

RESOLUTION NO. 2129-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RESTATING AND ACCEPTING PRIOR RESOLUTION NO. 1978-07 REGARDING RULES FOR THE CONDUCT OF CITY COMMISSION MEETINGS AND DECORUM, AS WELL AS OTHER SUBJECTS ADDRESSED IN THAT RESOLUTION, AND SUPPLEMENTING AND AMENDING THAT PRIOR RESOLUTION TO ADD TWO SECTIONS, TO COMPLY WITH CHAPTER 2013-227, LAWS OF FLORIDA, AND AUTHORIZING THE CITY MANAGER TO PROVIDE FOR CERTAIN AREAS TO REMAIN OPEN DURING COMMISSION MEETINGS AND TO PROHIBIT PERSONS NOT SPECIFICALLY INVITED BY THE COMMISSION TO ADDRESS THE COMMISSION FROM CERTAIN AREAS.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

SECTION 1: Resolution No. 1415, Resolution No. 1463 and Resolution No. 1927-05 were repealed by Resolution 1978-07, and such repeal is reaffirmed here. Resolution 1978-07 is hereby restated in its entirety with certain changes to take into account the requirements of Chapter 2013-227, Laws of Florida, and to add a rule allowing the City Manager to identify areas in the Commission Chambers that will remain free of persons and objects during meetings so as to promote a safe and orderly meeting.

SECTION 2: RULES. It is the duty of the City Commission to make such rules for its own guidance and government as it may deem expedient. The following shall be the rules for the government of the City Commission:

RULE 1. REGULAR MEETINGS: The City Commission shall hold regular meetings on the second and fourth Monday of each month in the City Commission Chambers at the City Hall at 3:30 p.m. or at such time of day as the Commission may decide provided, however, that the City Commission may dispense with any one meeting each month when it is anticipated that the business of the Commission be not urgent.

RULE 2. SPECIAL AND EMERGENCY MEETINGS: Any member of the City Commission may call a special or emergency meeting of the Commission either by written or verbal request to the City Manager. Whenever a special or emergency meeting is called, the Commission shall be notified either via e-mail and/or by telephone at least twenty-four (24) hours before any special meeting and, when practicable at least twelve (12) hours before any emergency meeting. A copy of such notice shall likewise be posted at City Hall and on the City's website.

RULE 3. WORK SESSION MEETINGS: The City Commission may meet informally for study and discussion of the affairs of the City, but no formal or binding action shall be taken at a workshop or work session meeting. The Commission may schedule work sessions at such times as the Commission may decide.

RULE 4. MEETINGS OPEN TO THE PUBLIC: All meetings of the City Commission for the purpose of transacting city business, whether action is taken or not, shall be held in the City Commission Chambers unless the Commission indicates another advertised location, and shall be open to the public.

RULE 5. AGENDA: The City Manager shall prepare an agenda for all meetings, except emergency meetings when time does not permit.

(A) Formal Meetings -- The agenda for formal meetings, whether regular or special, shall include only such matters as requested by a member of the Commission, together with such other and subsequent matters as may be recommended for consideration by the City Manager. Any person or persons desiring to appear before the City Commission on a particular subject matter may make a request in writing to the City Manager to be placed on the agenda no later than 10 days prior to the regular Monday meeting of the City Commission, stating the purpose for which such person or persons desire to appear. Requests received after that time will be placed on the next regular Commission meeting agenda.

(B) Distribution -- The agenda shall be provided to the public via the City's website no later than the Friday prior to the Monday meeting and shall be posted at City Hall.

RULE 6. PRESIDING OFFICER: The Mayor shall preside at all meetings, if present, and in his/her absence, the Vice-Mayor, and in the absence of both the Mayor and the Vice-Mayor a Mayor pro tem shall be elected to preside.

RULE 7. DECORUM: The presiding officer, and in the absence of a presiding officer the City Manager or the City Manager's designee, is empowered to and shall preserve decorum. Members of the public attending commission meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Commission. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the commission or while attending the commission meeting shall be removed from the building and may not return to the meeting from which he or she was removed, or to the building, prior to close or adjournment of the meeting without leave of the presiding officer or the permission of the commission. If the person removed is an applicant for city action or otherwise is the named proponent of a matter which is scheduled to come before the commission, but which has not been decided by the commission at the time of the person's removal, the commission may, but is not required to, postpone consideration of said action or matter until the next regularly scheduled meeting. If consideration of said action or matter is postponed, any fees required to be paid in connection with bringing said action or matter before the commission shall be required to be paid again prior to the subsequent consideration of said action or matter.

The provisions of this Rule 7 shall also apply to Commission work sessions and informal meetings, to the meetings of City boards, and to meetings with City staff which are open to members of the public.

RULE 8. ORDER OF BUSINESS: All meetings (regular or special) of the Commission shall be open to the public promptly at the hour set on the day of each meeting. The business of the Commission shall be taken up for consideration and disposition in substantially the following order.

1. Meeting Called to Order
2. Invocation and Pledge of Allegiance
3. Approval of Agenda
4. Mayor's Report (for non-action items such as proclamations, awards, check presentations, etc. The only action item under this section would be board appointments).
5. City Manager's Report
6. City Attorney's Report (for updates on litigation or other legal matters).
7. Non-action items (for updates on issues, citizen board reports and general discussion items requiring Commission direction, but not official action).
8. Citizens' Comments (at 5:00 p.m. or as soon thereafter as possible)
9. Consent Agenda (allow Citizen input)
10. Action Items Requiring Discussion (allow Citizen input)
11. Public Hearings (for all resolutions and ordinances; allow Citizen input)
12. City Commission Reports

**RULE 9. ADDRESSING THE COMMISSION:** During work sessions, persons may address the Commission only when requested to do so by a member of the Commission or the City Manager. At formal meetings any person desiring to address the Commission shall first be recognized for that purpose by the presiding officer.

(A) Written Communications -- Members of the City Commission, taxpayers or residents of the City and other interested parties, or their authorized representatives may address the Commission by written communications in regard to matters then under discussion. A copy shall be provided to the City Clerk.

(B) Oral Communications -- Taxpayers or residents of the City and other interested parties, or their authorized legal representatives, may address the Commission by oral communication on any matter concerning the City's business or any matter over which the Commission has jurisdiction or control under New Business (Public).

(C) Anonymous Communications -- Unsigned communications shall not be introduced to the Commission.

(D) Manner of Addressing Commission; Time Limited -- Each person recognized for the purpose of addressing the Commission shall step forward to the podium with the microphone thereon, and shall give his name and address in an audible tone for the record, and unless further time is granted for the Commission, shall limit his address to three (3) minutes for individuals and fifteen (15) minutes for team presentations, or such additional time as may be deemed appropriate by the Commission. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Commission and the person having the floor shall be permitted to enter into any debate or discussion, either directly or through a member of the Commission, without the permission of the presiding officer. Further, City Commissioners shall comply with this rule, except that they are permitted to address the Commission from their seat. Copies of all overhead or power point presentations or other information used as part of their discussion shall be provided to the City Clerk either in hard copy or by CD.

RULE 10. VOTING: Ordinances and resolutions require a roll call vote of the City Commission. All other votes may be done by voice vote. Any time the results of a voice vote is unclear, the City Clerk may request a roll call vote. Whenever a roll call vote is ordered, the City Clerk shall call the roll of Commissioners and record the vote of each member.

RULE 11. PROCEDURE FOR ADOPTION OF ORDINANCES AND RESOLUTIONS:

- (A) Adoption Procedures -- The procedure for adoption of ordinances and resolutions shall be as set forth in Section 166.041, Florida Statutes, and Section 2.11 and 2.12 of the City Charter.
- (B) Preparation and Review of Ordinances, Resolutions, Contracts, Etc.
1. Preparation of Ordinances. No ordinance shall be prepared for presentation to the Commission unless ordered by a majority vote of the Commission, or requested by the City Manager, or prepared by the City Attorney on his own initiative.
  2. All ordinances, resolutions and contract documents shall, before presentation to the Commission, be approved as to form and legality by the City Attorney or his authorized representative, and shall have been examined and approved for administration by the City Manager or his authorized representative, where there are substantive matters of administration involved. All such instruments first shall have been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve and be reviewed by said department head; provided, however, that if approval is not given, then the department head shall provide the City Manager and City Commission with comments and recommendations for consideration by the City Commission in their review and approval of any ordinance, resolution or contract documents. OR THIS: City Attorney or department head shall explain to the City Manager why such approval is withheld.

RULE 12. RULES CONFIRMING COMPLIANCE WITH CHAPTER 2013-227, LAWS OF FLORIDA:

- (A) The agendas for meetings of the Commission should briefly identify all propositions coming before the Commission for discussion or action, so that the public is sufficiently notified of the subject of the proposition.
- (B) "Citizens' Comments" will be included on every agenda (including, by amendment to Section 2-48 of the Municipal Code, the public agendas for subsidiary boards or commissions). The Commission will allow comments by members of the audience regarding all propositions and proposed actions. With respect to those matters that are identified as exempt from these requirements by Statute 286.0114, which include emergencies, ministerial acts (such as the approval of minutes), ceremonial proclamations, a meeting exempt from Sunshine (Section 286.011), and matters in which the City Commission or a subsidiary board acts in a quasi judicial capacity, the Commission reserves the right to allow public comment to the extent such is reasonably possible as determined by the Commission in its discretion, and specifically will allow public comment in such matters where the City has traditionally allowed for such, including quasi judicial proceedings..

(C) If a proposition comes before the Commission for action or for a formal vote that was not on the agenda, the Mayor will allow public comment on that proposition before it is voted on.

(D) If the Commission determines that public comment is not reasonably possible or needed, then public comment may not be heard on:

1. Emergency items, meaning an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with Florida Statutes 286.0114 would cause an unreasonable delay in the ability of the Commission to act.
2. Ministerial items, meaning an official act involving no more than a ministerial act, including but not limited to, approval of minutes and ceremonial proclamations. Additionally, any parliamentary vote such as a motion to table, motion to adjourn, motion to extend debate or other similar procedural votes which do not implicate any substantive right but are merely designed to facilitate the conduct of the meeting shall be deemed ministerial and public comment may not be allowed.

(E) Public comment is allowed for quasi judicial matters but in no event will public comments be considered evidence at a quasi judicial proceeding unless a party properly makes such comment evidence that is admissible under the law.

(F) Citizens' Comments will not as a matter of normal order be part of a workshop agenda. However, Citizens' Comments will be allowed on any proposition regarding a workshop topic at the first regular or special meeting of the Commission following the workshop, and before a vote on the item is taken by the Commission.

(G) It is the intent of the Commission that all City boards and subsidiary boards will allow public comment at their meetings except for emergency or ministerial items, and may allow such at quasi judicial hearings so long as the comment is not used as evidence.

(H) To the extent there is any conflict between the provisions of this Rule, 12, and any other rule of the City Commission, this Rule 12 shall take precedence and shall control.

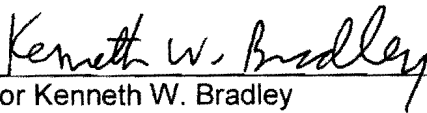
(I) The City's Administrative Policies adopted in April, 2011, are still valid and binding, and are incorporated herein by reference. However, no formal action may be taken on any matter discussed at a meeting scheduled under section 10 of the Administrative Policies or otherwise is allowed until after there is an opportunity for Citizens' Comments as set out in this Resolution.

**RULE 13. PROVISION FOR SAFE AND ORDERLY MEETINGS:** The City Manager has the authority to provide for and identify areas to remain free of persons and objects during meetings except for those persons invited to address the Commission. This will promote safety, and insure an orderly meeting, free of interruption, and is in the interest of allowing citizens in attendance at the meeting while seated in the area reserved for the audience to observe the dais and Commission activity without having their view obstructed or their attention distracted by persons, objects or activity within such designated areas, including that area between the dais

and the citizens' seating area. This Rule is subject to the exception that persons and their exhibits or other objects may cross into such area(s) when those persons are recognized by the Commission, or by the Mayor at a meeting as presiding officer.

SECTION 3. This Resolution shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida on this 28<sup>th</sup> day of October 2013.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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City Clerk Cynthia S. Bonham