

RESOLUTION 2014-1

A RESOLUTION OF THE STONEYBROOK COMMUNITY DEVELOPMENT DISTRICT CREATING CHAPTER II, ARTICLES 1 THROUGH 5 PROVIDING FOR RULES OF PROCEDURE FOR MEETINGS OF THE BOARD OF SUPERVISORS; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE

RECITALS

- A. The Board of Supervisors of the Stoneybrook Community Development District recognizes that a proper and legitimate public purpose is served when members of the public have a reasonable opportunity to be heard on a proposition before the Board of Supervisors under consideration for action by the Board.
- B. The Board also recognizes the need for orderly and efficient conduct of the meetings of the Board.
- C. These Rules of Procedure for Meetings of the Board of Supervisors are adopted to insure that the goals of orderly and efficient meetings are realized while protecting the public purpose served by dialogue with constituents affected by the decisions of the Board.

NOW, THEREFORE, BE IT RESOLVED THAT:

Article 1. Chapter II, Articles 1-5, Rules of Procedure for Meetings of the Board of Supervisors are hereby created to read as follows:

Sec. 1. Authority

Section 190.011(5), Florida Statutes, grants the Board of Supervisors the authority to adopt rules and orders pursuant to the provisions of chapter 120 prescribing the conduct of the business of the district. The set of rules set forth within this Article shall be in effect upon their adoption by the Board and until such time as they are amended or new rules adopted. These rules are for the purpose of guidance to assist in the orderly conduct of the meeting; no action of the Board shall be deemed void or invalid by virtue of the Board's failure to follow these rules.

Sec. 2. General Rules

- (a) Meetings to be Public: All meetings of the Board shall be open to the public, except as otherwise provided by law.
- (b) Quorum: A majority of the members of the Board shall constitute a quorum and is necessary for the transaction of business. If a quorum is not present, those in attendance may continue the meeting to another date.

- (c) Right of Floor: Any Supervisor or member of the public desiring to speak shall be recognized by the Chair, and shall confine his or her remarks to one subject under consideration.
- (d) District Manager: The District Manager or his/her designee shall attend all meetings of the Board unless excused. The District Manager may make recommendations to the Board and shall have the right to take part in all discussions of the Board, but shall have no vote.
- (e) District Attorney: The District Attorney or his/her designee shall attend all meetings of the Board unless excused and shall, upon request, give an opinion, either written or oral, on questions of law at the request of the District Manager or a majority of the Board of Supervisors.
- (f) District Manager: The District Manager or his/her designee shall keep the official journal (minutes) and perform such other duties as may be requested.
- (g) Officers and Employees: Department heads of the District, when there is pertinent business from their departments on the Board agenda, shall attend such Board meetings when requested by the District Manager or Board.

Sec. 3. Types of Meetings

- (a) ^e Regular Meeting: The Board shall meet on the fourth Tuesday of each month for Regular Meetings, except when that date conflicts with holidays and an alternative has been selected by a majority of the Board. The regular Board meetings are to commence at the time specified in the meeting schedule adopted by the Board annually.
- (b) Special Meetings: Special meetings may be called by the Chairman or by a majority of the members of the Board. Absent emergency conditions, no special meeting shall be held until at least 72 hours after the call is issued. Only such business may be transacted at a special meeting as may be listed in the call for said meeting or an incident thereto unless 4/5 of the District Board approves adding an additional item.
- (c) Continued Meetings: Any meeting of the Board may be continued to a later date and time at any place specified in the Motion for Continuance.
- (d) Workshop Meetings: The Board may meet informally in workshop meetings (open to the public), at the call of the Chairman or of any three (3) members of the Board. No resolutions or other actions may be adopted

at such meeting provided that the Board may direct staff to take actions that do not entail the immediate expenditure of District funds.

- (e) Emergency Meetings: Emergency meetings may be held on the call of the District Manager or the Chairman whenever there is a public emergency affecting life, health, property or the public peace, and whenever practicable, upon no less than twenty four (24) hours' notice to each Supervisor and the public.
- (f) Telephonic Participation: If a quorum of the Board is physically present, other members of the Board may participate by phone or electronic media, provided they can be heard on the record and they can hear the other members of the Board and the participating public.

Sec. 4. Chairman and Duties

- (a) Chairman: The Chairman, if present, shall preside at all meetings of the Board. In the absence of the Chairman, the Vice Chairman shall preside. In the absence of both the Chairman and the Vice Chairman, the Board shall select a Chairman.
- (b) Call to Order: The meetings of the Board shall be called to order by the Chairman or, in his or her absence by the Vice Chairman. In the absence of both the Chairman and the Vice Chairman, the meeting shall be called to order by the District Manager for the selection of a temporary Chairman.
- (c) Preservation of Order: The Chairman shall preserve order and decorum; prevent attacks on personalities or the impugning of members' motives; and confine members in debate to the question under discussion.
- (d) Points of Order: The Chairman shall determine all points of order, subject to the right of any member to appeal to the Board. If any appeal is taken, the question shall be, "Shall the decision of the Chairman be sustained?" A majority of the Board may overrule the Chairman.
- (e) Vote: All resolutions shall require only a voice vote; the Chairman may close a public hearing without a vote if there is no objection.
- (f) Substitution for Chairman: The Chairman may call another member to temporarily chair the meeting in order to take part in debate, to make a motion, or to cover a temporary absence, such substitution not to continue beyond adjournment.

Sec. 5. Order of Business and Agenda

- (a) Order of Business: Unless changed by motion of the Board of Supervisors, the general rule as to the order of business in regular meetings shall be substantially as follows:
- Call to Order and Roll Call
 - Public Comment on Agenda Items
 - Staff Reports
 - Approval of Minutes
 - Board Action on Agenda Items before It or Added to the Agenda
 - Comments or Requests by Chairman and Board of Supervisors
 - Public Comments or Requests for Future Action Items
 - Adjournment

The District Board may, by motion change the order of business.

- (b) Agenda: The order of business of each meeting shall be as contained in the agenda prepared under the direction of the District Manager. The agenda shall be a listing by topic or subject to be considered by the Board, and shall be delivered to members of the Board prior to the meeting.
- (c) Presentation by Members of Board: The agenda shall provide a time when the Chairman or any Supervisor may bring before the Board any business that he/she feels should be deliberated upon by the Board. These matters need not be specifically listed on the agenda.
- (d) Reading of Minutes: Unless a reading of the minutes of a Board meeting is requested by a member of the Board, such minutes may be approved without reading if the District Manager previously furnished each member with a copy thereof.

Sec. 6. Resolutions and Motions

- (a) Form: Resolutions shall be presented to the Board only in printed or typewritten form.
- (b) Reading by Title Only: Upon being introduced, each proposed Resolution shall be read by title only, unless any member of the Board requests a full reading of the Resolution.
- (c) Tie Vote: In the event of a tie in votes on any motion, the motion shall be considered lost.

- (d) Privilege of Closing Debate: Any Supervisor may move to close debate and call the question on the motion being considered which shall be non-debatable. The Supervisor moving the adoption of a Resolution or motion shall have the privilege of closing the debate.
- (e) Requests for Resolutions or Legal Opinions: Any member of the District Board may request the District Manager or District Attorney to have prepared proposed Resolutions with such Resolutions to be placed on the agenda of the next scheduled Board meeting, provided the Resolution can be drafted and distributed to members of the Board in said period of time. The District Manager or a majority of the Board may request written legal opinions, relating to District business, from the District Attorney. Any member of the Board may, for purposes of inquiry, request verbal opinion or advice on District legal matters directly from the District Attorney.
- (f) Motion to Reconsider: An action of the Board may be reconsidered only at the same meeting at which the action was taken. A motion to reconsider may be made only by a Supervisor who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. Adoption of a motion to reconsider shall rescind the action reconsidered.
- (g) Motion to Rescind: An action of the Board taken at a previous meeting (the "previous action") may be rescinded at a subsequent meeting. Motions to Rescind shall be governed by the following process:
 - 1. A Supervisor seeking rescission of a previous action shall place a Motion to Consider Rescission on the agenda of a regular Board meeting. If a majority of the full membership of the Board approves the Motion to Consider Rescission, the Motion to Rescind shall be placed on the agenda of the next regular Board meeting. If less than a majority of the full membership vote in favor of the Motion to Consider Rescission, no Motion to Rescind the previous action shall be considered by the Board.
 - 2. Approval of a Motion to Rescind requires the affirmative vote of a majority of the full membership of the Board.
 - 3. If a Motion to Rescind is approved, the Board shall, at the same meeting, either consider the previous action or set a date certain for its consideration.
 - 4. Notwithstanding anything stated above, a Motion to Rescind initiated by a Supervisor who voted on the losing side in

connection with the previous action shall not be in order unless the Board determines:

- a. Subsequent information has become known that (i) would have been material to the Board's decision on the previous action and (ii) would have militated for a different result; or
 - b. A rescission of the previous action is imperative to avoid a material cost, risk, harm, or other jeopardy to the District or its citizens, and the material cost, risk, harm, or other jeopardy could not have been known at the time of the Board's previous action.
5. For purposes of the Motion to Rescind, a Supervisor who was absent for a vote on the motion in connection with the previous action is deemed to have been on the prevailing side of the vote.

Sec. 7. Citizen's Rights

- (a) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on each agenda item except as provided for below. Public input shall be limited to four (4) minutes with the Chair having the option to allow an additional minute. This right does not apply to:
 1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;
 2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
 3. A meeting that is exempt from §286.011; or
 4. A meeting during which the Board is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.
- (b) Manner of Addressing the Board – Time Limit: Each person addressing the Board shall step up to the microphone, shall give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Board, shall limit his/her address to four (4) minutes with the Chair having the right to extend an additional minute of time. All remarks shall be addressed to the Board as a body, and not to any member

thereof. No person, other than members of the Board and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Board, unless recognized by the Chair. When requested by any member of the Board the District Manager, District Attorney, as well as other staff, may enter into any discussion. No questions shall be asked the Supervisors, except through the presiding officer. The District Manager and the District Attorney may ask the Chair for permission to speak at any time.

- (c) Personal and Slanderous Remarks: Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Board may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the Board at the meeting from which ejected.

Sec. 8. Public to be Heard

At the conclusion of the meeting the Chair shall offer the public the opportunity to speak on any non-agenda item relative to the business of the District for up to four (4) minutes (with the right of the Chair to extend an additional minute).

Sec. 9. Suspension and Amendment of These Rules

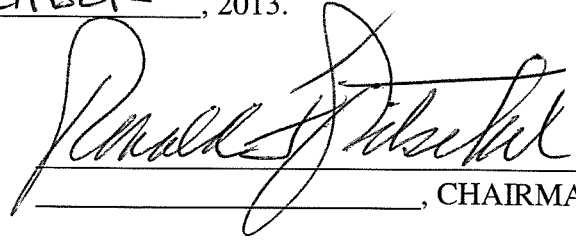
- (a) Suspension of These Rules: Any provision of these rules not governed by the District Charter or District Code may be temporarily suspended by a vote of a majority of the Board.
- (b) Amendment of These Rules: These rules may be amended, or new rules adopted by Resolution.
- (c) Effect of Variance from Rules: The failure to follow these Rules of Procedure shall not be grounds for invalidating any otherwise lawful act of the Board.

ARTICLE 3. It is the intention of the District Board and it is hereby ordained that the provisions of this Resolution shall become and be made a part of the Stoneybrook Community Development District Rules of Procedure, and the sections of this Resolution may be renumbered to accomplish such intent.

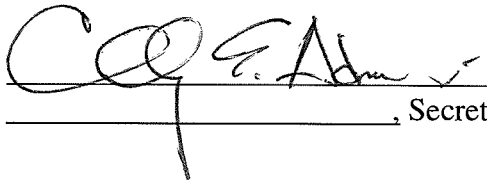
ARTICLE 4. If any word, phrase, clause, sentence, or section of this Resolution is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Resolution.

ARTICLE 5. That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED THIS 19 DAY OF NOVEMBER, 2013.


_____, CHAIRMAN

ATTEST:


_____, Secretary