

# **Hillsborough County Public Transportation Commission**

## **Bylaws and Policies**

Adopted January 15, 2014  
(Amended October 8, 2014, & September 14, 2016)

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# Hillsborough County Public Transportation Commission

## Bylaws and Policies

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# Bylaws and Policies

## Article 1 - General Matters

**1.01 Policy interpretation** - These policies are to be interpreted as bylaws and policies governing internal management of the Commission and are not intended to affect either the private interests of any person or any plan or procedure important to the public, and are not intended to have application outside the Commission.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**1.02 Policy Adoption, revision and waiver** - A policy amendment, the repeal of any policy, or the adoption of a new policy may be approved by a vote of not less than an affirmative vote of five members. Unless prohibited by law, any policy may be waived by a vote of not less than an affirmative vote of five members.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**1.03 Mission statement** - Regulate the operation of “For Hire Vehicles” in Hillsborough County, including all municipalities as mandated by Chapter 2001-299, Laws of Florida; and provide safety and protection to the citizens and travelers of Hillsborough County that utilize taxicabs, limousines, van limousines, handicabs, basic life support ambulances and wreckers.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**1.04 Effective date** - These Bylaws and Policies shall become effective immediately upon adoption by the Commission and shall supersede any conflicting bylaws and policies previously adopted by the Commission.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**1.05 Organizational chart** - The Director will develop and maintain an organizational chart.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

## Article 2 - Financial Matters

**2.01 Insurance coverage** - The Commission will maintain insurance coverage with the Florida League of Cities’ Florida Municipal Insurance Trust, and secure coverage through the following self insurance programs: Florida Municipal Insurance Trust; General Liability; Auto Liability; and Auto Physical Damage.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**2.02 Financial statement and balance sheet** - No later than the November regular meeting, the Commission shall be presented with a financial statement of revenue and expenditures during the prior fiscal year and a balance sheet as of the close of the prior fiscal year.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.03 Public deposits** – The Commission’s public deposits will be managed by the Clerk of the Circuit Court who has designated a qualified public depository to accept and retain the Commission public deposit, and has established an account at which the revenues of the Commission are to be deposited and from which expenditures for the routine business expenses of the Commission and transfers to and from contingency and surplus fund accounts may be made.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.04 Signatures required for the expenditure of funds** - Signatures shall be required for the expenditure of funds from any of the Commission’s authorized accounts. If the expenditures is less than \$20,000, the Director’s signature is required. If the expenditure is greater than or equal to \$20,000, the Chair’s signature is required. The Chair’s signature can only be provided after Commission approval.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.05 Contracts and interlocal agreements** - The Commission may enter into contracts and interlocal agreements upon approval of the Commission.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.06 Financial reporting** - The Commission will comply with the financial reporting requirements of Section 218.32, Florida Statutes, regarding the annual financial report, and Section 218.39, Florida Statutes, regarding the annual financial audit report.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.07 Purchasing** - The Commission may purchase commodities and contractual services, other than services the purchase of which is governed by Section 287.055, Florida Statutes, from the purchasing agreements of other special districts, municipalities, or counties which have been procured pursuant to competitive bid, requests for proposals, requests for qualifications, competitive selection, or competitive negotiations, and which are otherwise in compliance with general law if the purchasing agreement of the other special district, municipality, or county was procured by a process that would have met the purchasing requirements of the Commission.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.08 Advertising for competitive bids or proposals on construction projects** - The solicitation of competitive bids or proposals for any Commission construction project that is projected to cost more than \$200,000 will be publicly advertised at least once in a newspaper of general circulation in Hillsborough County at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. The solicitation of competitive bids or proposals for any Commission construction project that is projected to cost more than \$500,000 shall be publicly advertised at least once in a newspaper of general circulation in Hillsborough County at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. Bids or proposals will be received and opened at the location, date, and time established in the bid or proposal advertisement.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)

**2.09 Construction management or program management entities** - The Commission may select a construction management entity, or a program management entity, pursuant to the process provided by Section 287.055, Florida Statutes. However, these services may be procured pursuant to the requirements of Section 255.20, Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)

**2.10 Bids and contracts for public construction works** - Except as exempted by law, the Commission will competitively award to an appropriately licensed contractor each project to construct or improve a public building, structure, or other public construction works that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$300,000. For electrical work, except as exempted by law, the Commission will competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$75,000. The Commission may establish, by resolution, procedures for conducting the bidding process.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)

**2.11 Special facilities for physically disabled** - Any building or facility intended for use by the general public, which, in whole or in part, is constructed or altered or operated as a lessee, by or on behalf of the Commission, will, with respect to the altered or newly constructed or leased portion of such building or facility, comply with standards and specifications established by Florida Americans With Disabilities Accessibility Implementation Act, Part II of Chapter 553, Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)

**2.12 Purchasing professional services associated with construction** - The Commission will comply with the Consultant's Competitive Negotiation Act, Section 287.055, Florida Statutes, when purchasing professional services for a project the basic construction cost of which is estimated to exceed \$325,000 or for a planning or study



activity when the fee for professional services exceeds \$35,000. The professional services referenced above consists of those services within the scope of the practice of architecture, professional engineering, landscape architecture, registered surveying and mapping, as defined by the laws of the State, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.13 Purchases from purchasing agreements and state term contracts** - The Commission may purchase commodities and contractual services from purchasing agreements established and state term contracts procured, pursuant to Section 287.057, Florida Statutes, by the Florida Department of Management Services. The Commission may use a request for quote to obtain written pricing or services information from a state term contract vendor for commodities or contractual services available on state term contract from that vendor.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.14 Public entity crime** - The Commission may not accept any bid, proposal, or reply from, award any contract to, or transact any business in excess of \$35,000 with any person or affiliate on the convicted vendor list for a period of 36 months following the date that person or affiliate was placed on the convicted vendor list unless that person or affiliate has been removed from the list. All invitations to bid, requests for proposals, and invitations to negotiate and any contract document described will contain a statement informing persons of the provisions of Section 287.133(2)(a), Florida Statutes. If the Commission receives information that a person has been convicted of a public entity crime, the Commission will transmit that information to the Florida Department of Management Services in writing within 10 days.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.15 Prohibition against contracting with scrutinized companies** - Any contract with the Commission for goods or services of \$1 million or more entered into or renewed on or after July 1, 2012, must contain a provision that allows for the termination of such contract at the option of the Commission if the company is found to have submitted a false certification as provided under Section 287.135(5), Florida Statutes, been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or been engaged in business operations in Cuba or Syria. Notwithstanding the above, the Commission, on a case-by-case basis, may permit such a company to be eligible for, bid on, submit a proposal for, or enter into or renew such a contract, under the conditions in Section 287.135(4)(a) or (b), Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**2.16 Notice of disclosure of beneficial interests when real property is conveyed to HCPTC** - The Director, on behalf of the Commission, will send written notice by registered mail to the person required to make disclosures under Section 286.23, Florida Statutes, relating to real property conveyances, prior to the time when such disclosures are required to be made, which written request shall also inform the person required to make such disclosure that such disclosure must be made under oath, subject to the penalties prescribed for perjury.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**2.17 Application of County Procurement Policies and Procedures** - The Commission will comply with the Hillsborough County Procurement and Procedures Manual, including provisions relating to Purchasing Card procedures. Where a County procurement policy or procedure vests authority or responsibility in the Board of County Commissioners, said authority or responsibility shall be vested in the Public Transportation Commission. Where a County procurement policy or procedure vests authority or responsibility in the County Administrator, Department Director, or other County Administration employee, said authority or responsibility shall be vested in the Executive Director or his or her designee. The above procurement policies and procedures shall apply, except when any other policy separately adopted by the PTC conflicts with said policies and procedures.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**2.18 Reimbursement of per diem and travel expenses** - The Commission will comply with all applicable requirements of Section 112.061, Florida Statutes, regarding per diem and travel expenses of public officers, employees, and authorized persons. The Commission will use travel request forms similar to the form used by the County and the Clerk of the Circuit Court.

The Chair's travel must be authorized and approved by the Vice-Chair. A Commissioner's or the Director's travel must be authorized and approved by the Chair. Travel by other Commission employees must be authorized and approved by the Director. The Director shall not authorize or approve such a request, unless it is accompanied by a signed statement by the traveler's supervisor, if traveler has a supervisor, stating that such travel is on the official business of the Commission and also stating the purpose of such travel.

The Commission adopts the per diem rates, the subsistence rates, and the mileage rates provided in Section 112.061, Florida Statutes. If the Commission decides to establish rates that vary from the rates in said statute, the Commission will establish the rates by enactment of a resolution.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**2.19 Reimbursement of legal expenses** - As used in the balance of this policy, the words “successfully defend or prevail” shall apply to individual counts, charges and/or allegations, Commission on Ethics complaints, or Florida Bar complaints and shall mean the dismissal, the finding of not guilty, a result of no charges being filed, or a verdict in favor of the person covered herein as set forth below. A failure to successfully defend or prevail against one or more counts, charges or allegations shall not necessarily affect the application of the policy to other counts, charges and/or allegations which were successfully defended or against which the officer or employee prevailed.

“Reasonable attorney’s fees” shall mean fees earned by an attorney and/or attorneys licensed to practice law in the State of Florida, based on the customary per hour rate charged in Hillsborough County, Florida, for similar work performed by attorneys within the County. The County Attorney shall survey the legal community in Hillsborough County to determine the customary rate charged by attorneys for similar work. Then, every other year thereafter the County Attorney shall repeat the survey to determine whether the customary rate should be adjusted.

Subject to the second to the last paragraph of this policy, the Public Transportation Commission shall, pursuant to the procedures set forth herein, reimburse present and former Executive Directors, and their present and former employees and agents, including appointees of the PTC, for the reasonable attorney’s fees and costs that such persons have incurred when they successfully defend or prevail in civil, criminal, and/or ethical investigations and/or actions that arise out of and in connection with their scope of PTC employment or PTC function, while acting in their official capacity, and while serving a public purpose. The PTC shall, pursuant to the provisions of this policy, determine if the attorney’s fees and costs shall be reimbursed, and if so, in what amount.

Any person against whom counts, charges and/or allegations have been leveled stemming from actions within the scope of their employment shall contact the County Attorney and the Florida League of Cities’ Florida Municipal Insurance Trust prior to retaining private counsel. The County Attorney shall determine whether the Office of the County Attorney should provide the representation for the person. The County Attorney shall advise the person whether or not there is a conflict which would prevent the Office of the County Attorney from representing the person. If the Office of the County Attorney and the Municipal Insurance Trust can not represent the person, the person can then retain private counsel and be reimbursed attorney’s fees and costs if authorized by this policy.

Any person who believes that he or she is allowed or entitled to payment for reasonable attorney’s fees and costs pursuant to the provisions of this policy shall as a condition precedent to entitlement to such reimbursement, notify the Commission through the County Attorney, in writing within 10 days of the retention of a private attorney. Such notification shall include the reason for retention of a private attorney and recitation of the fee agreement. Thereafter, at anytime should fees and costs exceed \$5,000, such person shall immediately notify the County Attorney in writing that such threshold amount has been expended and establish good cause why the threshold amount should be exceeded.

Subsequently, any person who believes he or she is entitled to reimbursement of attorney's fees and costs pursuant to this policy shall file within 30 days of conclusion of the matter a written request for such fees and costs with the County Attorney, which request shall at the minimum state:

- a. the name and current address of the person making the request;
- b. a description of the entity conducting the investigation or proceeding;
- c. the case number or file number of the investigation or proceeding, if known;
- d. a description of each count, charge and/or allegation made or being investigated;
- e. the date(s) that the alleged wrongful incidents are alleged to have occurred;
- f. the person's office or position of employment with the PTC on the dates described in (e.) above;
- g. a narration of the reasons why such person believes that the request meets the criteria set forth in this policy and that his or her attorney's fees and costs should be reimbursed by the PTC;
- h. the name(s), address, and telephone number of the attorney(s) representing such person against the counts, charges, and/or allegations described in (d.) above;
- i. a description of the fee arrangement or agreement between the person and his or her attorney(s); the amount of attorney's fees and costs paid to the date of the written request for attorney's fees and costs for defense against the counts, charges, and/or allegations described in (d.) above; and the total balance due, if any, of all attorney's fees and costs that have been incurred in defense against the counts, charges, and/or allegations described in (d.) above; and
- j. such other information as the PTC and/or the County Attorney's Office may reasonably require.

In the alternative, such person may also request approval by the PTC to retain an outside attorney to be paid on a monthly basis, subject to all of the requirements of this Section. Such person shall submit the information set out in sub-paragraphs a. through j. to the County Attorney. The County Attorney shall prepare and present an agenda item for consideration by the Commission. The County Attorney shall recommend to the Commission an up front cap of the amount that is to be paid on a monthly basis, based on the particular legal issues related to the counts, charges and/or allegations. Once this cap is met, the County Attorney will bring an agenda item for the Commission to decide whether to continue the monthly payments. Pursuant to Section 111.07, Florida Statutes, however, any attorney's fees paid from public funds for such person who is ultimately found to be personally liable by virtue of acting outside the scope of his or her employment, or was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, may be recovered by the Commission in a civil action against such person.

Within a reasonable time following receipt of the written request for payment of attorney's fees and costs, the County Attorney shall prepare and present an agenda item for consideration by the Commission. In the agenda item for the Commission's consideration, the County Attorney shall include a recommendation on the applicability of this policy to the request payment of attorney's fees and costs. The Commission may: (1) request additional relevant information from the applicant; (2) continue the request to a date and time certain; or (3) take action upon the written request and determine if the attorney's fees and costs shall be reimbursed, and if so, in what amount.

If there are any areas of disputed facts, or where the County Attorney has a conflict of interest, the PTC will direct the Office of the County Attorney to request the President of the Hillsborough County Bar Association to select an attorney to volunteer on a pro bono basis to act as a Special Hearing Officer to render a recommendation with regard to the applicability of this policy. Hearings before the Hearing Officer will be open to the public. The record of the proceedings before the Hearing Officer shall be made and preserved.

Upon receipt of the written request, the County Attorney shall also communicate with the PTC's "insurance" providers to determine and advise the Commission whether such "insurance" providers will indemnify the PTC for any attorney's fees and costs incurred by the applicant in defense against such counts, charges, or allegations.

Notwithstanding anything to the contrary stated or implied herein, this policy does not address or pertain to employee discipline or termination proceedings. In the event such discipline or termination proceedings occur concurrently with the issues and/or proceedings described above, such discipline or termination proceedings shall not affect the application of the policy to the above described non-discipline or non-termination issues or proceedings.

This Policy shall apply to all requests for reimbursement of attorney's fees and costs.

Adopted: January 15, 2014; Amended:     (date)    

## **2.20 Public records requirements of contractors acting on behalf of the PTC**

Every PTC services contract in which the contractor is acting on behalf of the PTC will include a provision that requires the contractor to comply with public records laws, as specified in Section 119.0701, Florida Statutes. If the contractor acting on behalf of the PTC does not comply with a public records request, the PTC will enforce the contract provisions in accordance with the contract.

Adopted: January 15, 2014; Amended:     (date)

### Article 3 - Budgetary Matters

**3.01 Fiscal year** - The fiscal year of the Commission shall commence October 1 of each year.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**3.02 Budget preparation and approval** - No later than the June regular meeting, the Commission shall adopt an annual itemized budget. The budget shall include projected revenues sufficient to meet the requirements of the Commission without appropriation of other public moneys but which may include appropriation as provided by law. The budget shall also include projected expenditures for the next fiscal year which reflect anticipated revenues to be collected by the Commission for the next fiscal year. No approval of the annual budget shall be granted at an emergency meeting.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**3.03 Adopted budget** - The Commission will adopt a budget by resolution each fiscal year. The total amount available, including balances brought forward from prior fiscal year, must equal the total of appropriations for expenditures and reserves. At a minimum, the adopted budget must show for each fund, as required by law and sound financial practices, budgeted revenues and expenditures which are at least at the level of detail required for the annual financial report under Section 218.32(1), Florida Statutes. The adopted budget will regulate the expenditures of the Commission, and the Commission and staff thereof will not expend or contract for expenditures in any fiscal year except pursuant to the adopted budget.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**3.04 Posting of budget information on website** - The Director shall post the tentative budget on the Commission's official website at least 2 days prior to the Commission's consideration of the tentative budget. The Director shall post the final adopted budget on the Commission's official website within 30 days after adoption of the budget. The Director shall post any Budget Amendment Resolution on the Commission's official website within 5 days after adoption. If the Commission does not operate an official website, the Director shall, within a reasonable period of time as established by the County, transmit the tentative budget or final budget to the County Administrator for posting on the County's website.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**3.05 Budget amendment** - The Commission, at any time within a fiscal year or within 60 days following the end of the fiscal year, may amend a budget for that year as follows: (a) appropriations for expenditures within a fund may be decreased or increased by motion recorded in the minutes if the total appropriations for the fund do not increase, (b)

the Commission may establish procedures by which the Director may authorize certain amendments if the total appropriations of the fund do not increase, and (c) If a budget amendment is required for a purpose not specifically authorized in (a) and (b), the budget amendment must be adopted by resolution.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

#### **Article 4 - Commission Matters**

**4.01 Nondiscrimination** - The Commission will not, because of race, color, sex, religion, national origin, age, handicap, or marital status of any individual refuse to hire or employ or discharge from employment such individual or otherwise discriminate against such individual with respect to compensation, hire, tenure, term, conditions, or privileges of employment. The commission will include, to the greatest extent possible, persons who represent gender, racial, ethnic, cultural, and socioeconomic diversity in its employment and contracting practices.

The Commission in the adoption of rules and the Commission and Commission staff in the application of and in the performance of their duties will not discriminate against any person or group of persons on the basis of race, color, religion, sex, national origin, age, handicap, or marital status. The Commission will not establish zones, rates, fares, or charges based on any socioeconomic profile.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**4.02 Commission compensation and term of office** - Each member of the Commission will serve without compensation. The term of office will be for a period of 2 years.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**4.03 Election of officers and terms of offices** - The members of the Commission will elect a chair, vice-chair, secretary, and a treasurer from its membership. The term of each office will be for a period of 2 years.

Adopted: January 15, 2014; Amended: October 8, 2014

**4.04 Functions of the offices** – When present, the Chair will preside at all meetings of the Commission. The Chair or presiding officer’s functions will include:

- a. determining that a quorum is present;
- b. opening the meeting and calling the meeting to order;
- c. recognizing members of the Commission to speak;
- d. recognizing members of the general public or staff to speak;
- e. putting to vote all questions which come before the Commission as

- motions;
- f. restating the motion prior to the voting on the motion;
- g. deciding all questions of order;
- h. refusing to recognize frivolous or dilatory motions;
- i. refusing to recognize motions out of order;
- j. adjourning meetings when there is a sudden emergency affecting the safety of the Commission and others;
- k. executing all pertinent documents on behalf of the Commission as provided by law, rule, or when necessary and provided for by motion or resolution;
- l. establishing ad hoc committees, as needed;
- m. serving as an ex-officio member of the Finance and Audit Committee;
- n. serving as an ex-officio member of the Rules and Policies Committee; and
- o. requesting particular Commission member(s) to provide the invocation, and the Pledge of Allegiance.

The decisions of the Chair or presiding officer will stand unless reversed by a majority vote of the members present after the proper motion has been made and seconded to reverse such decision.

The other officers' functions will include:

Vice-Chair - in the absence or unavailability of the Chair, the vice-chair will perform the functions of the chair, and will serve on the Rules and Policies Committee.

Secretary – in the absence or unavailability of the chair and vice-chair, the secretary will perform the functions of the chair. The secretary will be responsible for overseeing the Commission staff's obligation regarding documenting and preserving of the records of the Commission, including the minutes of all the Commission's proceedings; the attesting of contracts, deeds, bonds, and other instruments in writing as necessary; the certifying of acts of the Commission as necessary, and will serve on the Rules and Policies Committee.

Treasurer – is entrusted with the oversight of the funds of the Commission, and will serve on the Finance and Audit Committee.

Adopted: January 15, 2014; Amended: October 8, 2014

**4.05 Quorum** - A majority of the members of the Commission constitute a quorum.

Adopted: January 15, 2014; Amended:     (date)



**4.06 Voting** - Each member is entitled to one vote each. No action of the Commission is binding unless taken at a meeting at which a majority of the members present cast their vote in favor thereof.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**4.07 Compliance with Special Act** - The Commission will comply with Ch. 2001-299, Laws of Florida, as amended and any other applicable special acts and general law.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**4.08 Meetings** - The Commission will meet monthly unless modified in advance at a regularly scheduled meeting of the Commission.

Meetings other than regular meeting, such as special meetings, emergency meetings, workshops, briefings, and public hearings, may be called at any time by the Chair.

By December 1 each year, the Executive Director shall file annually a schedule of the Commission's regular meeting with Clerk of the Hillsborough County Board of County Commissioners. The Schedule shall include the date, time, and location of each scheduled meeting. The Director shall publish the schedule annually in a newspaper. The Director shall advertise the day, time, place, and purpose of any meeting other than a regular meeting or any recessed and reconvened meeting of the Commission, at least 7 days prior to such meeting in a newspaper, unless a bona fide emergency situation exists, in which case a meeting to deal with an emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the Commission. The publication and advertisement referenced herein shall be placed in that portion of a newspaper where legal notices and classified advertisements appear. The newspaper shall be a newspaper of general paid circulation in Hillsborough County, of general interest and readership in the community and not one of limited subject matter, pursuant to Chapter 50, Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (September 14, 2016) \_\_\_\_\_

**4.09 Agendas** – An agenda of matters to be discussed by the Commission shall be made available to the public forty-eight (48) hours before the Commission meeting. In cases of special circumstances or emergencies, those items not on the agenda may be acted upon by the Commission. However, any changes to the agenda requested within 48 hours before the Commission meeting, will require a majority vote of the members present.

The Executive Director has the primary authority and responsibility for determining the scheduling of all agenda items before the Commission. Prior to distributing the agenda, the Director will secure the approval of the Chairman. Commission members may request that items be placed on the agenda.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**4.10 Attendance at conferences and reimbursement of travel** - The Commission may authorize any of its members or its employees to attend conferences and travel on behalf of the Commission. The Commission may reimburse costs for such conferences and travel and per diem expenses in accordance with general law and these policies.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**4.11 Designation of hearing officers** - The Commission has designated certain individuals as Hearing Officers. Future designations will only be to persons who are licensed and in good standing with the Florida Bar and who have demonstrated experience of at least 5 years in administrative law in Florida.

As the need arises, the Director will promptly publicize the solicitation of additional hearing officer(s). The Director will refer all applicants to the Commission's legal counsel, who will coordinate with the legal counsel of each local government represented on the Commission to recommend an appropriate number of applicants for the Commission's consideration.

The Commission will either appoint or re-appoint hearing officers as necessary starting with the first appointment(s) in 2014. The Commission's goal is to have at least four Hearing Officers at all times.

Current and future Hearing Officers will serve at the will of the Commission. Upon the appointment of new Hearing Officers(s), the current Hearing Officers will be subject to re-appointment for a term of one year. The initial appointment of new Hearing Officers will be for a term of two years; subsequent re-appointment(s) will be for a term of one year. Upon expiration of a Hearing Officer's term, the Hearing Officer will not be referred new matters, but may conclude matters started during his or her term.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**4.12 Notice regarding record of proceeding** - The Commission will include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of the Commission, conspicuously on such notice, the advise that, if a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**4.13 Public meetings and records, public inspection** – All meetings of the Commission, except as otherwise provided, at which official acts are to be taken are public meetings open to the public at all times. The Commission will provide reasonable notice of all such meetings.

Except as provided by law, and subject to rules and policies of the Commission, members of the public will be given a reasonable opportunity to be heard on propositions before the Commission. Prior to consideration of consent agenda items, the Commission will hear up to 45 minutes of public comment. If additional public comment time is required, and time permits, additional public comment may be heard at the conclusion of the 45-minute period, or prior to adjournment of the meeting.

Any person wishing to address the Commission during the designated public comment period must complete and turn in a Public Comment Form. During the public comment period, the Chairman will recognize persons who have turned in Public Comment Forms, and those persons may, as their name is called, approach the lectern and address the Commission. Speakers may address the Commission regarding any scheduled agenda item or any nonagenda matter(s) of personal or general concern. Speakers addressing scheduled agenda items shall be heard first; otherwise, speakers shall be heard in the order in which they submitted a Public Comment Form. Each speaker may address the Commission for no more than three (3) minutes, although the Chairman has the discretion to grant additional time to any speaker.

If a Commissioner wishes to discuss or comment on any issue raised during public comment, the Commission may either refer the issue to the Executive Director or continue the item to the end of the public comment portion of the meeting or the end of the agenda for further discussion. This will assure that the 45 minutes designated for input from the public is not unduly interrupted.

Speakers shall refrain from disruptive behavior, and from making vulgar or threatening remarks. Speakers shall refrain from launching personal attacks against any Commissioner, PTC staff member, or member of the public. The Chairman shall have the discretion to have any speaker who disregards these policies removed from the lectern or the meeting for the remainder of that day's meeting.

The minutes of a Commission meeting will be promptly recorded, and such records shall be open to public inspection. Meetings of the Commission will be held in the Frederick B. Karl County Center, 601 E. Kennedy Blvd., 2nd Floor, Tampa, Florida, or if unavailable, another public building, a county courthouse, or a building in the County accessible to the public, and not at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such facility.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**4.14 Voting requirement at meetings** - No member of the Commission who is present at any meeting of the Commission at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling, or act; and a vote will be recorded and counted for each member present, except when, with respect to a member, there is, or appears to be, a possible conflict of interest under the provisions of Sections 112.311, 112.313, or 112.3143, Florida Statutes. In such case, the

member shall comply with the disclosure requirements of Section 112.3143, Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_(date)\_\_\_\_\_

**4.15 Standing rules of order** - “The Roberts Rules of Order, -- Newly Revised”, using the most current edition, are adopted as parliamentary authority for the conduct of all meetings of the Commission, except when they are inconsistent with other Commission Policies, Rules, or Law.

The Commission’s legal counsel will serve as the Commission’s parliamentarian at all meetings of the Commission.

Adopted: January 15, 2014; Amended: \_\_\_\_\_(date)\_\_\_\_\_

**4.16 Legal counsel** - The Commission may employ attorneys, and may contract for the provision of legal services.

If the Commission contracts for the provision of legal services, the Commission is the client, not individual members of the Commission, the Executive Director, nor the Commission staff.

The Executive Director and staff may use the services of the attorneys as the Executive Director deems appropriate in the interest of the Commission. The attorney will give advice to both the staff and the Commission. When advice is sought by the staff, it shall be coordinated through the Executive Director.

The Commission and the Executive Director will request attorneys to approve as to form and legal sufficiency all policies, agreements, and other legal instruments and official documents as requested by the Commission or the Executive Director.

Employed or contract attorneys will represent the Commission consistent with the provisions of Rule 4-1.13, Organization as Client, Florida Bar Rules of Professional Conduct, and will comply with the terms and the intent of all the Rules of Professional Conduct as established and amended by the Florida Supreme Court. Attorneys serving as “local government attorneys” will comply with Ch. 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees.

The Commission will not require the attorney to render legal services in any particular circumstances where, in the professional discretion and judgment of the attorney, the rendering of such legal services would violate terms or the intent of any of the Rules of Professional Conduct as established and amended by the Florida Supreme Court or create a direct conflict of interest between the Commission and the attorney.

Adopted: January 15, 2014; Amended: \_\_\_\_\_(date)\_\_\_\_\_

**4.17 Legislative advocacy** - The Commission may propose legislation and may authorize advocacy on pending bills. The Commission may authorize the hiring of lobbyists to act on the Commission's behalf. Such advocacy may include authorizing travel by Commissioners, Executive Director, Lobbyists, or others as necessary.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**4.18 Finance and Audit Committee** - The Commission will establish a Finance and Audit Committee, as a standing subcommittee of the Commission. The Finance and Audit Committee will consist of the Treasurer, two Commission members to be appointed by the Chairman, and the Chair will serve as an ex-officio member.

Adopted: January 15, 2014; Amended: October 8, 2014

**4.19 Rules and Policies Committee** - The Commission will establish a Rules and Policies Committee as a standing subcommittee of the Commission. The Rules and Policies Committee will consist of the Vice-chairman, the Secretary, a Commission member to be appointed by the Chairman, and the Chair will serve as an ex-officio member.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**4.20 Standards of conduct for public officers** – Members of the Commission will comply with Section 112.313, Florida Statutes, providing standards of conduct, and will comply with all applicable policies governing ethical matters.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**4.21 Attendance at meetings** – Members of the Commission are expected to attend all meetings. If a member will be unable to attend a meeting, said member shall contact their appointment agency's alternate member to attend the meeting in their place. If a member or their alternate does not attend three consecutive meetings, the Chair may contact the absent member's appointing agency requesting a new appointee.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**4.22 Agency spokesperson** – The Executive Director is authorized to serve as the agency's spokesperson on all matters regarding the day to day operation of the agency. The Commission Chair is authorized to serve as the agency's spokesperson on all other matters of the agency. The Chair, at his or her discretion, may delegate this authority to the Executive Director, another Commission member, or another person.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

## **Article 5 - Commission Staff and Employment Matters**

**5.01 Nondiscrimination** - The Commission will not, because of race, color, sex, religion, national origin, age, handicap, or marital status of any individual refuse to hire or employ or discharge from employment such individual or otherwise discriminate against such individual with respect to compensation, hire, tenure, term, conditions, or privileges of employment. The commission will include, to the greatest extent possible, persons who represent gender, racial, ethnic, cultural, and socioeconomic diversity in its employment and contracting practices.

Commission staff in the application of and in the performance of their duties will not discriminate against any person or group of persons on the basis of race, color, religion, sex, national origin, age, handicap, or marital status.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**5.02 Compliance with Special Act** - The Commission will comply with Ch. 2001-299, Laws of Florida, as amended and any other applicable special acts and general law.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**5.03 Pay plan for classified employees** - The Director, on the Commission's behalf, will, in accordance with the Hillsborough County Civil Service Act, approve, amend, or reject salary schedules for the classified employees it funds by the date of adoption of its annual budget. Each salary schedule within the pay plan will include the salary range and a minimum and a maximum rate of pay and any intermediate points within the salary range.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**5.04 Employee benefits plan** - The Commission will provide a benefits plan to its employees by participating in the County's benefits plan, and require employee contribution to the same level as is required by the County's benefits plan. All leave and holidays will be the same as provided by the County.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**5.05 Compliance with Civil Service Act and Rules** - The Commission will comply with all applicable requirements of the Civil Service Act and the Civil Service Rules.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**5.06 Designation of agency head** - Under the Civil Service Rules, the Agency Head is the one elected or appointed individual within each Agency whose administrative authority supersedes that of all other individuals employed in that Agency. In the Commission, the Director is the Agency Head. Except as provided by law, Civil Service

Rules, or these policies, the Director is authorized to act on behalf of the Commission in all matters relating to the Civil Service Act or Rules. The Director may delegate any such authority to subordinate administrators at the Director's discretion.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**5.07 Creation of new classified positions** - The Director will promptly report to the Civil Service Board the Commission's intention to establish any new position that may be classified.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**5.08 Filling of existing classified positions, and abolition thereof** - Whenever a position in the classified service becomes vacant, the Director will ask the Civil Service Board for the appropriate eligibility list. The Director will make the classified appointment from persons certified by the Civil Service Board as eligible. The Director may make a temporary appointment without Civil Service Board approval, but the Director will promptly notify the Civil Service Board of any such appointment. The temporary employee need not be on a certified eligibility list but must meet minimum qualifications for the classification of the position to which appointed. The Director may appoint a substitute employee without Civil Service Board approval, but the Director will promptly notify the Civil Service Board of any such appointment. The substitute employee need not be on a certified eligibility list but must meet minimum qualifications for the classification of the position to which appointed. The Director shall immediately give a written report, prepared in the manner and form prescribed by the Civil Service Board, to the Civil Service Board and each affected employee of all appointments, reinstatements, vacancies, absences, or other matters affecting the status of positions or the performance of duties of officers and employees in the classified service. The Director may only abolish a position in the classified service in good faith, and such abolition requires the approval of the Civil Service Board.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**5.09 Extending conditional employment** - The Director may extend for an additional period of up to 6 months the period of conditional employment of a person promoted to a position in the classified service.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**5.10 Suspension, demotion, and dismissal of classified employees** - Pursuant to the Civil Service Act, other applicable law, and Civil Service Rules, the Director may suspend, demote, or dismiss any nontenured employee in the classified service. Pursuant to the Civil Service Act, other applicable law, and Civil Service Rules, the Director may suspend, demote, or dismiss a tenured employee in the classified service.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**5.11 Performance evaluation process of Executive Director** –The Commission will review and evaluate the performance of the Executive Director prior to the end of each fiscal year following the Director’s first six months of service. To facilitate approval of evaluation in September, the Executive Director will distribute evaluation forms in August. Commission members will promptly complete the performance evaluation forms, or provide a written explanation as to why evaluation forms were not promptly completed and submitted. Said review and evaluation will be in accordance with specific criteria developed jointly by the Commission and the Executive Director prior to or as soon as practicable from the start of the evaluation period. Said criteria may be added to or deleted from as the Commission may from time to time determine, in consultation with the Executive Director. Further, the Commission shall provide the Executive Director with a summary written statement of the finding and provide an adequate opportunity for the Executive Director to discuss his evaluation with the Commission. The parties may consult with County Human Resources or Civil Service to assist in the development of an acceptable evaluation form and scoring scale.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**5.12 Application of County Human Resources Policies and Procedures** - The Commission will comply with the County Human Resources Policies and Procedures Manual. Where a County HR policy or procedure vests authority or responsibility in the HR Department, a director, manager, agency head or appointing authority, said authority or responsibility shall be vested in the Executive Director or his or her designee. The above HR policies and procedures shall apply to employees except when any other policy separately adopted by the Commission conflicts with said policies and procedures.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**5.13 Director employment agreement** - The Director will serve pursuant to the terms of an employment agreement. Towards this end, the Chair is authorized to negotiate the terms of an employment agreement with a prospective Director. The Chair, at his or her discretion, may delegate this authority to another Commission member, or another person.

The employment agreement must be approved by the Commission by a vote of not less than an affirmative vote of five members.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**5.14 Coverage during Director’s absence** - In the absence of the Director, the Commission’s Chief Inspector is authorized to perform all actions incumbent with Director’s position. In the absence of both the Director and the Chief Inspector, an employee authorized by the Director is authorized to perform all actions incumbent with the Director’s position.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_



**5.15 Compensatory time leave** - The Director may authorize Compensatory paid time-off to eligible non-exempt employees having worked additional hours in a workweek. Compensatory time is earned at a rate of one and one-half (1 ½) hours for each hour of overtime worked. “Overtime” is defined as any time worked in excess of 40 work hours per week, calculated from Sunday through Saturday. The following procedures shall apply:

1. Time is earned and accrued by any non-exempt employee for work performed in excess of the standard 40 hours for which overtime compensation is required.
2. Employees designated as exempt pursuant to the Fair Labor Standards Act are not eligible to earn and accrue compensatory time.
3. When compensatory time is granted, it is to be calculated at 1 ½ hours for each hour worked over the 40 hour work week. For increments of less than an hour, compensatory time shall be calculated at time and half the amount of overtime worked.
4. The supervisor is charged with approving earned or accrued compensatory leave if known or planned in advance.
5. The supervisor is charged with keeping an accurate record of any overtime hours worked by an employee for whom compensatory time is to be granted.
6. Compensatory time may not be taken in increments of less than fifteen (15) minutes.
7. Any requests to use accrued compensatory time and approval of the use of compensatory time shall be documented in writing, utilizing a form or forms approved by the Executive Director.
8. A non-exempt employee who has requested to use accrued compensatory time shall be allowed to do so within a reasonable amount of time after the request, provided such use does not unduly disrupt the operations of the PTC. In fact, non-exempt employees are encouraged to use accrued compensatory time earliest possible time that is satisfactory to both the employer and the employee.
9. All compensatory leave balances shall be reduced to 80 hours prior to September 30, 2014. At no time during the calendar year after September 30, 2014 should a compensatory leave balance exceed 100 hours. Non-exempt employees approaching a compensatory leave balance of 100 hours will not be eligible for overtime assignments and are required to use compensatory leave prior to using annual leave when requesting time off, until such time as the compensatory leave balance is reduced to 80 hours. At the conclusion of each fiscal year, employee compensatory leave balances shall not exceed 80 hours without prior written approval by the Executive Director.
10. In the event that compensatory leave balance exceeds the limits outlined in this policy, the employee should receive pay in lieu of compensatory time.
11. In the event a non-exempt employee is promoted to or transfers into an exempt position, from that point forward the employee is not eligible to accrue compensatory time. However, the employee may continue to use compensatory time accrued for a period of 12 months in no less than 8 hour

increments, drawing down the accrued compensatory leave balance. Any hours of accrued compensatory time remaining on the books at the end of the 12 month period, shall be paid out to the employee at the highest rate of pay the employee earned prior to the transition to exempt status, bringing the compensatory leave balance to zero. If the employee separates from employment from the PTC during that 12 month period, he or she shall be paid for the remaining compensatory leave balance.

12. All non-exempt employees who separate from employment from the PTC, shall receive payment for all unused hours of compensatory time at a rate of compensation not less than the higher of these two options:
  - a) the average regular rate received by such employee during the last 3 years of employment; or
  - b) the final regular rate received by such employee prior to the separation.
13. Pursuant to delegation by the PTC, the Executive Director has the authority to make payment for unused accrued compensatory time, whether a claim is made or not, and to enter into Waiver and Releases and settlement agreements to resolve any issues related to or involving such payment, up to a dollar amount of twenty-five thousand dollars (\$25,000).

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

## **Article 6 - Special District Matters**

**6.01 Compliance with Ch. 189 regarding special districts** - Except as provided by Ch. 2001-299, Laws of Florida, as amended, the Commission will comply with all applicable provisions of the Uniform Special District Accountability Act of 1989, Chapter 189, Florida Statutes, and any other general law relating to special districts.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**6.02 Public facilities report** - By June 1, 2014, and as legally required thereafter, the Director shall submit a public facilities report, and annual notices of any changes thereto, to the Clerk of the Hillsborough County Board of County Commissioners. The Public Facilities Report shall include the information specified in Section 189.415(2), Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**6.03 Designation of registered office and agent** - The Commission designates 2007 W. Kennedy Blvd., Tampa, Florida as the registered office. The Commission designates the Director as the registered agent. The Director shall file such information with the Clerk of the Hillsborough County Board of County Commissioners, and with the Florida Department of Economic Opportunity. The Director shall serve as an agent of the Commission upon whom any process, notice, or demand required or permitted by law to be served on the Commission may be served.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**6.04 Reports regarding changes to the Special Act** - The Director will file any amendment, modification, or update of Ch. 2001-299, Laws of Florida with the Florida Department of Economic Opportunity within 30 days after adoption.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)

## **Article 7 - Ethical Matters**

**7.01 Standards of conduct for public officers, employees, and local government attorneys** - Members of the Commission, the Executive Director, other employees of the HCPTC, and local government attorneys of the HCTPC will comply with Section 112.313, Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)

**7.02 Prohibition on employment of relatives** - HCPTC public officials will not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the HCPTC any individual who is a relative of the public official.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)

**7.03 Voting conflicts** - No member of the Commission will vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than the HCPTC; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the member of the Commission. The member of the Commission shall, prior to the vote being taken, publicly state to the assembly the nature of the member's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

No member of the Commission will participate, i.e., attempt to influence the decision, in such a matter without first disclosing the nature of his or her interest in the matter, as required by Section 112.3143(4), Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)

**7.04 Disclosure of financial interests** - All members of the Commission that are elected constitutional officers and candidates for such offices will file full and public disclosures of their financial interests with the Florida Commission on Ethics pursuant to Section 112.3144, Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)

**7.05 Statement of financial interests** - All members of the Commission, and the Director and other HCPTC employees, if the Director or other HCPTC employees is a purchasing agent having the authority to make any purchase exceeding \$20,000, on behalf of the Commission, will file a statement of financial interests no later than July 1 of each year, pursuant to the requirements of Section 112.3145, Florida Statutes. If required to file a statement of financial interests, the Director and/or other HCPTC employees will file their statement with the Hillsborough County Supervisor of Elections.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**7.06 Reporting and prohibited receipt of gifts** - All members of the Commission, and the Director and other HCPTC employees, if the Director or other HCPTC employees is a purchasing agent having the authority to make any purchase exceeding \$20,000 on behalf of the Commission, will comply with reporting obligations and prohibitions on receiving gifts of Section 112.3148, Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**7.07 Solicitation and disclosure of honoraria** - All members of the Commission, and the Director and other HCPTC employees, if the Director or other HCPTC employees is a purchasing agent having the authority to make any purchase exceeding \$20,000, on behalf of the Commission, will comply with the reporting obligations and prohibitions on receiving honoraria of Section 112.3149, Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**7.08 Statement of Ethics** - The Commission accepts the Director's following Statement of Ethics:

We, the leadership and staff of the Hillsborough County Public Transportation Commission (PTC), dedicate ourselves to carrying out the mission of the PTC with the highest ideals of honor and integrity and the best interests of all stakeholders in mind. We seek to serve the public, transportation businesses and government officials with high standards of performance, professionalism, and ethical decision-making. We will:

1. Recognize that the chief function of the Commission is to serve the needs of Hillsborough County residents and visitors by facilitating and enhancing their safety as they utilize services regulated by the PTC.
2. Accept the responsibility to keep abreast of emerging issues, information and technology, and keep the public and other stakeholders informed of issues that affect them.
3. Respect the responsibilities of the PTC governing board, provide them with objective facts and advice to assist policy decision, and implement and uphold those policy decisions with professional integrity and virtue.

4. Respect the rights, responsibilities and integrity of fellow employees and customers, and not knowingly by a party to, condone or conceal any illegal or improper activity.
5. Conduct our organizational and operational duties with professional competence, fairness, impartiality, efficiency and effectiveness.
6. Demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in order to inspire confidence and trust in our activities.
7. Avoid any interest or activity that is in conflict with our official duties.
8. Serve with respect, concern, responsiveness, and dignity in carrying out our official duties.
9. Exercise prudence and integrity in the management of funds in our control and in all financial transactions.
10. Strive for personal and professional excellence and actively encourage the professional development of others.

Adopted: January 15, 2014; Amended: \_\_\_\_\_(date)\_\_\_\_\_

### **Article 8 - Public Records Matters**

**8.01 Maintenance of records** - The custodian of public records will maintain and preserve all HCPTC public records in accordance with Section 119.021(1), Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_(date)\_\_\_\_\_

**8.02 Disposal of records** - The Commission will comply with the Division of Library and Information Services of the Florida Department of State's rules establishing retention schedules and disposal processes for public records. The Executive Director will designate a records management liaison officer who will establish and maintain an active and continuing program for the economical and efficient management of records. The custodian of public records will systematically dispose of records no longer needed, in accordance with rules of, and in accordance with the retention schedules established by, and subject to the consent of the records and information management program of, the Division of Library and Information Services.

Adopted: January 15, 2014; Amended: \_\_\_\_\_(date)\_\_\_\_\_

**8.03 Inspection and copying of records** - Every person who has custody of a public record will permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. The Executive Director is designated as the custodian of public records of the HCPTC. The custodian of public records will acknowledge requests to inspect or copy records promptly and respond to such requests in good faith, including reasonable efforts to determine from other officers and employees whether such a record exists and, if so, the location at which the record can be accessed.

A person who has custody of a public record who asserts that an exemption applies to a part of such record shall redact that portion of the record to which an exemption has been asserted and validly applies, and such person will produce the remainder of such record for inspection and copying. If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she will state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute. If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential. Even if an assertion is made by the custodian of public records that a requested record is not a public record subject to public inspection and copying, the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**8.04 Copying fees and charges** - The custodian of public records will furnish a copy of the record upon payment of the fee prescribed by law. If a fee is not prescribed by law, the following fees are required: 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8 1/2 inches; an additional 5 cents for each two-sided copy; and for all other copies, the actual cost of duplication of the public record. If the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by HCPTC personnel, or both, the custodian of public records will charge, in addition to the actual cost of duplication, a special service charge, which will be reasonable and will be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the HCPTC or attributable to the HCPTC for the clerical and supervisory assistance required, or both.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

## **Article 9 - Rule Adoption Matters**

**9.01 Compliance with Ch. 120, Administrative Procedures Act** - The Commission will adopt rules in conformance with Chapter 120, Florida Statutes, the Administrative Procedures Act, and will only adopt rules that implement or interpret the specific powers and duties granted by the enabling statute.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date)\_\_\_\_\_

**9.02 Rule development** - The Commission delegates to the Executive Director the authority to initiate rule development. The Executive Director may hold public workshops for purposes of rule development. The Executive Director will hold public workshops for purposes of rule development if requested in writing by any affected person, unless the Executive Director explains in writing why a workshop is unnecessary.

When a workshop or public hearing is held, the Director will ensure that the persons responsible for preparing the proposed rule are available to explain the agency's proposal and to respond to questions or comments regarding the rule being developed.

Not later than 30 calendar days following the date of filing of a petition to initiate rulemaking by any person regulated by the Commission or any person having a substantial interest in a Commission rule, the Commission will initiate rulemaking proceedings, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**9.03 Notice of proposed rules** - Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the Commission, upon approval of the Commission, will give notice of its intended action. The notice will include the applicable information specified in Section 120.54(3)(a), Florida Statutes. The notice will be published in some newspaper as defined in Chapter 50, Florida Statutes not less than 28 days prior to the intended action. The proposed rule will be made available for inspection and copying by the public at the time of the publication of notice. The notice will be mailed to all persons specified in Section 120.54(3)(a)3, Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**9.04 Statement of estimated regulatory costs** - Before the adoption, amendment, or repeal of any rule other than an emergency rule, the Commission will prepare a statement of estimated regulatory costs of the proposed rule, if the proposed rule will have an adverse impact on small business, or the proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after the implementation of the rule. If a statement is required, the statement of estimated regulatory costs will include the items specified in Section 120.541(2), Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_ (date) \_\_\_\_

**9.05 Impact on small business** - The Commission, before the adoption, amendment, or repeal of a rule will consider the impact of the rule on small business. Whenever practicable, the Commission shall tier its rules to reduce disproportionate impacts on small businesses to avoid regulating small businesses that do not contribute significantly to the problem the rule is designed to address. The Commission will consider the methods specified in Section 120.54(3)(b)2.a., Florida Statutes, for reducing the impact of the proposed rule on small businesses.

If required by Section 120.541(3), Florida Statutes, the rule will be submitted to the Legislature for ratification by the Legislature.

If the Commission determines that the proposed action will affect small business, the Commission will send written notice of the rule to the rules ombudsman in the Executive Office of the Governor at least 28 days before the intended action.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**9.06 Public hearing** - If the intended action concerns any rule other than one relating exclusively to procedure or practice, the Commission will, on request of any affected person received within 21 days after the date of publication of the notice of intended Commission action, give affected persons an opportunity to present evidence and argument on all issues under consideration. The Commission, if requested by any affected person, will schedule a public hearing on the rule, and will ensure that staff are available to explain the Commission's proposal and to respond to questions or comments regarding the rule. Any material pertinent to the issues under consideration submitted to the Commission within 21 days after the date of publication of the notice or submitted to the Commission between the date of publication of the notice and the end of the final public hearing shall be considered by the Commission and made a part of the record of the rulemaking proceeding.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**9.07 Modification of proposed rules** - If a rule is changed, other than a technical change that does not affect the substance of the rule, the Commission will follow the requirements of Section 120.54(3)(d), Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**9.08 Filing for adoption** - The Commission will file one certified copy of the proposed rule, and other required materials in the office of the Commission, and such rules will be open to the public. A rule will not be filed for adoption outside of the time limitations specified in Section 120.54(3)(e)2., Florida Statutes. At the time a rule is filed, the Executive Director will certify that the time limitations have been complied with, that all statutory rulemaking requirements have been met, and that there is no administrative determination pending on the rule. The rule will become effective when adopted by the Commission, on a later date specified by rule, or upon ratification by the Legislature, if ratification is required.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_

**9.09 Rulemaking record** - In all rulemaking proceedings the Commission will compile a rulemaking record. The record will include, if applicable, copies of the materials specified in Section 120.54(8), Florida Statutes.

Adopted: January 15, 2014; Amended: \_\_\_\_\_ (date) \_\_\_\_\_