

RESOLUTION NO. 2233-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RESTATING AND ACCEPTING PRIOR RESOLUTION NO. 2129-13 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 OTHER POLICY ADDITIONS AND MODIFICATIONS PREVIOUSLY ADOPTED OR DISCUSSED BY THE COMMISSION OUTSIDE OF THE RESOLUTION PROCESS.

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

SECTION 1: Resolution No. 2129-13 is hereby restated in its entirety with certain changes to take into account other policies adopted by the Commission that were never formally approved by resolution and to make other changes for clarification and consistency purposes. The rules set forth in this Resolution supersede and replace all other prior adopted policies, rules, and resolutions governing the City Commission concerning the matters set forth herein. The City Commission will be the judge, interpreter, and enforcer of the rules set forth herein. Nothing herein grants or is intended to grant any rights to or vest any rights in third parties to enforce or be beneficiaries of the rules set forth herein.

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 serve as the internal rules for the government of the City Commission:

RULE 1. REGULAR MEETINGS: The City Commission shall hold regular meetings on the second and fourth Wednesday of each month in the City Commission Chambers at the City Hall commencing at 3:30 p.m. or at such time of day and location as the Commission may decide, provided, however, that the City Commission may dispense with any one meeting each month that conflicts with a holiday or when it is anticipated that the business of the Commission is 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. In order to provide for the most open and public notice as possible and to provide all members of the Commission an equal opportunity to participate and to increase efficiency in scheduling, all such meetings should, if possible, be requested and scheduled during a public City Commission meeting. Whenever a special or emergency meeting is called, the Commission must be notified either in person, 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 may be taken at a work session meeting. In order to provide for the most open and public notice as possible and to provide all members of the Commission an equal opportunity to participate and to increase efficiency in scheduling, all such meetings should, if possible, be requested and scheduled during a public City Commission meeting. In the event two (2) or more members of the Commission wish to meet to discuss a topic(s) related to City business outside of a full Commission work session, in addition to complying with the Sunshine Law, the other members of the Commission shall also be notified and invited to participate. Whenever a work session is called, the Commission must be notified either in person, via e-mail, and/or by telephone at least twenty-four (24) hours before the scheduled time. A copy of such notice must likewise be posted at City Hall and on the City's website.

For planning and scheduling purposes and to reduce the need for specially called work sessions, there shall be one regularly scheduled work session each month. The topics for these work sessions must be determined in advance by the City Commission with input from city staff. The Commission may, by simple majority vote, set the day and time of the regularly scheduled monthly work sessions.

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, must be held in the City Commission Chambers (unless the Commission notices another advertised location) and must be open to the public. Rule 4 does not prohibit meetings from taking place via a virtual or electronic format at such times allowed by the Governor under a state of emergency or if otherwise authorized by law. Virtual meetings must 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) **AGENDA ITEMS** - Any potential agenda item may be brought up by the Mayor or a Commissioner at any time during the regular Commission meeting, special meeting, or work session to determine the interest of the other Commission members. If a majority of the Commissioners present, either in person or virtually, concur, the item will be placed on a future agenda with appropriate supporting documentation provided by staff. No member of the Commission may direct a staff member or the City Attorney to prepare an agenda item without that member first addressing it at a public meeting and gaining consensus to consider the issue at a future meeting. If a member of the Commission would like to add an agenda item of a pressing nature that can potentially be harmful to the city if the normal request process is followed, this request to add the item to the agenda must be made in writing to the City Manager. The City Manager shall determine whether the item should be added to the agenda. To ensure adequate and proper notice is given to the public, any such request should occur prior to the publishing of the agenda packet. [CH1]

No action may be taken at the meeting in which the new item is introduced unless a majority of the Commission decides that time constraints do not permit scheduling the item for a future meeting or the matter is of such a nature as to not require any supporting information or documentation for the Commission to make an informed decision. Staff should be provided enough time to prepare appropriate supporting materials for either the next meeting or a future meeting if the next meeting does not allow enough time to prepare the information and appropriately address the item. There must be a consensus of at least three Commission Members to move forward.

Any non-agenda item brought up by a member of the public will follow the same procedures as outlined above if there is interest in pursuing the item.

(B) **RECONSIDERATION OF ITEM** - No item/issue may be introduced for reconsideration by a Commissioner that was on the minority side of the previous vote until at least six months have passed since action on the item was taken. However, a Commission member on the majority side of a vote may request that the item be reconsidered at any time by following the procedure outlined in subsection (A) above. A newly elected Commission member who did not hold office at the time of the vote on an item may request that such item be reconsidered any time, and with the concurrence of at least two other Commission members, may have such item placed on a future agenda for consideration.

(C) **Distribution** - The agenda must be provided to the public via the City's website no later than the Thursday prior to the Wednesday meeting and must be posted at City Hall.

(D) **Minutes** - Minutes must be prepared for all Commission meetings, regardless of whether the meeting is a regular, special, emergency, informal, work session, small group Commission meeting, or a Community Redevelopment Agency meeting. The City Clerk will endeavor to prepare all minutes within five days following each meeting. Once prepared by the City Clerk the minutes must be presented to the Commission for review/approval as part of the next agenda packet sent to the Commission.

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 must 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 must 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 that 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 such action or matter is postponed, any fees required to be paid in connection with bringing said action or matter before the Commission will be required to be paid again prior to the subsequent consideration of said action or matter.

The provisions of this Rule 7 also apply to Commission work sessions and informal meetings (work sessions with less than a quorum of the Commission present), 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 must be open to the public promptly at the hour set on the day of each meeting. The business of the Commission must be taken up for consideration and disposition in substantially the following order, unless modified by ~~the presiding officer or the City Commission.~~

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.)
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 or at the end of the meeting if it is ending prior to 5:00 p.m.)
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
13. Summary of meeting actions

RULE 9. ADDRESSING THE COMMISSION: Public input is not taken during work sessions unless this provision is waived by the Commission. At formal meetings, any person desiring to address the Commission must 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. Emails related to agenda items received by City staff (but not addressed to the Commission) must be forwarded to the City Commission.

(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 may 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 give his/her name and address in an audible tone for the record, and unless further time is granted by the presiding officer or the Commission, must limit his/her 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 must be addressed to the Commission as a body and not to any member thereof nor to the audience. No person, other than the Commission may 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. Copies of all overhead or Power Point presentations or other information used as part of their discussion must be provided to the City Clerk either in hard copy or electronically. When a large number of the public wish to address the Commission on any issue, priority will be given to Winter Park residents and taxpayers.

RULE 10. VOTING: Ordinances and resolutions require a roll call vote of the City Commission who are present at the meeting either in person or through the use of video-conferencing. All other votes may be done by voice vote. Any time the result of a voice vote is unclear, the City Clerk, presiding officer, or a Commissioner 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. For purposes herein, a roll call vote may be by voice or by electronic recording device that specifically identifies the vote of each Commission Member.

RULE 11. PROCEDURE FOR ADOPTION OF ORDINANCES AND RESOLUTIONS:

(A) Adoption Procedures -- The procedure for adoption of ordinances and resolutions is as set forth in Section 166.041, Florida Statutes, and Section 2.11 and 2.12 of the City Charter. This Resolution does not and is not intended to

create additional legal requirements for the Commission's adoption of ordinances and resolutions. An ordinance or resolution adopted by the Commission in the past or in the future will be presumed to have been adopted in compliance with this Resolution and prior iterations of the Commission's resolutions, rules, and policies.

(B) Preparation and Review of Ordinances, Resolutions, Contracts, etc.

1. Preparation of Ordinances. No ordinance may 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/her own initiative.

2. All ordinances, resolutions, and contract documents must, before presentation to the Commission, be approved as to form and legality by the City Attorney or his/her authorized representative and will have been examined and approved for administration by the City Manager or his/her authorized representative where there are substantive matters of administration involved. All ordinances impacting land use shall require review and certification by department heads addressing the availability of public services to support the project and any improvements required. Such review must address capacity of water, sewer, transportation, parks, schools, and any other impacted governmental services including, but not limited to police, fire protection, and tree preservation.

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) "Public Comments" will be included on every regular City Commission 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 from 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 or Presiding Officer 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) Public Comments will not as a matter of normal order be part of a work session agenda. However, Citizens' Comments will be allowed on any proposition regarding a work session topic at the first regular or special meeting of the Commission following the work session, 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 as 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.

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 ensure 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.

RULE 14. PROVISION FOR COMMISSIONER PARTICIPATION AT MEETINGS THROUGH THE USE OF VIDEO-CONFERENCING:

(A) The use of video-conferencing by an individual member of the City Commission will be limited to not more than three times per calendar year, unless otherwise required due to emergency or other safety considerations (e.g., a pandemic).

(B) A Commission Member participating by video-conference may vote on matters before the Commission as long as a quorum is physically present at the meeting (unless the physical quorum requirement is suspended by executive order or other proclamation of the Governor due to a state of emergency or other exigent circumstances).

(C) It shall be the responsibility of the Commission member desiring to participate by video-conferencing to notify the City Manager of such at least 24 hours prior to the scheduled meeting in order to allow staff time to be prepared to accommodate virtual participation.

(D) It is the responsibility of the Commission member participating by video-conferencing to ensure that they have the appropriate equipment and adequate internet bandwidth to accommodate video-conferencing on his/her end of the connection.

(E) It is the responsibility of the city and city staff to ensure that the city has the appropriate equipment and technology on the city's end to accommodate video-conferencing that at a minimum:

- a. Allows the public to see and hear the Commission member participating virtually while such Commission member is speaking.
- b. Allows the Commission member participating virtually to see and hear the person speaking in-person at the meeting.
- c. Allows the Commission member participating virtually to see any presentation materials that are displayed for those participating in person.

(F) In situations where the technology fails to facilitate the foregoing, regardless of the cause, the Commissioner's ability to vote remotely shall be suspended until such time that the problem has been rectified. Any vote taken by the rest of the Commission during such time will stand and not be revisited unless the majority rules to allow a re-vote.

(G) If the failure of the technology becomes an on-going disruption to the meeting, the Mayor may ask that the connection be terminated until such time the technological difficulty or failure is remedied. The Mayor's determination may be overturned by a simple majority vote of the Commission members

present in person at the meeting. In the event of a tie vote, the Mayor's determination stands.

(H) A Commission member participating by video-conferencing may not be accompanied by members of the public whom cannot be seen or heard by others participating in the meeting.

SECTION 3. This Resolution becomes 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 22nd day of July, 2020.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis