

*(The only change to the following, which occurred in March of 2006, is that sometime after the presentation, the County Commission instituted rules, which actually worked pretty well. Then, with the election of Jody DuPree to represent all of Columbia County, along with District III, a reign of terror began, which eliminated almost all meaningful public participation at Columbia County, County Commission meetings and meetings of its created boards and committees).*

March 16, 2006

Re-presented: December 6, 2012

Board of County Commissioners

Mr. Lilker's presentation, Agenda Item: Rules of Procedure

Mr. Lilker concluded his remarks by reading a prepared statement about the importance of public participation at Board meetings, some of which is included here:

The courts have recognized the importance of public participation in open meetings. The courts of Florida on construing the law have read into the concept of an open meeting the right to be heard. The Florida Supreme Court has stated that "specified boards and commissions . . . should not be allowed to deprive the public of this inalienable right to be present and to be heard at all deliberations wherein decisions affecting the public are being made." *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 699 (Fla. 1969). The court in this case further stated:

"The right of the public to be present and to be heard during all phases of enactments by boards and commissions is a source of strength in our country. . . . "Regardless of their good intentions, these specified boards and commission, through devious ways, should not be allowed to deprive the public of this inalienable right to be present and to be heard at all deliberations wherein decisions affecting the public are being made."

In *Town of Palm Beach v. Gradison*, 296 So. 2d 473, 475 (Fla. 1974), the Court spoke of a meeting as being "a marketplace of ideas, so that the governmental agency may have sufficient input from the citizens who are going to be affected by the subsequent action of the [public agency]." The Court further said, "Governmental agencies would be deprived of the benefit of suggestions and ideas which may be advanced by the knowledgeable public." The Court in *Gradison* at 475 went on to state: "The taxpayer deserves an opportunity to express his views and have them considered in the decision-making process."

Mr. Lilker thanked the Board for its time and asked that the Board give these proposed rules and their reasoning careful consideration.