

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COUNCIL," PROVIDING RULES AND REGULATIONS RELATED TO PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS; CREATING CHAPTER 2, "ADMINISTRATION," ARTICLE VIII, "PUBLIC PARTICIPATION BEFORE BOARDS AND COMMITTEES," PROVIDING RULES AND REGULATIONS RELATED TO PUBLIC PARTICIPATION AT BOARD AND COMMITTEE MEETINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the 2013 Legislative Session, the Florida Legislature passed Senate Bill No. 50 related to public participation at public meetings and establishing requirements for rules or policies regulating public participation at public meetings; and

WHEREAS, the City Council of the City of Edgewood, Florida desires to encourage public participation during public meetings and finds that rules related to conduct are an essential component to meetings in which all viewpoints are encouraged and heard; and

WHEREAS, the City Council of the City of Edgewood, Florida finds that in order to efficiently and effectively conduct public meetings, it is necessary to have in place reasonable rules related to conduct; and

WHEREAS, the City Council of the City of Edgewood, Florida finds that the rules contained herein related to public participation are reasonable and necessary to ensure efficient and effective public participation at public meetings; and

WHEREAS, the City Council finds that the rules contained herein are limited to those areas within which Senate Bill No. 50 allows commissions and boards to adopt rules regulating conduct.

SECTION 1. Recitals Adopted. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 2, "Administration," Article II, "City Council," of the City of Edgewood Code of Ordinances, is hereby amended as follows (Note, Underlined words constitute the additions to the existing text of the Code of Ordinances, strikethroughs constitute deletions to the existing text and plain text is text that remains unchanged by this Ordinance):

Sec. 2-48. - Time and place of city council meeting.

- (a) The council shall hold regular meetings on the third Tuesday of every month and no notice of such meetings shall be required to any member of the council; provided, however, that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday or upon any other day or at any other hour designated by the city council; provided, further, that the council shall have the power to eliminate any regular meeting by motion passed before the meeting is held.
- (b) Under special circumstances and with the majority concurrence of the council, the date of the regular meeting may be held on a date subsequent to the third Tuesday of the month, but not later than seven days beyond the regular meeting date. Notices of revised meeting dates shall be posted at least three days in advance of the new meeting date.
- (c) All regular meetings of the council shall be held at a place designated by the council, whether said place shall be within the city limits or outside the city limits.

Sec. 2-49. - Special meetings.

Whenever a special meeting shall be called, a summons or notice in writing signed by the mayor shall be served upon each member of the council, either in person or by notice left at his place of residence, stating the date, hour and place of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except as is stated in the notice.

Sec. 2-50. - Agenda.

The mayor and council president are vested with the authority to include on the agenda the specific subject of a meeting, which is intended to promote the orderly and expeditious conduct of the council meeting and is not intended to be used as a means for inhibiting or avoiding the discussion of issues that other council members or citizens feel should be introduced. The president of the council shall have the authority to limit the time for discussing nonagenda items.

Sec. 2-51. - Presiding officer.

- (a) The presiding officer shall be the president of the council or, in his absence, a member of the council chosen by the remaining members of the council who shall be present.
- (b) The presiding officer shall preserve order and decorum at all regular and special meetings of the council. The presiding officer shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of order; subject, however, to an appeal to the council in which event a majority vote of the council shall govern and conclusively determine such question of order.
- (c) The presiding officer of the council shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the president of the council and the mayor, the city clerk shall call the council to order, whereupon, a temporary chairperson shall be elected by the members of the council

present. Upon the arrival of the president of the council, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

- (d) Before proceeding with the business of the council, the city clerk or substitute shall take the roll of the members and the names of those present shall be entered in the minutes.

Sec. 2-52. - Quorum.

Three members of the council shall constitute a quorum at any regular or special meeting of the council. In the absence of a quorum, the presiding officer may adjourn the meeting from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council.

Sec. 2-53. - Order of business.

Promptly, at the hour set by law or resolution on the day of each regular meeting, the members of the council, the mayor, the city clerk and the city attorney, by invitation, shall take their regular stations in the council chambers, and the business of the council shall be taken up for consideration and disposition as cited in the president's agenda.

Sec. 2-54. - Reading of minutes.

Unless a reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading. The city clerk shall furnish to each member a copy of the minutes prior to the meeting at which they are approved. A copy of the minutes will be posted prior to the meeting at which they will be approved for citizen review.

Sec. 2-55. - Rules of debate.

- (a) The president of the council or such other member of the council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a council member by reason of his acting as the presiding officer.
- (b) Every member desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities unless pertinent to the issue under debate and decorous language.
- (c) A member, once recognized, shall not be interrupted when speaking unless it is to call him to order or as herein otherwise provided. If a member while speaking is called to order, he shall cease speaking until the question of order is determined, and if in order, he shall be permitted to proceed.
- (d) A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the

prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor. It shall be debatable. Nothing herein shall be construed to prevent any member of the council from making or remaking the same or any other motion at a subsequent meeting of the council.

- (e) A council member or the mayor may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the council entered in the minutes. If the council consents thereto, such statement shall be entered in the minutes.
- (f) The clerk may be directed by the presiding officer, with consent of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.

~~Sec. 2-56. — Addressing the council.~~

~~Any person desiring to address the council shall first secure the permission of the presiding officer. The following are some of the ways in which the council may be addressed:~~

- ~~(1) Written communications. Interested parties or their representatives may address the council by written communications in regard to matters then under discussion. Such communications for each issue shall be heard in order of receipt by the city clerk.~~
- ~~(2) Oral communications. Both residents and nonresidents of the city, or their authorized legal representatives, may address the council by oral communications on any matter concerning the city's business, or any matter over which the council has control; provided, however, that preference shall be given to those persons who may have notified the city clerk in advance of their desire to speak in order that the same may appear on the agenda of the council.~~
- ~~(3) Reading of protests, etc. Interested persons or their representatives may address the council by reading of protests, petitions or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matter then under consideration.~~
- ~~(4) After motion made. After a motion is made by the council, no person shall address the council without first securing the permission of the council.~~

~~Sec. 2-57. — Manner of addressing the council.~~

~~Each person addressing the council shall stand, identify himself or herself and succinctly make his or her point or request. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than a member of the council and the person having the floor, shall be permitted to enter into any discussions, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked a council member, except through the presiding officer.~~

~~Sec. 2-58. -- Decorum.~~

- ~~(a) Council members. While the council is in session, the members must preserve order and decorum, and a member shall neither by conversation or otherwise delay or interrupt the proceeding or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.~~
- ~~(b) Other persons. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while in the council chambers shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue be granted by a majority of the council.~~

Sec. 2-56. Public Participation

(a) Right to be heard. Members of the public shall be given a reasonable opportunity to be heard on each proposition under consideration for official action by the council except as provided for below. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with requirements stated herein would cause an unreasonable delay in the ability of the council to act;

2. An official act involving no more than a ministerial act, including but not limited to, approval of minutes and ceremonial proclamations;

3. A meeting that is exempt from Section 286.011, Florida Statutes; or

4. A meeting during which the council is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(b) Addressing the council orally during public comment periods. Prior to official action being taken by the council on any agenda item under consideration by the council, the presiding officer shall open the floor for public comment. Once during each regular council meeting, the presiding officer shall open the floor for public comment on items not on the agenda. Public input offered during these public comment periods shall be limited to five (5) minutes per speaker with the presiding officer having the option to allow an additional one (1) minute.

(c) Addressing the council by written request. Any person requesting to have an item placed on a regular council agenda shall notify the city clerk in writing by 2:00 p.m. of the Tuesday immediately preceding the Tuesday council meeting of his or her desire to speak. On his or her agenda item, such person shall be allowed ten (10) minutes to speak.

(d) Manner of addressing the council. Each person addressing the Council shall step up to the microphone, shall give his or her name and address in an audible tone of voice for the record,

and shall limit his or her address to the time limits provided herein. All remarks shall be addressed to the council as a body, and not to any individual member thereof. No person, other than a member of the council and the person having the floor, shall be permitted to enter into any discussions, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked a council member, except through the presiding officer.

(e) Personal and slanderous remarks. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Council shall be warned to refrain from such remarks or behavior. If the remarks or behavior continue after three warnings, the person may be requested to leave the meeting and may be barred by the presiding officer from further audience before the council at the meeting from which ejected unless permission to continue be granted by a majority of the council.

Sec. 2-5957. - Enforcement of order and decorum.

The chief of police, or such member or members of the police department as he may designate, shall be sergeant-at-arms of the council meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. ~~Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted pursuant to the law. The complaint to be signed by the presiding officer.~~

Sect. 2-58. Suspension and variance from rules.

(a) Suspension of rules. Any provision of these rules not governed by the City Charter, Federal or State Law may be temporarily suspended by a vote of a majority of the council.

(b) The failure to follow these rules shall not be grounds for invalidating any otherwise lawful act of the council.

SECTION 3. Chapter 2, Administration, of the City of Edgewood Code of Ordinances, is hereby amended by creating Article VIII, Public Participation Before Boards and Committees, as follows (Note, Underlined words constitute the additions to the existing text of the Code of Ordinances, ~~strikethroughs~~ constitute deletions to the existing text and plain text is text that remains unchanged by this Ordinance):

Sec. 2-290. Public Participation. The following provisions shall apply to meetings of all boards and committees established by the council.

(a) Right to be heard. Members of the public shall be given a reasonable opportunity to be heard on each proposition under consideration for official action by a board or committee established by the council except as provided for below.

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with requirements stated herein would cause an unreasonable delay in the ability of the board or committee to act;

2. An official act involving no more than a ministerial act, including but not limited to, approval of minutes;

3. A meeting that is exempt from Section 286.011, Florida Statutes; or

4. A meeting during which the board or committee is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(b) Addressing the board or committee orally during public comment periods. Prior to official action being taken by the board or committee on any item under consideration for official action, the presiding officer shall open the floor for public comment. Public input offered during such public comment periods shall be limited to five (5) minutes per speaker with the presiding officer having the option to allow an additional one (1) minute

(c) Manner of addressing the board or committee. Each person addressing a board or committee shall step up to the microphone, shall give his or her name and address in an audible tone of voice for the record, and shall limit his or her address to the time limits provided herein. All remarks shall be addressed to the board or committee as a body, and not to any individual member thereof. No person, other than a member of the board or committee and the person having the floor, shall be permitted to enter into any discussions, either directly or through a member of the board or committee, without the permission of the presiding officer. No question shall be asked a member of the board or committee, except through the presiding officer.

(d) Personal and slanderous remarks. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing a board or committee shall be warned to refrain from such remarks or behavior. If the remarks or behavior continue after three warnings, the person may be requested to leave the meeting and may be barred by the presiding officer from further audience before the board or committee at the meeting from which ejected unless permission to continue be granted by a majority of the board or committee.

Sect. 2-291. Suspension and variance from rules.

(a) Suspension of rules. Any provision of these rules not governed by the City Charter, Federal or State Law may be temporarily suspended by a vote of a majority of the board or committee.

(b) The failure to follow these rules shall not be grounds for invalidating any otherwise lawful act of the board or committee.

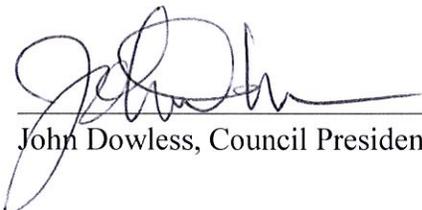
SECTION 4: Codification: Sections 2 and 3 of this Ordinance shall be codified and made part of the City of Edgewood Code of Ordinances.

SECTION 5: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 6: Severability: It is the intent of the City Council of the City of Edgewood, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon final passage and adoption.

ADOPTED by the City Council of the City of Edgewood, Florida, this **17th** day of **September, 2013.**



John Dowless, Council President

ATTEST:


Bea Meeks, MMC, CPM
City Clerk

1st Reading: August 20, 2013
2nd/Final Reading: September 17, 2013

Published September 6, 2013