



## City of Dunnellon City Board Member Application

Some of the questions and information below is needed to determine eligibility and qualifications for City boards. All information must be provided in order to process your application. Please type or print very clear and legibly. Please see description of boards for eligibility requirements.

Name: \_\_\_\_\_ Home Telephone: \_\_\_\_\_

Cell Number \_\_\_\_\_ Best to contact you at home, work or cell? \_\_\_\_\_

Do you reside within the City limits of Dunnellon; how long? \_\_\_\_\_

Home Address \_\_\_\_\_

If employed, by whom: \_\_\_\_\_

Business Address: \_\_\_\_\_ Business Telephone \_\_\_\_\_

Email Address: \_\_\_\_\_

Internet Access is a requirement in order to receive agenda materials. **If appointed, a City email address will be provided to you and must be used for board/City related communications.**

I am available for meetings at 5:30 p.m.  Yes  No

I am available for special meetings that may occur earlier in the day  Yes  No

Do you have a background in business, finance, law, government or other areas relevant to economic development and including, but not limited to, higher education and non-profit organization experience? Please explain.

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Do you have knowledge and experience in technical codes, such as design professional, contractor or building industry representative? Please explain.

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Please provide a brief biographical profile and describe any experience with reading blueprints, technical drawings or diagrams, engineering, planning, or surveying.

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Please use this space to list relevant skills, experience or knowledge you possess which qualify you for the appointment you are seeking. Please indicate if you are attaching a resume.

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Do you currently serve on any other boards: Non-profit, volunteer, civic clubs, or any other groups? If so, please provide your position and duties as a board member.

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Are you a registered Voter? \_\_\_\_\_

Do you hold a public office? \_\_\_\_\_ Are you employed by the City? \_\_\_\_\_

Do you own property within the City limits? \_\_\_\_\_

If so, have you maintained ownership for at least three years? \_\_\_\_\_

If not, for how long? \_\_\_\_\_

Address of your property: \_\_\_\_\_

Do you own a business within the City limits? \_\_\_\_\_

If so, have you maintained ownership for at least three years? \_\_\_\_\_

If not, how long? \_\_\_\_\_

Address of your property: \_\_\_\_\_

**Please select the board(s) on which you are interested in serving:**

\_\_\_\_\_ Planning Commission

\_\_\_\_\_ Historic Preservation Board

Please provide any additional information you feel may be helpful in considering your qualifications to serve on a City board.

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May we submit your application for the board(s) of your choice when vacancies occur rather than phone you? \_\_\_\_\_

Are you willing to take an online course on ethics and Sunshine Law at no cost to you?

The course consists of: \_\_\_\_\_ Yes \_\_\_\_\_ No

- Two hours of Florida Ethics Law (Chapter 112, Florida Statutes)
- One hour of Open Meetings (Chapter 286, Florida Statutes)
- One hour of Open Records (Chapter 119, Florida Statutes)

Your signature indicates that you have read and understand the Code requirements below for the City Board(s) you are applying for, including any requirement to file a Statement of Financial Interest. All Board/Commission members shall conduct themselves in a manner consistent with Resolution #RES2013-07, "Public Code of Ethical Conduct," as may be amended from time to time.

Additionally, appointed board members are subject to The Code of Ethics found in Chapter 112 (Part III) of the Florida Statutes and Florida's Government-in-the-Sunshine Law and Chapter 286 regarding quasi-judicial proceedings on local government land use matters.

I hereby authorize the City of Dunnellon or its representatives to verify all information provided and I further authorize the release of any information by those in possession of such information which may be requested by the City. I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that a volunteer position provides for no compensation except that as may be provided by Florida Statutes or other enabling legislation.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**This application is effective for one year from the date of completion. Please call the Community Development Office 465-8500 ext. 1010 if you have any questions.**

**Please be advised that all information provided will become a matter of public record and will be open to the public. If you require special accommodations because of a disability to participate in the application/selection process, you must notify the City in advance.**

## **DESCRIPTION AND CODE REQUIREMENTS FOR CITY BOARDS**

### **PLANNING COMMISSION/BOARD OF ADJUSTMENT:**

*In accordance with Article II, Section 94 of the City of Dunnellon Code of Ordinances and Article V, Division 3 of the City of Dunnellon Code of Ordinances*

This board meets on the second Tuesday of each month.

**Members of this board are required to file a FORM 1, Statement of Financial Interest, within 30 days of your appointment to the Commission and annually by July 1<sup>st</sup> for each year you are a member in order to avoid penalties by the State of Florida Commission on Ethics. Upon separation of the board you are also required to file a FORM 1F, Final Statement of Financial Interest, within 60 days of separation. Effective January 1, 2024, the Ethics Commission requires Form 1 filings must be completed electronically through the Commission website utilizing your City email.**

This Commission consists of five (5) members, (2) alternate members serving a three (3) year term. A minimum of three members and one alternate shall be residents of the City. A maximum of two members and one alternate may be non-resident property owners and/or non-resident business owners. Non-resident property owners and/or non-resident business owners must have owned property and/or owned a business within the City for three years prior to being eligible for said appointment. No member of Planning Commission shall be a paid employee or elected official of City. Members of the Commission will act in an advisory capacity to the City Council relating to zoning and land use issues and as the local planning agency making recommendations to the Dunnellon City Council.

***This is a summary of the powers and duties as provided for in City Code, Section 94.37:***

Hear and make recommendations to City Council on applications for special exceptions and variances to the City's Zoning Code, conduct quasi-judicial hearings, acquire information necessary to determine the type of development to be expected in the area, review and revise the comprehensive plan for the purpose of making recommendations to City Council with regard to consistency concerning any land use or zoning change, establish principles and policies, conduct public hearings, make or cause to be made special studies as necessary, review administrative orders and make recommendation to City Council on appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance or regulation adopted pursuant to law.

**HISTORIC PRESERVATION ADVISORY BOARD**

*In accordance with Article XVI, Section 16.3 within the Zoning Code of the City of Dunnellon Code of Ordinances:*

This board meets on the third Tuesday of each month.

**Members of this board are required to file a FORM 1, Statement of Financial Interest, within 30 days of your appointment to the Commission and annually by July 1<sup>st</sup> for each year you are a member in order to avoid penalties by the State of Florida Commission on Ethics. Upon separation of the board you are also required to file a FORM 1F, Final Statement of Financial Interest, within 60 days of separation. Effective January 1, 2024, the Ethics Commission requires Form 1 filings must be completed electronically through the Commission website utilizing your City email.**

This Board consists of five (5) members and two (2) alternate members serving a three (3) year term. Members shall have knowledge of historical or architectural development within the city. To the extent available in the community, at least one member shall be an architect in the State of Florida, and the remaining members shall be chosen from the following organizations, professions or groups: (1) Professional members from the disciplines of history, architectural history, planning, archaeology, and engineer (2) Registered real estate brokers (3) The Florida Bar (4) American Society of Landscape Architects (5) Licensed building contractors or general contractors (6) Professional members from other historic preservation related disciplines such as American studies, American civilization, cultural geography, or cultural anthropology, and (7) Interested owners of real estate in a historic district; interested owners of historic structures; or interested property owners whose land contains an archaeological site.

Lay persons belonging to the Greater Dunnellon Historical Society; or who otherwise have demonstrated special interest, experience, or knowledge in history, architecture, or related knowledge in history, architecture, or related disciplines shall make up the balance of the board members in the event that there are not enough professionals in the community. Property ownership is not a prerequisite for membership on this board.

Board members shall survey and inventory the historic resources of the city according to accepted practices and to develop and maintain a list of all resources researched for possible historic designation, make recommendations to the city council for the adoption of ordinances designating resources as historic, issue certificates of appropriateness on proposed exterior changes to designated resources, advise the city council and other city boards on the effects of city actions on historic resources, both those designated and those with potential for designation, advise in the development of goals, objectives, and policies for historic preservation to be incorporated into the comprehensive plan, make recommendations to the city council on the expenditure of gifts, grants, and money, as may be received to carry out the purposes of this chapter [article]. Such money, when not specifically designated by the grantor or donor, may be expended for publishing maps and brochures, hiring staff or consultants, and for performing such other functions as are appropriate to this chapter [article], advise the various departments of the city as to standards, materials, or practices desirable to maintain and enhance the historic resources of the city, adopt procedural rules necessary for the conduct of its business, subject to approval by the city council, conduct educational programs on historic properties located within the City of Dunnellon, recommend zoning and building code amendments for historic properties and districts to the city council for referral, and if it seems appropriate, to the planning commission, educate affected individuals and the general public on the economic benefits of historic preservation and federal, state, and local laws and policies regarding programs that encourage historic preservation; and advise individuals [as] to the architectural and landscape preservation of historic structures, and refer individuals to the Secretary of the Interior's "Standards for Rehabilitation."

## **QUASI-JUDICIAL PROCEEDINGS BY PLANNING COMMISSION**

Quasi-judicial proceedings are similar to court proceedings. An administrative function is called 'quasi-judicial' when there is an obligation to assume a judicial approach and to comply with the basic requirements of natural justice. Thus, the fundamental purpose of a quasi-judicial hearing is to provide the affected parties due process. Due process requires notice of the proceedings and an opportunity to be heard.

### **Best Practices**

- Be an objective decision-maker.
- Do not prejudge the case - avoid making up your mind beforehand.
- Provide objective decisions based on all the facts and evidence presented.
- Follow the comprehensive plan, local zoning codes and local land development codes.
- Base decisions on the information available at the meeting, including the staff report, the site visit, relevant information presented at the meeting and public comment.
- Make the best decision possible based on all of the information presented.
- Follow competent substantial evidence, not the "roar of the crowd."
- Do not act as a fact-finder, conduct investigations, initiate or attend group/community meetings on a quasi-judicial matter to come before the board.

### **Ex-parte communications on quasi-judicial matters**

- An ex parte communication occurs when a party to a case, or someone involved with a party, talks or writes to or otherwise communicates directly with a Commission member about the issues in the case without the other parties' knowledge.
- Example: A Commission member meets with the applicant or an opponent without the public present.
- Attributes of ex-parte communications on local quasi-judicial matters:
  - ✓ Occurs outside the official hearing
  - ✓ Usually one-sided (opposition or support)
  - ✓ Does not allow the other side an opportunity to respond

- ✓ Can be in any form – written, verbal and electronic, etc.
- Ex-parte communications are **not presumed prejudicial if disclosure is made** at the beginning of the public meeting.
- The following information must be disclosed for the record:
  - ✓ The subject matter of the communication and the identity of the person, group or entity with whom the communication took place.
  - ✓ Written communications should be submitted into the record.
  - ✓ Disclose the existence and nature of any investigations, site visits and expert opinions received.

### **Bias in Quasi-Judicial Hearings**

- Bias (a predetermined opinion that is not susceptible to change). Undisclosed ex parte communications and close family or business ties can disqualify Commission members from participating or voting as a matter of due process, even if there is no statutory conflict of interest.
- Those participating in quasi-judicial proceedings have a right to expect impartial decision-making on the basis of the evidence presented at the hearing. Decision-makers should not take a position on a quasi-judicial application until each party (City, applicant, affected person) has made its presentation at the hearing. Doing so deprives a party of its constitutionally protected right to a fair hearing.
- Commission members should not actively involve themselves in efforts to support proponents or opponents of a quasi- judicial land development action. **To do so could subject the City and the individual Commission member to a lawsuit.**

### **WHAT IS FLORIDA’S SUNSHINE LAW?**

Florida's Government-in-the-Sunshine law provides a right of access to governmental proceedings at both the state and local levels. It applies to any gathering of two or more members of the same board to discuss some matter which will foresee ably come before that board for action. There is also a constitutionally guaranteed right of access.

The Government-in-the-Sunshine Law applies to "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or political subdivision." Thus, it applies to public collegial bodies within the state at both the local as well as state level. It applies equally to elected or appointed boards or commissions.

#### **There are three basic requirements:**

1. Meetings of any board or commission must be open to the public.
2. Reasonable notice of such meetings must be given.
3. Minutes of the meeting must be taken

The requirements apply to communications between two or more board members whether the meeting or discussion is in person, by telephone or via written correspondence to include email, text messages or other electronic communication.

The requirements apply to meetings between a board member and a non-board member if that individual is being used as a “liaison” to another board member.

When two or more board members are participating in functions unconnected with the board, they must refrain from discussing between themselves any matters on which foreseeable action may be taken by the board.

**Pursuant to F.S. 286.011:**

(3) (a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.