BOCC POLICY - SECTION NUMBER 01.30.00.00

SUBJECT: Policy for Appointing and/or Confirming Nominations of Citizens, Agency/Government Body Representatives, or Staff to any Board, Council, Committee and Authority and STANDARDS OF CONDUCT FORM

EFFECTIVE DATE: April 4, 2018

SUPERSEDES: December 5, 2012, February 8, 2012, February 6, 2013, and November 6, 2013

PURPOSE:

To provide general criteria and guidelines for appointing, reappointing, and/or confirming nominations of citizens or staff to any board, council, committee, or authority, including those created by the BOCC.

POLICY:

The Board of County Commissioners declares that, as its policy, the general guidelines enumerated herein and within the “Procedural Rules and Regulations for Board Appointments,” adopted in accordance with this policy, be used in making appointments, reappointments, and/or confirming nominations to any board, council, committee, or authority, including those created by the Board of County Commissioners.

The composition of a number of these boards is by state statute, ordinance, resolution, or policy of the Board. Therefore, the Board of County Commissioners shall give special attention to the criteria imposed by law when making either appointment and/or confirming nominations.

In addition to any legal or other criteria (such as professional qualifications), the Board of County Commissioners shall require that all applicants be registered voters in Hillsborough County, or for specific boards, registered to vote in the County in which they reside, and that applicants for certain boards/councils undergo background checks and/or be residents of the unincorporated area of Hillsborough County. All applicants must be residents of the state of Florida.
In an effort to have boards/councils that include citizens who represent the entire county, the BOCC shall largely consider race, gender, and those citizens who actively participate in the community when making appointments and/or confirming nominations. Unless specifically approved by the Board of County Commissioners, no citizen may serve on more than one committee at a time.

**GENERAL APPLICATION PROCESS**

The Boards and Councils Coordinator will prepare a press release for publicizing available positions. This will be sent to the Communications Department for distribution and publication. The Boards and Councils Coordinator will accept applications from anyone seeking appointment for available positions. Should an additional vacancy occur during the publicizing process, that vacancy shall be publicized separately.

Current members of and all citizens seeking appointment, reappointment, or confirmation of nomination to any board, council, committee, or authority, including all county staff, agency/governing body representatives, and citizens appointed by individual commissioners, shall be required to complete an application and sign and date the Standards of Conduct Form. Applications must also be signed and dated and may be submitted electronically for those applicants not needing a background check. Applications already on file will not be considered if more than one year old. Elected officials who are seeking appointment do not have to complete an application or the Standards of Conduct Form if they are doing so in their official capacity. The Standards of Conduct Form must be returned with the application.

Consistent with the “Procedural Rules and Regulations for Board Appointments,” applications are reviewed to ensure applicants meet relevant technical, legal, or residency requirements.

If an applicant does not meet the relevant requirements the application shall be rejected. The applicant shall be notified in writing and a copy of this notification shall be submitted to the BOCC.

If an applicant meets the relevant requirements, the application shall be accepted for consideration. The applicant shall be placed on a ballot for appointment and/or confirmation by the BOCC.

**GENERAL APPOINTMENT PROCESS:**

Only single applicant appointments and/or confirmations will be placed on the Board’s consent agenda.

The person with at least four votes shall be elected. The person(s) with the fewest votes shall be eliminated, unless only one nominee remains who has not received at least four votes.
In such case, balloting will continue with the remaining candidates until each remaining vacancy is filled by at least four votes. When there are full and partial terms (i.e. terms of varying lengths) available, the Commissioners shall select candidates for each length of term category.

The Board of County Commissioners may reappoint an applicant if that person wishes to serve a successive term, unless term limits apply, but shall give equal consideration to other applicants.

Pursuant to Chapter 12.061, Florida Statutes, board/council members shall receive reimbursement for mileage and parking while attending official meetings.

All appointees shall be subject to applicable federal, state, and local laws.

Unless otherwise provided for by law, all appointees serve at the will of the BOCC and can be removed from their appointment at any time for any or no reason.

**Responsibility:**

On behalf of the Board of County Commissioners, the Boards and Councils Coordinator shall be responsible for facilitating the appointment process as outlined herein and more specifically identified within the “Procedural Rules and Regulations for Board Appointments,” drafted in accordance with this policy and hereby adopted by the Board of County Commissioners. Oversight of this policy shall be the responsibility of the County Administrator.

Approved by: Board of County Commissioners
Approval Date: April 4, 2018
PROCEDURAL RULES AND REGULATIONS FOR BOARD APPOINTMENTS

ARTICLE I. INTENT AND AUTHORITY

Section 1. Intent

The purpose of these rules and procedures is to provide criteria and guidelines for processing applications for current members and all citizens seeking appointment, reappointment, or confirmation of nomination to any board, council, committee, or authority, including all county staff, agency/governing body representatives, and citizens appointed by individual commissioners.

Section 2. Authority

These rules will be cited as the “Procedural Rules and Regulations for Board Appointments,” abbreviated as ‘Rules,” and governed by BOCC Policy 01.30.00.00, entitled “Policy for Appointing and/or Confirming Nominations of Citizens, Agency/Governing Body Representatives, or Staff to any board, council, committee, and authority.”

ARTICLE II. DEFINITIONS

Unless stated to the contrary, the following words shall have the meanings stated below:

a) **Agency/Governing Body Representatives** shall refer to those individuals nominated for confirmation by certain agencies to be an agency representative on the board, council, committee, or authority of the Board of County Commissioners.

b) **Boards and Councils Coordinator** shall refer to the Director of Board Services, Clerk of the Circuit Court, or designee.

c) **Board/Council Liaison** shall refer to a county staff person appointed by his/her Department Head to assist the assigned board, council, committee, or
authority, and to assure that the terms and procedures of this and other related policies of the Board of County Commissioners are followed.

d) **Family and Aging Services** shall refer to the department responsible for processing criminal background checks on appropriate applicants.

e) **County Staff Representative** shall refer to a county staff person nominated by the appropriate Department Head and appointed by the BOCC to be a county representative on the board, council, committee, or authority.

f) **Individual Commissioner Appointments** shall refer to an appointment of a citizen by an individual Commissioner to serve on a board, council, committee, or authority. The terms and procedures of this policy and other related polices of the Board of County Commissioners will be followed in making these appointments, except that the names of the proposed members will be submitted by the individual commissioners.

g) **Responsible County Department** shall refer to the County Department assigned as the host department for a particular board, council, committee, or authority of the Board of County Commissioners.

**ARTICLE III. RESPONSIBILITIES**

**Section 1. Boards and Councils Coordinator.**

The Boards and Councils Coordinator shall be responsible for:

a) Preparing a press release to be publicized by the Communications Department for available positions on the boards, councils, committees, or authorities.

b) Accepting signed and dated applications and Standards of Conduct Forms from current members and all citizens seeking appointment, reappointment, or confirmation of nomination to any board, council, committee, or authority, including all county staff, agency/governing body representatives, and citizens appointed by individual commissioners. Elected officials who are seeking appointment do not have to complete an application or the Standards of Conduct Form if they are doing so in their official capacity.

c) Verifying that all proposed appointees are registered voters in Hillsborough County, or for specific boards, registered to vote in the county in which they reside.

d) Providing copies of the applications to each board liaison to review for eligibility, with the exception of appointments by individual Commissioners.
e) Assuring all Background Investigation Disclosure and Authorization Forms from citizens applying to boards requiring background checks are signed and dated by all applicants.

f) Sending Background Investigation Disclosure and Authorization Forms to the Family and Aging Services Department for a background check.

g) Advising the applicant, in writing, when it has been determined by either the board/council liaison or Family and Aging Services Department that the applicant did not meet the requirements or pass the background check.

h) Sending a copy of the applicant’s denial letter to each Commissioner.

i) Making sure that the denial letter includes the contact information for the liaison responsible for answering any questions regarding qualifications.

j) Preparing all ballots and submitting them for placement on the Board’s meeting agenda.

Section 2. Responsible County Department.

The Responsible County Department/Department Head shall be responsible for:

a) Appointing a board/council liaison to each of the boards, councils, committees, or authorities of the Board of County Commissioners.

b) Assuring the liaison carries out the duties assigned and enumerated in this policy associated with the Procedural Rules and Regulations for Board Appointments.

c) Notifying the Boards and Councils Coordinator if the liaison appointment changes.

Section 3. Boards/Council Liaison.

The Board/Council Liaison shall be responsible for:

a) Reviewing applications to assure that all applicants meet eligibility requirements for membership, including determining if any conflicts exist. If there is a question regarding eligibility that is not answered on the application, the board/council liaison will contact the applicant directly for clarification.

b) Ensuring that all members of the assigned board, council, committee, or authority, subject to this process, have a signed Standards of Conduct Form on file with the Boards and Councils Coordinator. Elected officials who are seeking appointment do not have to complete a Standards of Conduct Form if they are doing so in their official capacity.
c) Being a point of contact should the applicant or Board of County Commissioners have questions regarding the application process, eligibility, or the subject vacancy.

d) Notifying the Boards and Councils Coordinator, in writing, of an ineligible applicant and the reasons for the ineligibility.

e) Providing the Boards and Councils Coordinator with any terminations or resignations.

f) Notifying each agency/governing body of their representative’s expired term and ensuring that a letter or memo appointing/reappointing a representative, including a signed and dated application and Standards of Conduct Form, completed by their representative, is submitted to the Boards and Councils Coordinator.

g) Attending all meetings and performing any and all administrative functions for the assigned board, council, committee, or authority, including, but not limited to, providing for reimbursement of any approved expenses such as mileage, parking, and any other costs allowed by law.

Section 4. Family and Aging Services Department.

The Family and Aging Services Department shall be responsible for:

a) Assuring that a criminal background check has been performed on appropriate applicants, as referred by the Boards and Councils Coordinator.

b) Notifying the Boards and Councils Coordinator, in writing, of an ineligible applicant and the reasons for the ineligibility.

Section 5. County Attorney.

The County Attorney shall be responsible for assigning an assistant attorney who shall be the attorney for, and legal advisor to, the designated board, council, committee, or authority; the Responsible County Departments /Department Head; the appropriate Boards and Councils Liaisons and the Boards and Councils Coordinator.

Section 6. Agency/Governing Body Representatives

The appointing Agencies for the Agency/Governing Body Representatives shall be responsible for:

a) Providing a letter or memo to the BOCC Chair and/or Boards and Councils Coordinator appointing or reappointing individuals as their agency
representative for a particular board, council, committee, or authority, accompanied with a signed and dated application and Standards of Conduct Form for the appointee. Elected officials who are seeking appointment do not have to complete an application or a Standards of Conduct Form if they are doing so in their official capacity.

b) Communicating to the applicant that, depending on the applicable criteria, a background check and verification of voter’s registration and/or residency may be required.

Section 7. County Staff Representatives.

The appointing Department Heads for the County Staff Representatives shall be responsible for:

a) Providing a letter or memo to the BOCC Chair and/or Boards and Councils Coordinator appointing or reappointing individuals as their agency representative for a particular board, council, committee, or authority, accompanied by a signed and dated application and Standards of Conduct Form for the appointee. Elected officials who are seeking appointment do not have to complete an application or a Standards of Conduct Form if they are doing so in their official capacity.

b) Communicating to the applicant that, depending on the applicable criteria, a background check and verification of voter’s registration and/or residency may be required.

ARTICLE IV. PROCEDURES

Section 1. Applications and Standards of Conduct Form.

Applications and the Standards of Conduct Form shall be required for all current members of and all citizens seeking appointment, reappointment, or confirmation of nomination to any board, council, committee, or authority. This shall include all county staff, agency/governing body representatives, and citizens appointed by individual commissioners. If an elected official applies to a board as a private citizen, he/she must complete an application/Standards of Conduct Form. If an elected official is appointed to a board in their official capacity, they do not need to complete an application/Standards of Conduct Form. Applications and the Standards of Conduct Form must be signed and dated, and may be submitted electronically, unless the application is for a position which requires a background check. Applications and the Standards of Conduct Form must be submitted by the deadline date listed in the press release or the application will not be considered. Applications should be thoroughly reviewed by the appropriate person for any conflicts, requirement compliance and/or qualification issues. All qualified applicants shall be submitted for placement on the Board’s meeting agenda for consideration. This shall
include County staff and agency/governing body representative confirmations. Individual Commissioner appointments shall be placed on the Board’s meeting agenda for public information only. Where only one selection per position exists, the matter shall be scheduled on the BOCC consent agenda. Vacancies with more than one applicant per position shall be placed on a BOCC regular meeting, Land Use, or other appropriate meeting/workshop agenda for consideration.

Section 2. Application Verification.

a) **Voter Registration.** Verification of voter registration shall be required for all applicants seeking appointment, reappointment, or confirmation of nomination to any board, council, committee, or authority. This shall include all county staff and individual Commissioner Appointees and agency/governing body representative confirmations.

b) **Background Checks.** A background check is required of all applicants seeking appointment, reappointment, or confirmation of nomination to the boards, councils, committees, or authorities listed below. However, any employee of an agency which requires the employee to undergo a criminal background check as a condition of their employment, and who is appointed to one of the above boards/councils, is not required to undergo a criminal background check to be appointed to one of the above boards/councils. A Background Investigation Disclosure and Authorization Form is to be completed and returned with the application for processing. An original signature is required to complete the applicant review process. Results thereof shall be communicated, in writing, to the Boards and Councils Coordinator. Any appointment to one of the following is contingent upon the results of the criminal background check. Background checks must be completed and individuals cleared before appointees can attend meetings.

- Anti-Bullying Advisory Committee
- Child Care Facilities Advisory Board
- Child Care Licensing Hearing Officers
- Children’s Services Advisory Board
- Council on Aging
- Family Day Care Home Advisory Board
- Parks, Recreation and Conservation Advisory Board
- Public Library Board

When authorized by appropriate statutory or other means, the Board of County Commissioners may establish additional boards, councils, committees, or authorities. If appointment to any newly-established board is contingent upon the results of a criminal background check, appointees will be so notified,
and this policy will be amended to include the newly-established board and the criminal background check requirement.

c) **Residency for Agency/Governing Body members.** It is understood that some members serving on the boards, councils, committees, or authorities listed below do so by virtue of the positions they hold or the agencies they represent. As such, the members of the following boards, councils, committees, or authorities do not have to reside in Hillsborough County, but they must be registered to vote in the county in which they reside.

- Child Care Facilities Advisory Board
- Children’s Services Advisory Board
- Cockroach Bay Aquatic Preserve (CAPMAT)
- Council on Aging
- Cross Connection, Backflow and Back-Siphonage Control Board
- Emergency Medical Planning Council
- Enterprise Zone Development Agency Board
- Family Child Care Home Advisory Board
- Plumbing and Gas Board of Adjustment, Appeals and Examiners

d) **Residency for appointment/confirmation applicants.** The Board of County Commissioners has not established a general residency requirement for all board, council, committee, and/or authority appointments. However, citizens seeking appointments to the following boards councils, committees, or authorities shall reside in the unincorporated area of Hillsborough County.

- Code Enforcement Board
- Code Enforcement Special Magistrate
- Cross Connection, Backflow & Back-Siphonage Control Board
- Enterprise Zone Development Agency
- Hillsborough County City-County Planning Commission
- Hillsborough Area Regional Transit Authority
- Historic Resources Review Board
- Land Use Appeals Board
- Nuisance Abatement Board – at least five (5) members
- Tampa Sports Authority *
- Water Conservation Technical Advisory Committee
Unincorporated residency requirements for the Tampa Sports Authority only may specifically be waived by the Board of County Commissioners (see Waiver Procedure below).

Pursuant to statute, ordinance, or local authority, the Board of County Commissioners shall not waive the residency requirement with respect to those boards and authorities not listed in this section.

e) **Residency requirement for appointees to CareerSource Tampa.** Appointees to CareerSource Tampa shall reside in Hillsborough County, unless waived pursuant to the Waiver Procedure below.

**ARTICLE V. WAIVER PROCEDURE**

The notice of a vacant position for the Tampa Sports Authority and CareerSource Tampa Bay shall include a statement informing the public that the Board of County Commissioners has the authority to waive its residency requirement, that, notwithstanding residency status, all citizens may apply; and that all names shall be presented to the Board of County Commissioners for consideration. The Boards and Councils Coordinator shall list all names on the ballot and identify those persons who met the residency requirement and those who did not.

**ARTICLE VI. POLICY AMENDMENT**

These procedural rules and regulations may be amended upon approval by the Board of County Commissioners.

Adopted by: Board of County Commissioners
Adopted Date: February 8, 2012
Amendments: December 5, 2012, February 6, 2013, November 6, 2013, April 4, 2018
STANDARDS OF CONDUCT FORM

(Consistent with BOCC Policy 01.30.00.00, as pertaining to BOCC appointments, this form is required for all current members of and citizens seeking appointment, reappointment, or confirmation of nomination to any board, council, committee, or authority, including all county staff, agency/governing body representatives, and citizens appointed by individual commissioners)

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 ALL AUTHORITIES, BOARDS, COMMITTEES, AND COUNCILS, EVERY CURRENT MEMBER OF AND ALL CITIZENS SEEKING APPOINTMENT, REAPPOINTMENT, OR CONFIRMATION OF NOMINATION TO ANY BOARD, COUNCIL, COMMITTEE, OR AUTHORITY, INCLUDING ALL COUNTY STAFF, AGENCY/GOVERNING BODY REPRESENTATIVES, AND CITIZENS APPOINTED BY INDIVIDUAL COMMISSIONERS, PLEDGE TO ADHERE TO THE FOLLOWING STANDARDS OF CONDUCT.

THE FLORIDA CODE OF ETHICS SHALL DETERMINE ANY QUESTION RELATING TO VIOLATIONS OF CHAPTER 112, PART III, FLORIDA STATUTES.

1. Regularly attend all scheduled meetings of the respective authority, board, committee, or council, as well as special or called meetings relevant to the position.

2. Prepare for each meeting.

3. Create a positive environment in meetings of the respective authority, board, committee, or council.

4. Maintain an attitude of courtesy and consideration toward other Members, citizens and staff during all discussions and deliberations.

5. Allow other Members, citizens, and staff sufficient opportunity to present their views, within the prescribed rules or bylaws of the respective authority, board, committee, or council.

6. Avoid the use of abusive, threatening or intimidating language or gestures directed at other Members, citizens or staff.

7. Avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest.
8. Not engage in harassing behavior or unwelcome conduct of a sexual nature towards other Members, employees, clients or citizens.

9. Members shall uphold the prestige of their office and avoid impropriety and the appearance of impropriety.

10. Members shall not convey the impression that they are in a position to influence the outcome of a decision of the respective authority, board, committee, or council and shall not attempt to use their office to influence or sway recommendations.

11. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group. Members shall not allow personal or business relationships to impact upon their conduct or decisions in connection with their appointed position and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates. This provision is not intended to prevent any Member from joining or having an affiliation with any business, professional, or special interest organization.

12. To the extent Florida’s Government in the Sunshine Law, Chapter 286, Florida Statutes, is applicable to an authority, board, committee, or council, Members of that authority, board, committee, or council shall avoid creating the appearance of impropriety by refraining from engaging in discussions with any other Member of the same authority, board, committee, or council about matters which would foreseeably come before the respective authority, board, committee, or council for discussion. In addition, if a Member of an authority, board, committee, or council that is subject to the Sunshine law receives a written, telephonic or electronic communication about an item to be discussed before the respective authority, board, committee, or council, the Member will promptly forward the information to the county/staff liaison or other appropriate person so that it may be shared with all other Members at a public meeting.

13. Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding or possibility that it will influence the official action of the Member. The same standard shall apply to a gift, loan, favor, etc. for the spouse, child or relative or business partner of the Member. Chapter 112, Florida Statutes, shall govern all determinations of violations under this paragraph.
14. During meetings or other activities of the authority, board, committee, or council, Members shall not engage in any form of politicking, electioneering, or other campaign related actions, including, but not limited to soliciting funds from any other Member, citizen or staff in support of any organization or person's campaign for election to local or state public office; seeking signatures from other Members, citizens, or staff to any petition provided for by election law; distributing to other Members, citizens, or staff literature favoring, opposing, comparing, or providing information about a candidate, group of candidates, or other political positions or advocacy; or otherwise discussing with other Members, citizens or staff one’s personal political views or affiliations in a manner that is unrelated to the matters before the authority, Board, committee, or council and clearly in furtherance of a political campaign.

15. Members should refrain from participating in any proceeding in which their impartiality may reasonably be questioned. A Member who’s personal, employment or business relationship with a person or entity that is subject to a recommendation of the respective authority, board, committee, or council shall seek advice and counsel, if such relationship could conceivably influence the Member's impartiality during discussions. The provisions of Chapter 112, Florida Statutes shall govern conflict of interest determinations.

16. Members shall remain vigilant against deviations from respective BOCC policies, (which may be applicable to the business of the authority, board, committee, or council of which he or she is a member), by-laws, policies, and any mission statements of the respective authority, board, committee, or council.

17. Members shall respect all local, state and federal laws, rules and other regulations.

18. Violations of the Standards of Conduct shall be addressed in accordance with Board Policy.

The commitment of all current members of and citizens seeking appointment, reappointment, or confirmation of nomination to any board, council, committee, or authority, including all county staff, agency/governing body representatives, and citizens appointed by individual commissioners, in meeting these Standards of Conduct, is affirmed by the following signature:
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<th>Unincorporated Residency Required</th>
<th>Must be Registered to Vote Waiver – Registered to Vote in County Residing in Background Check</th>
<th>Financial Disclosure Positions are Advertised</th>
<th>Does your Advertising Board / Governing Body Represented by BOCC Elected Officials</th>
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