

**TAB 7**



# City of Palmetto Agenda Item

**Meeting Date**

6/20/11

**Presenter:** Mark P. Barnebey

**Department:** City Attorney/City Clerk

**Title:**

## Resolution 2011-20

### **Background:**

Rules of Procedure provide directions on how meeting are to run, and the rights of participants. Adoption of such rules provide structure for the flow of orderly meetings and added due process protections to the City which cannot be provided by Robert's Rules of Procedure alone, as Robert's Rules were not prepared for Florida laws regulating governmental meetings, particularly those related to quasi-judicial meetings.

### **Issues:**

The add/delete version reflects changes discussed in the numerous workshops held by the Commission. The only substantive issue not previously discussed, was to provide that upon first reading of an ordinance, as required by Florida Statutes, the matter will automatically be scheduled for a public hearing at the next available regular meeting, unless otherwise directed by the Commission. This will clarify the role of the Commission in regard to first readings of ordinances.

<b>Budgeted Amount:</b>	\$0.00	<b>Budget Page No(s):</b>		<b>Available Amount:</b>	\$0.00	<b>Expenditure Amount:</b>	\$0.00
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**Additional Budgetary Information:**

<b>Funding Source(s):</b>		<b>Sufficient Funds Available:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Budget Amendment Required:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Source:</b>	
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<b>City Attorney Reviewed:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Advisory Board Recommendation:</b>	<input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> N/A	<b>Consistent With:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
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**Potential Motion/ Direction Requested:**

I move to adopt Resolution 2011-20, adopting Rules of Procedure.

**Staff Contact:**

**Attachments:**

Resolution 2011-20

RESOLUTION NO. 2011-20

A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF PALMETTO, FLORIDA, ADOPTING RULES OF PROCEDURE AND REPEALING THE RULES AND PROCEDURES IN CONFLICT TO GOVERN MEETINGS OF THE CITY COMMISSION, SETTING FORTH FINDINGS; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF IF DECLARED INVALID; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Palmetto, Florida, is empowered under Chapter 166, Florida Statutes to adopt its own rules of procedures; and

**WHEREAS**, it is the intent of the City Commission to update their Rules of Procedure in accordance with applicable Florida law and current practices of the City Commission as well as to streamline Commission meetings and to further protect the health, safety and welfare of the citizens of the City of Palmetto; and

**WHEREAS**, the City Commission has prepare these rules in an attempt to encourage public participation during public hearings, both legislative and quasi-judicial, so as to afford all participants due process, while recognizing the need for certain procedures to maintain orderly meetings.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, THAT:**

**Section 1.** The findings set forth in the preamble above are hereby adopted as findings of the City Commission and incorporated herein by reference.

**Section 2.** The Rules of Procedure entitled: "Procedures for the City Commission's City of Palmetto Meetings," attached hereto as Exhibit "A" and incorporated herein by reference are hereby adopted.

**Section 3.** By adoption of this resolution, the City Commission hereby repeals any rules of procedure in conflict with this Resolution.

**Section 4.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Resolution inclusive of Exhibit "A", be deemed severable, and if any phrase, clause, sentence, paragraph or section hereof is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this resolution.

**APPROVED AND ADOPTED**, by the City Commission, in open session, with a quorum present and voting, this 20th day of June, 2011.

CITY OF PALMETTO, FLORIDA, BY  
AND THROUGH THE CITY  
COMMISSION OF THE CITY OF  
PALMETTO

By: \_\_\_\_\_  
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman  
City Clerk

By: \_\_\_\_\_  
City Clerk/Deputy Clerk.

**EXHIBIT “A”**

**PROCEDURES FOR**

Field Code Changed

**THE CITY COMMISSION**

**OF THE CITY OF PALMETTO MEETINGS**

**Adopted June 20, 2011**

**EXHIBIT "A"**

**PROCEDURES FOR**

**THE CITY COMMISSION**

**OF THE CITY OF PALMETTO MEETINGS**

**Adopted June 20, 2011**

Field Code Changed

PROCEDURES FOR THE CITY OF  
PALMETTO CITY COMMISSION MEETINGS

PREAMBLE AND STATEMENT OF INTENT

Consistent with the requirements of law, particularly Chapters 163 and 166, Florida Statutes, the City Commission of the City of Palmetto has prepared these rules in an attempt to encourage public participation during public hearings to the full extent allowed by law. As part of that effort and within the confines of the law, the Commission intends its meetings and hearings to be informal and not intimidating for the public, while recognizing the need for certain structure to maintain orderly meetings.

I. OFFICIAL CITY COMMISSION ACTION

- A. Matters for City Commission Consideration. Any matters which relate to the City Commission's duties, authority of powers under Chapter 166, Florida Statutes, or other applicable law or which relate to the public health, safety or welfare of the persons in the City of Palmetto or their property may be brought before the City Commission for appropriate consideration or action.
- B. Delegation of Authority. As defined in these Procedures, reference to any City Official, individual, including the Mayor and the City Clerk shall include those persons designees to the extent allowed by law. To the extent permitted by law, the City Commission may delegate authority to perform any action on behalf of the City. In delegating authority, the City Commission or delegating official shall provide sufficient guidelines and expression of its objectives to enable efficient performance of the matter for which the authority has been delegated.

II. CITY COMMISSION OFFICERS

- A. Election of Officers. The City Commission shall elect a Vice-Mayor at the organizational meeting of each calendar year in accordance with the Charter. Other officers may be elected at the discretion of the City Commission.
- B. Assignment of Duties. The Mayor shall have the authority to assign honorary and administrative duties to other members of the City Commission, such as department liaison.
- C. Quorum and Officers. A quorum exists when three (3) members of the City Commission are present. Unless otherwise provided by law, a 2-to-1 vote, where a quorum is present, constitutes action of the City Commission. In the absence of the Mayor, the Vice-Mayor shall have all duties and authority of the Mayor until

the return of the Mayor except for the power to veto pursuant to Section 14 of the City Charter. In the absence of the Mayor and Vice-Mayor at the time scheduled for the opening of a public meeting or workshop, the most senior member of the City Commission shall have all of the duties and authority of the Vice-Mayor until the return of the Mayor or Vice-Mayor. In the absence of a quorum of the City Commission, if only one member should be present, that member may:

1. take measures to obtain a quorum;
2. fix the time to which to adjourn, take a recess, or reschedule a meeting; and
3. continue a meeting or a public hearing on any scheduled matter to a time and date certain.

In the absence of a quorum, the member(s) of the City Commission who are present shall conduct no business except the actions authorized in Section C.1, 2, and 3 above or hold a workshop. Nothing in this Section II.C shall limit any rules governing the conduct of business in the event of disaster or peacetime emergency.

D. Appointment of Members to Other Boards.

Subject to a majority vote of the Commission, The Mayor may appoint members to sit on other regulatory or advisory committees or boards, as permitted by law. As soon as reasonably possible, such appointees shall report items of interest to the City Commission in order that the City Commission may take action to comment or make a recommendation regarding such matters, if it so desires. Any such action (or the lack of formal comment or recommendation) by the City Commission shall be conveyed by the appointee to the other board or committee upon which the appointee sits prior to action on such items of interest by that board or committee.

III. MEETINGS.

A. Types of Meetings. The City Commission shall have the authority to hold the following types of meetings:

1. Regular Meetings. The City Commission shall approve the calendar for each year but generally shall hold regular meetings on the first and third Monday of each month. Regular meetings shall commence at 7:00 p.m. and shall be held in the City Commission Chambers, or such other place as may be approved at a regular meeting by a majority of the City.



Commission members present. Any regular meeting may be held earlier, postponed or cancelled pursuant to a motion adopted at a regular meeting by a majority vote of the City Commission members present. Any regular meeting may be held earlier, postponed or cancelled pursuant to a motion adopted at a regular meeting by a majority of the City Commission members present or action taken in accordance with Section II.C.

- a. Citizen Comments. At regular meetings held on the first and third Mondays, the City Commission shall allow citizens to speak for two (2) minutes on any item relating to City business. ~~In the absence of genuinely extraordinary circumstances, Generally,~~ the City Commission shall not take action on any matter raised at such meeting, but may direct the matter to be placed on the agenda of any future meeting, if appropriate.
2. Special Meetings. A Special Meeting of the City Commission may be called ~~by the Mayor or by a majority of the Commission present at a meeting of the Commission or by the Mayor.~~ Whenever a Special Meeting is called, written notice shall be given by the City Clerk to the members of the Commission, City Attorney, and any persons entitled, as a matter of law, to written notice, and the press, stating the date, hour and place of the meeting and the purpose(s) for which the meeting is called. Forty-eight (48) hours must elapse between the time the meeting is noticed and the time the meeting is to be held. The minutes of the Special Meeting shall show the manner and method of notice.
3. Emergency Meetings. An Emergency Meeting of the City Commission may be called by the Mayor or the highest ranking officer of the Commission available. An Emergency Meeting of the Commission may be called only when the person(s) calling the meeting believes that an emergency exists which requires immediate consideration or action by the City Commission. Whenever such Emergency Meeting is called, the person(s) calling the meeting shall make a good faith attempt to notify each member of the Commission, the City Clerk, the City Attorney, any person entitled to notice as a matter of law, and the press, stating the date, hour and place of the meeting, the nature of the emergency and the purposes for which the meeting is being called. If possible, this notice shall be in writing. No other business shall be transacted at the meeting, and the minutes of each Emergency Meeting shall show the nature of the emergency, and the manner and method of notice.
4. Workshops. The City Commission may hold workshops from time to time for consideration of matters which are not ready for Commission action.

No formal action may be taken at workshops. Notice of workshops shall be posted at City Hall. Workshops shall not be held for quasi-judicial matters being considered by the City Commission.

B. Attorney-Client Conferences.

1. Generally. The City Attorney and other attorneys representing the City may meet in private with the City Commission and the City Clerk to discuss pending matters to which the City is a party before a court or administrative agency or as otherwise permitted by law.
2. Prior Announcement. Prior to holding an Attorney-Client Conference (Conference), the City Attorney shall advise the City Commission at a public meeting that the City Attorney desires advice concerning the litigation. The City Attorney shall provide public notice of any Conference and the names of persons who will be attending the Conference. A Conference shall commence at an open meeting at which the Mayor shall announce the commencement, estimated length of the scheduled Conference and the names of the persons attending.
3. Conference. Conference discussions shall be confined to settlement negotiations or strategy sessions related to litigation expenditures. No part of a Conference shall be off the record. At the conclusion of a Conference, the City Commission meeting shall be reopened and the Mayor shall announce the termination of the session.
4. Transcription and Record. Each Conference shall be recorded by a certified court reporter retained by the City Attorney. The reporter shall record the times of commencement and termination of each Conference, all discussions and proceedings, the names of all persons present at all times and the names of all persons speaking. The court reporter's notes shall be fully transcribed and filed with the City Clerk and upon the conclusion of the litigation, such transcript and other parts of the record of any Conference shall be made a part of the public record.

- C. Risk Assessment Conferences: Meetings of the City Commission which relate solely to the valuation of claims filed with the City Risk Management Program or which relate solely to offers of compromise of such claims shall not be open to the public under the provisions of Section 286.011, Florida Statutes. Minutes of such meetings shall only be exempt from disclosure under Section 119.07(1), Florida Statutes; until termination of all litigation and settlement of all claims arising out of the same incident.

D. Collective Bargaining Conferences. Meetings of the City Commission with the Mayor or the Mayor's designee which relate to collective bargaining shall not be open to the public pursuant to Section 447.605, Florida Statutes. However, meetings regarding negotiations between the Mayor or the Mayor's designee and the bargaining agent shall be open meetings.

E. Preparation of Agenda.

1. City Clerk. The City Clerk, or the Clerk's designee, shall prepare the agendas and assemble the accompanying backup or background information for the City Commission meetings. The agenda shall include a portion of the agenda for comments by the Department Heads, Mayor, and City Commissioners.
2. City Attorney. The City Attorney's Office will establish its portion of the agenda for City Commission meetings and may add supplemental items to the agenda whenever, in the discretion of the City Attorney or the City Attorney's designee, such items require City Commission attention at that meeting.
3. Mayor. At the beginning of a meeting, The Mayor may add or remove an item from the agenda at the Mayor's discretion, unless overruled by a majority vote of the City Commission, or the action must be noticed pursuant to law.
4. City Commissioner. Any City Commissioner may request to have an item placed on an agenda for a future Commission meeting at which the item can be considered consistent with all applicable notice requirements. Such matters may be placed on a future agenda by the Mayor or by a majority vote of the City Commission present and voting at a meeting of the City Commission. Matters that do not require public notice may, with the consent of the majority of the Commissioners present, be considered and acted upon at any City Commission regular meeting. Commissioners may bring up items for Commission consideration under the Commissioner comment portion of the agenda.
5. First Readings. For ordinances, the Clerk shall read the title of the proposed ordinance and indicate that this is the first reading for the ordinance. Unless the Commission takes another action, a public hearing and second readings on the proposed ordinance shall be scheduled for the next available regular meeting of the Commission.

6. Agenda Packets. To the extent available, land use agenda items shall include an aerial, a zoning map and a Future Land Use Map. These photographs and maps shall include the subject property and adjoining property.

#### IV. CONDUCT OF MEETINGS:

- A. Generally. At the hour set for each meeting, the business of the Commission shall be taken up in accordance with the agenda prepared for the meeting. The Mayor, at the Mayor's option, may take business out of order if the Mayor determines that such a change in the agenda's schedule will expedite the business of the City Commission. No vote is required to approve or amend the agenda.
- B. Rules of Debate.
1. Question Under Consideration. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to amend, to substitute, to adjourn, to continue or defer to a date uncertain (i.e., to postpone until the occurrence of an independent event which will definitely occur at an unknown time), or to continue or defer to a date certain until the question is decided. These types of motions shall have preference in the order in which they are mentioned and motions to adjourn or to lay on the table shall be decided without debate. Final action upon a pending matter may be continued until a date certain or deferred to a date to be scheduled by the City Clerk or the Clerk's designee upon the vote of the majority of the Commission members present. Upon the request of the City Attorney, or his designee, made prior to final action on any matter that the matter be deferred or continued to a future Commission agenda, the City Commission shall consider said request and shall vote on whether to defer or continue the matter as requested.
  2. Motions by the Mayor. When serving as presiding officer of the Commission in the absence of the Mayor, a Commissioner may second a motion, or after relinquishing the chair, may make a motion. The Mayor or other presiding officer shall not resume the chair until after the City Commission has acted upon the matter under consideration.
  3. Discussion. Every Commissioner desiring to speak for a purpose shall address the presiding officer and, upon recognition, shall confine himself to the question under debate.



4. Interruption. A Commissioner, once recognized, shall not be interrupted when speaking, unless it is to call that Commissioner to order or as herein otherwise provided. If a Commissioner, while speaking, is called to order, or if a question of personal privilege is raised, the Commissioner who had the floor shall cease speaking until the question of order or privilege is determined by the presiding officer and, if in order, that Commissioner shall thereafter be permitted to proceed. The ruling of the presiding officer on the point of order can only be overturned by a majority vote of the Commissioners present. A question of privilege for purposes of these Procedures is defined as a pressing situation affecting a right or privilege of the City Commission or an individual Commissioner which permits interruption of pending business to state an urgent request or motion. Examples are the need to deal with disruptive noise, inadequate ventilation, or introduction of a legally confidential subject in the presence of those not entitled to knowledge thereof.

- C. Public Comment. Each person who addresses the City Commission shall speak from the speaker's lectern and shall provide the speaker's name, address and whether the speaker speaks on behalf of others. Time restrictions on members of the public addressing the City Commission as set forth below shall be kept by the City Clerk, or the Clerk's designee.

1. Public Hearings

- a. Quasi-Judicial Matters, Including Zoning Amendments, Conditional Use Permits, Site Plan Applications and Variances. The City Commission shall allow comments of public hearings for matters involving quasi-judicial matters, including zoning and site plan applications in the following manner:

- (1) Initial Presentation by Staff. After swearing-in of staff, the Applicant, Proponents and Opponents, City staff shall make the initial presentation to the City Commission regarding any item under consideration. After completion of the staff presentation, the City Commission may make inquiries of staff at this time. Affected parties may ask questions of, or seek clarification from, staff by request through the Mayor at the time that party makes its initial presentation to the City Commission.
- (2) Applicants' Presentation. After staff presentation, the applicant(s), shall be allowed a total of fifteen (15) minutes

without interruption to make a presentation to the City Commission.

- (3) Proponents' Presentation. After presentation by the applicant(s), proponents of the item or request, shall be allowed to speak based on the following criteria:

- (a) Persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption, provided others in that organization or group waive their time; and
- (b) All other persons shall be entitled to speak up to a total of ~~three (3)~~ two (2) minutes each without interruption.

Unless the context clearly indicates otherwise, Applicant(s) shall be considered to be "Proponents" for the purposes of these Procedures.

- (4) Opponents' Presentation. After the City Commission and staff inquiry of the Proponents, Opponents of an item or request shall be allowed to speak based on the following criteria:

- (a) Persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption provided others in that group or organization waive their time; and
- (b) All other persons shall be entitled to speak up to a total of ~~three (3)~~ two (2) minutes each without interruption.

- (5) Inquiry of Opponents. After each of the Applicant's, Proponent(s), or Opponent(s) presentation, the City Commission shall have an opportunity to comment or ask questions of or seek clarification from the Applicant, Proponent(s) and Opponent(s). The City Commission may

allow staff to comment, ask questions of or seek clarification of a matter at this time. The Applicant may ask questions of, or seek clarification from any Proponent or Opponent by request through the Mayor at this time.

- (6) Staff Response and Summary. After inquiry of the opponents, the staff shall be allowed an opportunity for response to the presentations by the Applicant, Proponents and Opponents and a summary with any changes in position after consideration of relevant public comment.

- (7) Applicants' Rebuttal Presentation.

Applicants' rebuttal shall be allowed only in land use items where there is an Applicant, unless the majority of the Commissioners present vote to allow rebuttal. After staff response, the Applicant shall be allowed an opportunity for rebuttal with the time limit therefore to be five (5) minutes unless otherwise set by the City Commission. Rebuttal shall only address comments made in the Proponents' and Opponents' presentations.

- (8) Closing of Public Comment. For those matters in which public comment is heard by the City Commission, the Mayor shall close the public comment portion of the meeting on that item upon the conclusion of the last appropriate speaker's comments or the expiration of the allowed speaking times as set forth above. No additional public comments shall be allowed, except in specific response to questions by members of the City Commission or if an extension of time for public comment is approved as set forth above.

- (9) City Commission and Staff Inquiry. After Staff, Proponents and Opponents have made presentations as outlined above and the public comments portion of the hearing is closed, the City Commission shall have a final opportunity to comment or ask questions of the Applicant, any Proponent, Opponent or staff member.

- (10) Limit on Presentations. No person who has made a presentation for or against an item during a given hearing

shall be allowed to make additional comments, except as allowed at the discretion of the Mayor.

(11) Miscellaneous: Organization or Group Speakers; Interruption for Inadmissibility; Speakers' Qualifications.

- (a) Prior to a person representing an organization or others speaks, that person shall indicate who he represents and how he received authorization to speak on behalf of such organization or group of persons. The City Commission may make further inquiry into the represented authority of such person if necessary.
- (b) Persons addressing the City Commission should identify any educational, occupational and other experience which they may possess which would be relevant to the matter under consideration. The Mayor or the City Attorney may inquire as to such experience.

(12) Irrelevant or immaterial matters. Notwithstanding any provisions herein, the Mayor or the City Attorney may interrupt and/or stop any presentation which discusses matters which cannot be considered in deciding the matter then before the City Commission for consideration.

(13) Additional Time for Presentations. The Mayor may allow more than the allotted time for presentations by an Applicant, Proponent or an Opponent of an item, if the additional time is requested from the Mayor, or City Clerk, or the Clerk's designee, in advance of the meeting. If more than a total of one-half hour is requested by a Proponent or Opponent, the request must be submitted in writing not later than the day before the meeting at which the item is to be heard; provided, however, even in the absence of a timely request for additional time to make a presentation, the Mayor or City Commission, by majority vote, may grant such extension where, in the Mayor's discretion, it is advisable to do so because of the considerations of law, equity or fairness.



b. Other Land Use or Non-Land Use Items. The City Commission shall allow public comments in matters requiring public hearings which are not for an owner-initiated or individual parcel zoning atlas amendment, a development, site plan or vested rights determination application, or an appeal of an administrative determination to the City Commission in the following manner:

- (1) Initial Presentation by Staff. City staff shall make the initial presentation to the City Commission regarding any item under consideration. The City Commission may make inquiries of staff at this time.
- (2) Proponents' Presentation. After staff presentation the applicant(s), if any, shall be allowed up to a total of fifteen (15) minutes without interruption to make a presentation to the City Commission. After presentation by the applicant(s), if applicable, proponents of the item or request, shall be allowed to speak based on the following criteria:
  - (a) Persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption; and
  - (b) All other persons shall be entitled to speak up to a total of three (3) minutes without interruption.

Unless the context clearly indicates otherwise, Applicant(s) shall be considered to be "Proponents" for the purposes of this Subsection IV. C.1.b.

- (3) City Commission and Staff Inquiry. After the Proponents' presentation, the City Commission shall have an opportunity to comment or ask questions of, or seek clarification from the Proponent(s). The City Commission may allow staff to comment, ask questions of, or seek clarification from the Proponent(s) at this time.
- (4) Opponent's Presentation. After City Commission and staff inquiry of the Proponents, Opponents of an

item or request shall be allowed to speak based on the following criteria:

- (a) Persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption; and
  - (b) All other persons shall be entitled to speak up to a total of ~~three (3)~~ two (2) minutes without interruption.
- (5) City Commission and Staff Inquiry. After the Opponent(s) presentation, the City Commission shall have an opportunity to comment or ask questions of or seek clarification from the Opponent(s). The City Commission may allow staff to comment, ask questions of or seek clarification from the Opponent(s) at this time.
- (6) Staff Response and Summary. After inquiry of the opponents, the staff shall be allowed an opportunity for response to the presentations by the Applicant, Proponents and Opponents and a summary with any changes in position after consideration of relevant public comment.
- (7) Applicants' Rebuttal Presentation.
- Applicants' rebuttal shall be allowed only in matters where there is an Applicant, unless the majority of the Commissioners present vote to allow rebuttal for such items. After staff response, the Applicant shall be allowed an opportunity for rebuttal with the time limit therefore to be five (5) minutes unless otherwise set by the Mayor. Rebuttal shall only address comments made in Staff's, Proponents' or Opponents' presentations.
- (8) City Commission and Staff Inquiry. After Staff, Proponents and Opponents have made presentations as outlined above and the public comments portion

of the hearing is closed, the City Commission shall have a final opportunity to comment, or ask questions of any Proponent or Opponent or staff member.

- (9) Closing of Public Comment. For those matters in which public comment is heard by the City Commission, the Mayor shall close the public comment portion of the meeting on that item upon the conclusion of the last appropriate speaker's comments or the expiration of the allowed speaking times as set forth above. No additional public comment shall be allowed, except in specific response to questions by members of the City Commission or if an extension of time for public comment is approved as set forth above.

- (10) Limit on Presentations. No person who has made a presentation for or against an item at a given meeting shall be allowed to make additional comments as of right and, in any event, such additional comments shall not be allowed until all other person on the same side of the issue have had an opportunity to comment or make presentations.

- (11) Miscellaneous: Organization or Group Speakers: Interruption for Inadmissibility.

Prior to a person representing an organization or a group of people other than himself speaks, that person shall indicate who he represents and how he received authorization to speak on behalf of such organization or group of persons. The City Commission may make further inquiry into the represented authority of such person if necessary.

- (12) Irrelevant or Immaterial Matters. Notwithstanding any provisions herein, the Mayor or the City Attorney may interrupt and/or stop any presentation which discusses matters which cannot be considered in deciding the matter then before the City Commission for consideration.

- (13) Additional Time for Presentations. The City Commission may allow more than the allotted time for presentations by an Applicant, Proponent or an Opponent of an item, if the additional time is requested from the Mayor, or the City Clerk, or the Clerk's designee, in advance of the meeting. If more than a total of one-half (1/2) hour is requested by a Proponent or Opponent, the request must be submitted in writing not later than the day before the meeting at which the item is to be heard; provided, however, even in the absence of a timely request for additional time to make a presentation, the Mayor or City Commission, by majority vote, may grant such extension where, in its the Mayor's or the City Commission's discretion, it is advisable to do so because of the considerations of law, equity or fairness.

c. Continued Public Hearings.

- (1) Generally. Continuances may be granted by majority vote of the Commission in the Commissions' discretion except as provided in Subsection (2) below. In any matter where it is known that a scheduled public hearing will be continued to a future date certain, the staff report may be abbreviated and public comment may be limited to those persons who state under oath that they believe they cannot be available to speak on the date to which the public hearing is being continued. Such persons shall be allowed to make their comments at the then current meeting; provided, however, that upon making their comments, such persons shall waive the right to repeat or make substantially the same presentation at any subsequent meeting on the same subject. This waiver shall not preclude such persons from making different presentations based on new information or from offering response to other persons' presentation, if otherwise allowable, at any subsequent meeting.



(2) Request for Full City Commission. One continuance may be requested by affected parties in an attempt to obtain attendance by the entire membership of the City Commission. In such cases, the request shall be granted for the public hearing. Once a request to continue in an attempt to obtain an attendance by the entire membership of the City Commission has been granted, continuances may only be granted at the discretion of the City Commission.

d. Oaths and Affirmations. Before making factual statements or factual representations at a public hearing held to consider quasi-judicial matters, such as each person shall declare that the factual statements or factual representations that that person will present before or to the City Commission are truthful and accurate by taking an oath or affirmation in a form substantially similar to that provided in "Attachment 1." An oath or affirmation shall not be required for other types of public hearings. The City Clerk, Deputy Clerk or notary public shall administer such oath or affirmation. Any person who knowingly makes a false factual statement or representation under oath or affirmation shall be subject to sanctions including criminal sanctions, as provided by law, in addition to having approvals revoked or modified after notice and hearing before the City Commission.

2. Non-Public Hearing Matters and Workshops. Generally, public comment is not allowed for non-public hearing items and workshops. If appropriate, the Mayor, unless overruled by a majority vote of the City Commission, or the City Commission, by majority vote, may allow for public comments for non-public hearing matters or workshops after staff presentation. Each person speaking before the City Commission shall be allowed a maximum of three (3) two (2) minutes to make comments regarding any matter before the City Commission if the Mayor allows comments on a matter not part of a public hearing. Extensions of time for public remarks may be granted by the Mayor or the City Commission, by majority vote; however, such extension shall may be established for a specific time period which shall be divided equitably between those persons speaking in favor of the matter and those persons speaking in opposition to the matter.

3. Termination of Presentations. At any City Commission proceeding, the Mayor, unless overruled by a majority of the City Commission members present or the City Commission, by majority vote, may restrict or terminate presentations which in the Mayor's judgment are determined to be frivolous, unduly repetitive or out of order.
4. Written Comments. Applicants, Proponents and Opponents of any matter under consideration by the City Commission shall be entitled to submit written comments for consideration by the City Commission. Written comments submitted shall be considered and entered into the record of the meeting in accordance with Section V.B. herein.
5. Elected Officials. Notwithstanding other provisions hereof, the Mayor may allow any elected or appointed public official, or representative thereof, to appear and make presentations at any time.

D. Voting and Reconsideration.

1. Voting. Unless otherwise provided by law, ordinance or statute, when the City Commission has finished discussion and is ready to vote a question, the Mayor shall call for the vote, and, except as provided in Paragraph IV.C.2. below, there shall be no further discussion by any member voting. Each member shall vote aye or nay and silence shall be considered an "aye" vote. When a matter is brought up for a vote on a motion to approve it, and said motion fails, the status quo ante shall be maintained and the matter shall be considered denied. Such a vote shall not preclude a subsequent motion at the same meeting to approve with modifications to the motion. After the vote, any member may give a brief statement to explain his vote, and such explanation should be consistent with the vote registered. A Commissioner shall have the privilege of filing with the Clerk a written explanation of his vote which shall become part of the record of the proceeding. The vote upon any question shall be by voice vote unless the Mayor or any Commissioner the Commission, by majority vote, requires requests a roll call vote be taken or a roll call vote is required by law.
2. Preparation or Modification of Motions. Prior to a vote on any matter, the Mayor or a Commissioner may request to have the City

Attorney and Staff prepare or modify the motion during a recess called for that purpose. Alternatively, if advisable, in the City Commission's discretion, Staff may be instructed to prepare the motion to be brought back to the City Commission for motion and vote at a subsequent meeting of the City Commission. Appointed Officers or their respective designees, may request that a motion and vote be delayed to allow preparation or revision of a specific motion.

3. Tie Votes. When the vote of the City Commission is equally divided, the status quo ante shall be maintained. In such an event, a person who sought a change in status quo shall be considered to have had the request denied and shall have available the same remedies or rights of review that one would have had if the request had been denied by a majority vote of the City Commission, unless, at the same meeting, the City Commission votes to approve the matter with conditions or stipulations attached, or to defer or continue the matter in an attempt to obtain an action which would be approved by a majority vote of the City Commission members.

4. Change of Vote. A Commissioner may change a vote on a matter prior to the next agenda matter being announced by the Mayor. Any change in vote after that point shall require a motion for reconsideration as provided herein.

- 4.5. Reconsideration. When a question has been decided by the City Commission, a member of the City Commission voting on the prevailing side may move for reconsideration of the question at the same meeting or the next regular meeting of the City Commission. If the question was decided by a tie vote, any member of the City Commission may move for reconsideration of the question at the same meeting or at the next regular meeting of the City Commission, or at the next meeting of the City Commission where a full Commission is present. Upon a finding by a majority of the City Commission at any time that there is reason to believe that a previous vote of the City Commission was based upon material mistake of fact or erroneous information, the matter may be brought up for reconsideration. Upon a finding by a majority of the City Commission at any time that its previous vote on any matter was based upon material mistake of fact or erroneous information caused or allowed by the person or entity in whose favor the previous vote was cast, the vote may be rescinded and all rights, duties or liabilities thereunder modified or rendered null and

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void ab initio. Prior to rescinding such a vote, the City Commission shall, where necessary to insure due process of law, grant notice and opportunity to be heard by all persons who would be affected by such action. The City ~~Attorney may Commission~~, by resolution, authorize corrections of clerical or typographical errors inadvertently included in any matter previously passed by the City Commission.

56. Denials of Motions. When a matter is brought forward to a vote based on a motion to approve it or approve it with modifications, and such motion fails, the status quo ante shall be maintained and the person who sought a change in the status quo ante shall be considered to have had the request denied. When a matter is brought to a vote based upon a motion to deny it, and said motion fails, the matter shall not be considered granted and shall be treated as if no action has been taken on the matter. Such a vote shall not preclude a subsequent motion at the same meeting to approve or approve with modifications.

#### V. THE RECORD.

- A. Automatically Included in the Record. The following documents shall automatically be included in the records of the City Commissioners:
1. Agenda packet or staff report;
  2. The most recent copies of the City representatives' and consultants' resumes for those persons filed with the City Clerk and agents speaking on the matter; and
  3. Comments and documents previously entered into the record at a prior City Commission meeting on the particular matter.
- B. Items Which Shall Be Placed in the Record. Any documents, exhibits, diagrams, petitions, letters or other materials presented to the City Commission in support of, or in opposition to, an item to be considered by them shall be entered into the record, unless clearly inadmissible and irrelevant. The City Commission may accept wholly or partially inadmissible items into the record, provided that members of the City Commission shall not consider those items, or parts thereof, which are inadmissible. In the event the City Commission has any questions as to the relevancy and admissibility of any item placed into the record, the City Commission may request an opinion from the City Attorney.



- C. Custodian. The City Clerk shall be custodian of the record.
- D. Correction of Errors in the Record. In the event the City Commission determines that there was an error, either of commission or omission regarding the placement of an item into the record, any member of the City Commission may move to correct such errors and such act of correction shall be done upon a majority vote of the members of the City Commission.
- E. Exhibits. Unless an oversized exhibit is absolutely essential, documentary paper or photographic exhibits shall not exceed 24 inches by 36 inches and, if mounted on a backboard, shall be removable therefrom.
- F. Substitution of Copies of Exhibits. A person submitting an Exhibit for the City Commission's consideration in support of, or in opposition to a pending matter, must file the original thereof with the City Clerk. The City Commission may approve substitution of a copy or duplicate thereof after viewing the original and the copy or duplicate. In the case of a written document, the person may furnish the Clerk with an exact duplicate and, upon verification thereof, the Clerk may return the original to said person. Alternatively, the Clerk may, in the Clerk's discretion, and at the expense of the person requesting the return of the original, make or arrange for the making of a copy of the Exhibit after which the original may be returned to the person requesting it.

VI. EFFECT OF THESE RULES OF PROCEDURE.

- A. Conflict with Laws. In any instance where the procedure established by this resolution is in conflict with state law, city ordinance or court order, or has the effect of violating any applicable law, ordinance or ruling, or order of a court or administrative agency, or rights thereunder, the procedures established hereunder shall be inoperative to the extent of such conflict or violation.
- B. Robert's Rules of Order. In all cases not covered by this resolution and these procedures, Robert's Rules of Order: The Classic Manual of Parliamentary Procedure, last copyrighted in 1978, shall be used as a general guide in determining how to proceed. After considering due process, informational and fairness issue, the Mayor shall determine how to proceed unless overruled by a majority vote of the City Commission.

VII. PUBLICATION.

Upon adoption of this resolution and any amendment hereof, the City Clerk shall cause same to be published in a form suitable for distribution to the public. Copies shall be

provided by the City Clerk to all persons who request them. Copies shall be available for review by the public at all meetings of the City Commission.

**DRAFT**

ATTACHMENT 1

Do you swear or affirm that the factual statements and factual representations which you are about to give or present before or to this Commission during this public hearing will be truthful and accurate?

DRAFT