledge of allegiance to the U. S. Flag.

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@gadsgdencountyfl.gov until 11:00 a.m. August 30, 2021. Comments submitted after the deadline but prior to the meeting will be added to the official record, but 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 allow.

GENERAL BUSINESS

1. Review and Discuss Rules of Procedure for Meetings of the Gadsden County Board of County Commissioners (Edward J. Dixon, County Administrator)

Chair Holt asked the County Administrator Ed Dixon to introduce the topic. The County Administrator Dixon said the presentation was coming from County Attorney Knowles today. Mr. Knowles introduced the Ordinance as a combination of previous rules and current corrections based off previous suggestions from other workshops. He said the main change is on page 6 of 14, Rules of Decorum and Civility.

County Attorney Knowles begin reading Section **V. RULES OF DECORUM AND CIVILITY BOARD TO PROMOTE AND PRESERVE DECORUM AND CIVILITY** on page 6 of 14.

Commissioner Hinson entered the workshop at 4:10 PM.

Mr. Knowles requested Board direction in regards to Section V and the length of speaking time per commissioner. He said it could be any number of minutes they wanted and if they wanted to keep a running clock, they could certainly do that.

Commissioner Green asked if the Board needed to vote on having a clock/timer? County Attorney Knowles said if he was directed to change it, he would and once they had all the changes the Board wanted, it would be advertised for the first public hearing and they could still change it within the timeline of that and there would be a second public hearing. Commissioner Green said he might be the only one that wanted a clock because a lot of the time people repeat themselves to prove a point. He suggested saying what was needed to be said and be done. He explains he doesn't have a problem with a shut-in as long as there is a purpose to the meeting and business is being done.

Commissioner NeSmith agreed with Commissioner Green. He asked if there has been a timeframe in the past? He stated being passionate was okay but repeating it over and over was not. Chair Holt said there was a time limit but it got narrowed because a previous commissioner said "we need to be more civil". Chair Holt agreed the clock was good and could help to get the skills to limit yourself. She added the clock could always be put away.

Commissioner NeSmith asked the best practice of time limits. Mr. Knowles said citizens comments are limited to three minutes and that is pretty much adhered to and Commissioners comments are five to ten minutes. Ten minutes should be the limit for public hearings. He said there are no statutes that limits time.

Commissioner NeSmith asked if additional time is needed, could the speaking commissioner ask the Chair for more time. Mr. Knowles responded if the Board needed to give itself more time on an item, suggested they call for a vote for additional time. There are items that could take longer than 10 mins so a vote could be handled that way. Commissioner NeSmith asked if he needed more time, how would that work? Mr. Knowles answered that the commissioner would need to ask the Chair to call a vote to extend the time.

Chair Holt explained that commissioners will not be yielding time and giving away minutes. She asked who would be keeping up with that? She said commissioners should make their point and say what needed to be said.

Commissioner NeSmith asked if commissioners ever yield time? Chair Holt responded they always do. Commissioner NeSmith asked if yielding time is addressed in rules, Chair Holt responded no.

Mr. Knowles asked if they were not yielding time did they need something that says yielding of time was not permitted? Mr. Dixon asked if that would take away from true discussion. Chair holt said it did not mean there would not be any input or discussion.

Commissioner Green asked once a commissioner was done, was there is no yielding? He suggested a change of time from 5 to 7. Chair Holt said if you look at the clock that was a long time to speak and suggested a change from 5 to 3 and 10 to 7.

Mr. Knowles asked for clarification of how long they were giving the commissioners. Chair Holt said at public hearings there will be several opinions brought up at the podium on an item, especially land issues. She said an attorney told them if someone comes to the podium they have a set time but they also have the right to bring up other items.

Commissioner NeSmith asked about time limits and then someone else speaks, would he have a chance for rebuttal? Chair Holt said there would be rebuttal time. Mr. Knowles said there was not any rules but you want to be able to be heard and give due process, hear other commissioners because they represent the public also so within 4-5 minutes unless it's something outside the realm of normality, they should be able to get through it. Chair Holt said that's why she mentioned rebuttal time. If you went to 3 minutes for presentation there would still be 2 minutes for rebuttal.

Commissioner NeSmith stated he was concerned that someone was going to have to keep up with the time. Chair Holt explained everyone would have 2 minutes for rebuttal after the 3 initial minutes. Commissioner NeSmith asked how much additional time if the Board approved? Chair Holt stated 2 minutes. Mr. Knowles said they could extend the time by majority vote of the Board. That way if it was something the commissioner was passionate about and it was going longer than anticipated, the could be extended as long as the colleagues were on the same page.

Commissioner Green felt they should have it in written format to give 5 minutes to start per Commissioner, they should not give beyond 5. He felt 2 - 3 minutes would work. He suggested 3 minutes max. Chair Holt asked per commissioner and Commissioner Green said per commissioner.

Mr. Knowles thought that it would be for everyone. He asked what would happen when the next commissioner wanted additional time? Chair Holt said they would vote. Chair Holt pointed out if they gave a commissioner extra minutes, it could sink any commissioner with negative comments because the commissioner would not have time to respond and could lead the negative comments hanging. They should give each commissioner the opportunity to have one more minute. Commissioner Green said he wanted to have fairness. Chair Holt said no more than a minute for closing statements.

Mr. Knowles wanted to make sure they were on the same page. For example, Commissioner Hinson talks and has 5 minutes, every other commissioner gets 5 minutes to speak, if no other commissioner wants to speak then you vote. Chair Holt said every commissioner has the same amount of time to speak; 3 minutes for discussion and 2 for rebuttal. It was up to the board if they get extra time after the overall 5 minutes is over. Then the commissioners have rebuttal.

Commissioner NeSmith said one extra minute for closing sounds good. Mr. Knowles said four and a total of 6 and everyone said yes.

There was then discussion over availability of agendas being ready two weeks prior and the Commissioners would be able to go over the items beforehand.

Mr. Knowles said for clarity, five total minutes for initial debate, two of minutes for debate, three minutes for rebuttal with option by majority rule of the Board for an additional one minute of rebuttal or debate per Commissioner.

They then moved to item 6.

Mr. Knowles said because of being elected, he did not advise dismissing a commissioner outside of imminent threat of violence to the Board. He could see them getting in trouble for it. Chair Holt asked him to bring some legal standings regarding that because commissioners should be held by the same standards as they were held by. Mr. Knowles said he would argue they were not constitutionally held and Chair Holt stated it did not matter. She asked what if a commissioner would not let the meeting continue.

Commissioner Green said they were all mature adults, or should be. He said he would rather excuse himself from the conversation than sit through a personal issue argument due to the immaturity of the conversation. He said they should not sit there and tolerate any backlash or derogatory behavior.

Commissioner NeSmith asked if there has been discussion regarding removal of a commissioner and was that with them? Mr. Knowles said yes, at a 4:30 workshop. Commissioner NeSmith said they were all constitutional officers and asked the remedies or steps to be taken to remedy for it to not continue? Mr. Knowles said probably to adjourn the meeting for a cool down then come back. Commissioner NeSmith said they were all professional persons voted by the public to be here, and should not be removed. If they saw the meeting was moving in a certain direction, adjourn the meeting temporarily sounded good to keep the decorum. Mr. Knowles suggested a 5-minute recess in that situation.

Commissioner Viegbesie entered at 4:49 p.m.

Mr. Knowles said he could not find anything that would give the Board authority to remove its own member. Commissioner NeSmith said no one was discussing removal, that was off the table. He said all it would take was someone being recognized by the chair to make a motion and Mr. Knowles said yes.

Mr. Dixon said a recess is always in order. The idea is to use tools that are available to this body (current Board). If the goal is decorum, then decorum must always lead.

Commissioner Hinson asked Mr. Dixon should a commissioner be removed from the Board based on what he was saying? Mr. Dixon stated never. The point was, a recess is always a good tool to use.

Commissioner Viegbesie said you could not legislate morality. Removing a commissioner should not even be a discussion as they are elected officials elected to run local government. They were all adults. Unless the person was getting to the point of being belligerent and grabbing a commissioner, he did not think that was something they should do.

Chair Holt said civility should work and did not think it should ever come that far. She said they needed to come up with a way that when they speak, they are speaking to possible businesses coming to the community and in order for them to come, they have to have faith in the Commission. She said if they want to strike out anything in that paragraph, that was fine.

Commissioner Hinson said he has been Chairman twice and defended his passion and comments.

Chair Holt asked if they wanted to strike number 7?

Commissioner NeSmith said this was for the public not for the commissioner so it was fine. If the wording points back to the Board, he felt they should remove it. Mr. Knowles said they could say any person in the Chamber and specifically say if there was a member of the public. What he was trying to say was if there was any disruption by a member of the public or an imminent threat to the safety and well-being of the Chamber by a member of the public, then remove that person by an affirmative vote OR the Sheriff, who would do his or her job.

Commissioner Viegbesie said anyone could be passionate about an issue. What do you do if one person is targeted by the passion? He added there was nothing wrong with agreeing to disagree but disagree agreeably. He felt they should strike it completely.

Commissioner Green said being passionate did not require you to be disrespectful.

Commissioner NeSmith asked if the language of disruption of a meeting part of the previous code? Mr. Knowles said it has been added since the previous 2 or 3 workshops. Chair Holt said they have always had wording for public disruption. Commissioner NeSmith said he was confused.

Chair Viegbesie asked for Mr. Dixon to share what he knows about the document as his hand was up in regards to Commissioner NeSmith's question. Mr. Dixon said he agreed with the removal of part of the language, however 99.999 % of those cases would come from the public in front of the podium. He said there was nothing worse than a commissioner having to sit through an abusive person at the podium or in the audience. He said the goal is not to take away someone's right to assemble but if the decorum is being threatened, then yes.

Mr. Dixon stepped out at 5:16 pm

Commissioner Hinson said he noticed they were now getting things the day of the meeting. He said for them to do a little research before the meeting.

Mr. Dixon returned at 5:18 pm

He said anything over \$25k should be seen prior to voting.

Commissioner Viegbesie said he heard the attorney say something, which when he was Chair he did not see as a practice and before then, had not experienced where the agenda preparation was something that was discussed between the County Administrator, the Chair, and Vice Chair. He said he was in strong opposition of an item to be added because the public did not have time to research and voice their opinion. He said they have to have transparency and accountability. If it is an item that is within the financial authority of the Administrator's discretion, within the realm of \$25k, then if that is something that is needed to be done as an emergency then yes. Otherwise, they need preparation. Procrastination of an individual does not constitute as an emergency. Items should be brought in the manner to allow the public as well as the Commissioner to have an opportunity to preview it and then speak on it if they chose to do so.

Mr. Knowles said he would consult with the Chair for emergency meetings, special meetings, etc. On page four of 14 under **Emergency Meetings**, it states "No items with fiscal impact above

\$10,000 shall be considered during an emergency meeting unless the appropriate State or Federal entity has declared a state of emergency affecting the County. In such instances, items of a fiscal impact above the threshold described herein above shall directly relate to said State of Emergency". He said on page 10 of 14 they tried to address that with number 11 **Placing Items on Agenda**. "With consent a VAB majority of the members present when such request is made matters may be placed on the agenda by any member of the commission, the administrator, or by the county attorney, provided the item's fiscal impact to the County for the item does not exceed \$10,000.

Chair Holt said she was scared if Commissioner Viegbesie was saying he did not want two people looking at the tentative agenda. It his a safety mechanism. Chair Viegbesie said that was not what he was saying. He added when he was Chair and Vice Chair, there was never a time where the Chair and the Administrator discussed the items going on the agenda with the sit-in vice-chair.

Commissioner Hinson said the most important thing, things should never go out without the attorney's blessings. The attorney should look at all documents. Chair Holt said that used to be part of the attorney's assignment. Mr. Knowles said they look at the ones they receive in advance, sometimes they do not get any in advance.

Mr. Dixon said they try to have things to the Board within 14 days so they can advertise. Commissioner NeSmith asked if the attorney received the agenda in advance. Mr. Knowles said yes.

Commissioner Viegbesie said to Commissioner NeSmith, there were times before he and Commissioner Green were there, he was the newest and youngest on the commission. For the time he's been there, there has been a time when the attorney did not have time to review the item and the item was pulled. They trust the law firm to be their protector so they always look at the items.

Commissioner Hinson felt they must put a time or date on this so the attorney would have time to review the item. He added that 24-48 hours was too late. When the Chair looks at it, the attorney looks at it and actually, the attorney should look at it prior.

Commissioner NeSmith asked Commissioner Hinson, if the recommendation that the attorney gets the agenda the night of the prior meeting? Commissioner Hinson said every decision has to be thought through. He said it should be 14-15 days prior to the meeting.

Mr. Dixon said the procedure is, we call it 14 days because they are moving toward 10 days. The 10 days is the Thursday or Friday they are sending things to the newspaper to appear in the next week's addition for the following Tuesday's meeting.

Commissioner NeSmith asked if the 10 days included the weekend? Mr. Dixon said business days. Chair Holt said they have the weekend.

Commissioner Green asked if they were not sending the attorney a whole package at once? Were they sending individual items? Mr. Dixon said he received things in real time.

Mr. Knowles said to piggy-back on what Mr. Dixon said, he typically gets things from staff 3 weeks before the meetings to be able to review before going on the agenda. When do they want agenda items and supporting documents deadline to be given to the attorney separately or together? Mr. Dixon said they may know that a certain thing needs to be on the agenda and the attorney needs to work his magic before it is sent to commissioners.

Commissioner Hinson said they need to be consistent. Items should be given to the Commissioners 7-10 days prior to the meeting. Chair Holt said that was why they hired a firm, to have enough people to do the research. She said they have to determine one they want and how they pay for it? Commissioner Hinson said to do both. Chair Holt said she did not think it was needed.

Mr. Knowles asked if they wanted to keep that, strike it, change it...

Chair Holt asked the administrator how the process was working for him and if he wanted to change it. Mr. Dixon asked Ms. Bradley to come to the podium.

Commissioner NeSmith asked that the record reflect that he had done all he could in previous meetings to bring in all the income he possibly could into the county.

Mr. Dixon asked Ms. Bradley if she had to improve the process, how would she and she said the process was working. Items are due on Tuesday, two weeks before the next meeting, the Agenda is put together and the Attorney has already reviewed 90% of the items. They are usually 2-3 weeks ahead. 95-98% of items they are well in advance of.

Commissioner Green stepped out at 5:50PM.

Mr. Dixon said they have tried to limit the add-ons but there are times there is no way around it because of the time they get them and when they are due. He said he was keenly aware of what the Commissioners were saying about adding things to the agenda.

Commissioner Hinson asked about item 11. Commissioner Viegbesie said the Discretionary maximum limit is \$25k unless it was an emergency. Mr. Knowles said Item 11 was not in regards to the discretionary limit. This was items that were brought to the Commissioners at the last minute. It was not changing the Administrator's limit.

Commissioner Green returned at 5:55PM.

Commissioner NeSmith said he was confused and asked if the Administrator had up to \$25k to spend without the board voting on it. Mr. Knowles said yes. Commissioner NeSmith asked why would it would be on the agenda if he has the authority to spend that. Chair Holt said it would not be.

Commissioner Viegbesie said if the Administrator had discretionary authority of \$25k and there was something that needed to be done, why wasn't the \$10k part of the \$25k, then why isn't the expenditure brought before the board. He did not think item 11 needed to be within the policy (page 10 of 14).

Commissioner Hinson explained the \$10k was for extra funds that need to be found and felt it should stay.

Commissioner Viegbesie said page 6 of 14, **Election and Removal of Chairperson**, based on what he was reading, election of the chair is every November, not only in election year. He suggested taking out "after an election year". Commissioner Dixon mentioned the super majority and Commissioner Viegbesie said that should be removed.

Commissioner Hinson said what if the Chair was abusing their power? Why supermajority? He suggests the Board was contradicting itself.

Commissioner Viegbesie said supermajority was for removal because it was not what was used to elect the Chair. They then moved to the Vice Chair point. If the Chair is running late should the meeting be held up until the Chair came? By law, the meeting starts at 6:00 p.m. When the meeting is to be called to order, then the Vice Chair should call it to order and when the Chair arrives, the Vice Chair would then hand over the gavel to the Chair instead of waiting until the Chair arrives. Mr. Dixon said in the absence of the Chair or in the event of the Chair's inability to serve, the Vice Chair should perform the duties and functions of the chair.

Commissioner Viegbesie said when the Vice Chair calls the meeting to order, that was when the meeting starts, not when the Chair walks in. Vice Chair Green said he was referring to "recording has started".

Commissioner Hinson said normally they want to start at 6:00 p.m. as a show of respect to the citizens. The Chair should pass the gavel to the Vice Chair when needed. Commissioner NeSmith wanted to make sure they were clear on when the Vice Chair takes over when Chair was not available. He asked Mr. Knowles if he had the language for that and Mr. Knowles stated yes. Mr. Knowles asked if they wanted something affirmative that stated the meeting shall begin promptly at 6 pm period? Everyone said yes. Mr. Knowles asked what if the situation was the chair and Vice-Chair was not there. Chair Holt said the order should be Chair, Vice Chair, then the next Senior commissioner. Commissioner NeSmith said if they were abiding by the practice, then it needed to be written.

Commissioner Viegbesie said the "senior commissioner" portion was not written anywhere.

Mr. Dixon on page 9 of 14, **Agenda Format for Regular Meetings**, he thought this was brought to their attention before. They were trying to have special, emergency meetings and because the policy said 6:00 PM they were unable to have an earlier meeting. They wanted to make sure it was changed to "6pm or as set by the BOCC". Mr. Knowles said he thought that was a public hearing they have to have after 6pm. Mr. Dixon said he wanted the Board to have the option to hold a meeting earlier. Chair Holt asked what the State statute called for and Mr. Knowles said it requires public hearings to be after 6:00 p.m.

Commissioner Viegbesie stepped out at 6:18 p.m.

Commissioner Viegbesie returned at 6:21 p.m.

Commissioner Green asked if they could make leeway to make that happen? Mr. Dixon said yes. Chair Holt said they were scaring her; the public was used to the 6pm meetings and other commissioners changed one meeting to the morning.

Commissioner Hinson said it should be for the people, but now they have Zoom, Facebook Live, and they are recorded so there's access to the meetings.

Commissioner Green said this was not something they were going to do on a regular basis, but have the ability to do it if needed.

Mr. Dixon stated someone misused the rules because most counties meet during the day for their general business and all public hearings are in the evening. It was a better way to have access to staff as opposed to night meetings.

Chair Holt said this is to better the County Commission in delivering their duties. If they do not learn how to curb what they are saying, then the business community doesn't look good on them.

Commissioner Viegbesie said that was the point he was making earlier. This document is not about any one commissioner in particular. This was about the County. It should be what everyone thinks will make the County will run smoothly.

Commissioner NeSmith said they need to always be reviewing and revising their procedures annually.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE WORKSHOP ADJOURNED AT 6:27 P.M.

GADSDEN COUNTY, FLORIDA

ANTHONY VIEGBESIE, Chair
Board of County Commissioners

ATTEST:

NICHOLAS THOMAS, Clerk