

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
GENERAL BUSINESS/AGENDA ITEM #8b**

**SUBJECT:** Review of Advisory Board Requirements

**DATE OF MEETING:** October 16, 2023

**OVERVIEW/SUMMARY:** The Board initially adopted a policy related to advisory board and committee appointments through an addition to its Administrative Code approved on July 5, 1995 (see Agenda Item No. 30 in the regular meeting agenda and minutes from the Board’s July 5, 1995 regular meeting). This policy set initial requirements for advisory board appointment and attendance, and was for the most part concerned with the procedure for filling committee vacancies. Aside from mentioning the Board’s intent to “appoint the most qualified people” and “to make every effort to make balanced appointments to reflect a cross-section of the community – including economic, social, geographic, and employment factors,” the Board’s policy was silent as to qualifications like whether or not an advisory committee appointee was a County resident or registered voter.

Nevertheless, the Board’s Rules of Procedure, most recently updated in July 2023, requires advisory board members to be electors of Flagler County “unless otherwise waived by the Board of County Commissioners.” Being an elector is important. It means the individual is a United States citizen, an adult, and a resident of the county. It also means the individual has sworn an oath to uphold the Florida Constitution and is not otherwise ineligible due to being found incapacitated or being a convicted felon without civil rights restored.

In addition to the Administrative Code, eligibility to serve on advisory boards are sometimes supplemented with more specific requirements within County Ordinances pertaining to the respective boards. An example of this is the County’s Contractor Review Board which states within its listed prerequisites that appointees must “establish residency in the county prior to the date of appointment by the county commission” (see Sec. 8-7(a)(a), Flagler County Code of Ordinances) and must have expertise in certain contractor trades. State Statutes also specify eligibility for certain advisory boards, such as the affordable housing advisory committee (Fla. Stat. 420.9076) and the Tourism Development Council (Fla. Stat. 125.0104).

The County’s various advisory boards and committees perform important work for the Board of County Commissioners, acting in an advisory or oversight capacity under the delegated authority of the Board. As such, advisory board appointments serve at the pleasure of the Board, and may be appointed – or removed – in the Board’s discretion without providing an opportunity for redress. The County’s advisory boards and committees often represent County-wide services like the resolution of complaints related to contractors (Contractor Review Board), the provision of affordable housing (Affordable Housing Advisory Committee), library services (Library Board of Trustees), and the promotion of tourism (Tourist Development Council).

Recently the Board sought a staff review of the qualifications of individual advisory board members, especially those related to County residency and voter registration. Of the seven advisory boards and committees and the 54 members on these boards, 51 appointees responded in the affirmative to both the County residency and registered voter inquiries.

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One appointee (Mustiga) on the Library Board of Trustees was unavailable to respond to the residency and voter inquiry. It is anticipated that this appointee has moved out of the County, with the appointee absent at the September Board of Trustees meeting. Since three consecutive unexcused absences are required before an appointed position is to be considered to be vacated by the appointee (unless they resign sooner), the earliest that the position would be determined to be vacant would be after the Board of Trustees' December meeting.

One appointee on the Tourist Development Council (Robinson) did not respond to the registered voter inquiry, but did respond that they were a County resident. Tourism staff confirmed that the appointee is a registered voter.

One appointee on the Contractor Review Board (Davies) responded that he is not a registered voter. The appointee did respond that he is a County resident.

While the Board approves each of the appointees (and approved each of the current appointees), the Board continues to have the ability to approve or remove an appointee without cause.

**STRATEGIC PLAN:**

Focus Area: Effective Government Objectives

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
  - Objective EG 2.1: Create a culture of collaboration with municipalities and community partners.
  - Objective EG 2.2: Pursue policy, fiscal and legislative options to provide county leaders with the flexibility and tools needed to respond to the challenges associated with a growing community.
  - Objective EG 2.3: Establish compatible policies, procedures, and other means to operate across county and municipal boundaries.

**DEPARTMENT CONTACT:** County Administration and County Legal Department

**RECOMMENDATION:** The Board of County Commissioners review the advisory board requirements and the tally of appointees' responses to the County residency and registered voter inquiries and take such action as deemed necessary.

**ATTACHMENT:**

1. Advisory Board Tally

## Affordable Housing Advisory Committee

Member Name	Member Classification/Representation	Registered Voter (Y/N)	County Resident (Y/N)
Belhumeur, R.	For-Profit Provider of Affordable Housing (e)(BOCC appt)	Y	Y
Carney, K.	Real Estate Professional (g)	Y	Y
Clymer, V.	Banking or Mortgage Industry (b)(CoPC appt)	Y	Y
Dance, A.	Municipality & County Appointed Elected Officials	Y	Y
Giaccone, P.	Not-for-Profit Provider of Affordable Housing (f)	Y	Y
Heighter, C.	Municipality & County Appointed Elected Officials	Y	Y
Joseph, N.	Citizen Representing Essential Services Personnel (k)	Y	Y
Shank, S.	Advocate for Low Income Persons (d)	Y	Y
Sperber, D.	Resident of Local Jurisdiction (i)	Y	Y

## Contractor Review Board

Member Name	Member Classification/Representation	Registered Voter (Y/N)	County Resident (Y/N)
Bruce, J.	Consumer Member	Y	Y
Davies, J.	Consumer Member	N	Y
Dudley, W.	Licensed Electrical Contractor	Y	Y
Medeiros, L.	Licensed General, Building, or Residential Contractor	Y	Y
Sink, W.	Licensed Mechanical or Air Conditioning Contractor	Y	Y
Snyder, J.	Licensed Swimming Pool/Spa Contractor	Y	Y
Tilton, B.	Licensed Roofing Contractor	Y	Y

## Land Acquisition Committee

Member Name	Member Classification/Representation	Registered Voter (Y/N)	County Resident (Y/N)
Anderson, S.	N/A	Y	Y
Byrd, E.	N/A	Y	Y
Davis, J.	N/A	Y	Y
Laundrie, C.	N/A	Y	Y
Moore, A.	N/A	Y	Y
Newton, B.	N/A	Y	Y
Wilson, A.	N/A	Y	Y

Library Board of Trustees

Member Name	Member Classification/Representation	Registered Voter (Y/N)	County Resident (Y/N)
Atack, S.	N/A	Y	Y
Barczak, B.	N/A	Y	Y
Bettencourt, N.	N/A	Y	Y
Cullinane, J.	N/A	Y	Y
Mustiga, A.	N/A		
Nix, J.	N/A	Y	Y
O'Brien, D.	N/A	Y	Y
Ulsamer, J.	N/A	Y	Y

Planning and Development Board

Member Name	Member Classification/Representation	Registered Voter (Y/N)	County Resident (Y/N)
Boyd, M.	West of US 1 and South of SR 100	Y	Y
Conner, T.	Between I-95 and Intracoastal Waterway, South of SR 100	Y	Y
Corbett, J.	Between US 1 and I-95, South of SR 100	Y	Y
Haywood, H.	At-Large	Y	Y
Langelo, M.	East of Intracoastal Waterway	Y	Y
Lombardo, A.	At-Large	Y	Y
Melendez, F.	At-Large (in lieu of West of US 1 and North of SR 100)	Y	Y

Parks and Recreation Advisory Board

Member Name	Member Classification/Representation	Registered Voter (Y/N)	County Resident (Y/N)
Cowart, C.	N/A	Y	Y
Dembosz, M.	N/A	Y	Y
Johnson, G.	N/A	Y	Y
Kirven, R.	N/A	Y	Y
Knapp, R.	N/A	Y	Y
Kuepper, A.	N/A	Y	Y
Levine, A.	N/A	Y	Y

Tourist Development Council

Member Name	Member Classification/ Representation	Registered Voter (Y/N)	County Resident (Y/N)
Baker, S.	Owner or Operator Subject to Tourist Development Tax (3)	Y	Y
Cooley, E.	Elected Municipal Official (2)	Y	Y
Cook, F.	Marineland Leisure	Y	Y
Klufas, N.	City of Palm Coast	Y	Y
Lulgjuraj, J.	Oceanside Beach Bar and Grill	Y	Y
Mundrean, D.	Hilton Garden Inn	Y	Y
Robinson, L.	Hampton Inn and Suites		Y
Sullivan, D.	Board of County Commission Chair/Designee	Y	Y
Walker, P.	Involved in the Tourist Industry Only (3)	Y	Y