

DIVISION 2. - MEETINGS

Sec. 2-52. - Legislative intent.

The city commission, being the governing body of this municipality and recognizing its legislative responsibility under provisions of general law and the city charter, does hereby declare its intent and purpose in adopting this chapter to conduct the affairs of this city in public meetings in an orderly fashion, with proper decorum and providing ample opportunity for public participation. To the extent consistent with the requirements of the city charter, city ordinances, and state law, the city commission may waive or deviate from the provisions of this chapter when the city commission determines that circumstances warrant such waiver or deviation.

(Code 1990, § 43-1)

Sec. 2-53. - Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

Emergency ordinance. An ordinance which may be enacted without notice when deemed by the city commission to be necessary for the immediate preservation of the public peace, property, health, safety and general welfare. Ordinances which enact or amend a franchise, land use plan, appropriation or budgetary matters or which rezone private real property may not be enacted as an "emergency ordinance."

Police chief. The appointed police chief of the City of North Port, Florida, or his designee.

(Code 1990, § 43-2)

Sec. 2-54. - Types and schedule of meetings.

The City Commission shall conduct the affairs of city government as follows:

- (1) *Regular meetings.* Consistent with section 6.01 of the city charter, regular meetings shall be held at city hall or other specified location. The city commission shall meet regularly not less than once a month except in the

month of August. When more than one meeting is held in any given month, then one shall be held in the day and one will be in the evening. A regular meeting may be cancelled, rescheduled or added as needed.

- (2) *Special meetings.* The city commission, the city manager, or any individual commissioner may call a special meeting as long as a quorum is available. The city clerk shall provide public notice and written notice of such a meeting to each commissioner at least 48 hours before the time set for the meeting. The notice shall specify the date, time, place, location and all the business to be included in the meeting. Nothing can be considered in a special meeting if it is not included in the notice. Special meetings may include recognitions, proclamations, welcoming new employees, ceremonial items, and presentations.
 - a. *Proclamation procedures.* Standing requests or rolling requests for proclamations will not be accepted. Requests for proclamations will be received by the city clerk the month prior to the meeting where the proclamation is requested to be read. Letters of recognition prepared by the city clerk and signed by the mayor may be provided in response to any request that does not result in a proclamation due to this section.
 - b. *Presentation time limits.* Presentations will be limited to 15 minutes per presentation.
- (3) *Emergency meetings.* The city manager and any one commissioner may call an emergency meeting. An emergency meeting shall be called only when the conditions and circumstances indicate that emergency measures must be taken. The city clerk shall give reasonable notice of such meeting.
- (4) *Workshop meetings.* Workshop meetings are meetings where the commission reviews and discusses items. The commission may not make final decisions during workshop meetings. Items are generally topics on which the commission is receiving preliminary information and providing direction for further staff analysis and information gathering for a later meeting. The city manager and/or commission may schedule workshops as needed.
- (5) *Other meetings.* Such other meetings as may be advisable.

(Code 1990, § 43-3; Ord. No. 2016-04, § 2, 2-23-2016; Ord. No. 2017-10, § 2.01, 4-25-2017; Ord.

No. 2018-29, § 2, 10-23-2018)

Sec. 2-55. - Agenda.

- (a) The city manager or designee shall review requests for inclusion on any agenda. The city clerk shall be responsible for the preparation of each agenda for all meetings held by the city commission the city manager shall advise the city clerk as to which items are to be included on an agenda.
- (b) Requests for inclusion on any agenda shall be signed and submitted, in writing, to the city clerk. Requests shall state the nature of the item to be included, together with a statement of requested action. Background documentation, including but not limited to PowerPoint presentations and applicable maps, shall be submitted along with the request. Any additional items or corrections submitted after the agenda has been posted must be submitted to the commission and city clerk for publication. Any additional backup information to be considered must be provided no less than 24 hours prior to the meeting. All items requiring a commission vote shall include suggested forms of appropriate motions.

All requests for inclusion on any agenda, with the exception of bona fide emergency items and time sensitive items, shall be received by the city clerk no later than the close of business on Monday of the week prior to the week of the targeted commission meeting. Absent a showing of a bona fide emergency and or time sensitivity, no item requiring a commission vote shall be considered by the city commission unless it has been included on the agenda pursuant to the procedure adopted herein.

- (1) Any department director through the city manager shall submit a request for inclusion on the agenda.
- (2) The commission or individual commissioners may submit an agenda item for inclusion to the city manager and/or the city clerk.
- (3) Per section 15.01 of the city charter, citizens proposing ordinances and or requesting reconsideration of adopted ordinances may submit a request for inclusion on the agenda to the city clerk.
 - a. A copy of the proposed ordinance or the ordinance for reconsideration and the petition with the signatures of at least ten percent of the qualified voters of the city, as certified by the supervisor of elections, shall be filed with the city clerk.

- b. When a properly filed petition is received, the commission shall consider the agenda item.
- (c) Meeting agendas may include public comments, a designated time for public hearings, consent agenda, other business and reports from the city manager, city attorney, city clerk and city commissioners. The suggested layout for agendas is as follows:
 - (1) Call to order/roll call.
 - (2) Invocation/pledge of allegiance.
 - (3) Approval of the agenda.
 - (4) Announcements by the city clerk.
 - (5) Public comment other than quasi-judicial.
 - (6) Public hearings for agenda items requiring public hearings.
 - (7) General business items.
 - (8) Consent agenda including approval of minutes of previous meetings.
 - (9) Commission communications.
 - (10) Administrative and legal reports.
 - (11) Public comment, other than quasi-judicial.
 - (12) Adjournment.
- (d) *Public comments.*
 - (1) *Public comment.* Any person may speak on any matter, excluding quasi-judicial matters.
 - (2) *Public comment on agenda items.* When the commission considers an agenda item, the mayor will recognize individuals wishing to speak on the agenda item. If a speaker reflects intent to provide comments which, in the mayor's opinion, are not germane to the agenda item, the mayor may rule the speaker out of order.

Anyone seeking to speak before the city commission is requested to submit to the city clerk a speaker's card which may contain all information requested on said card. Speaker's cards shall be accepted up to the closing of the public comment period for each item. The speaker shall be permitted to speak for a maximum of three minutes. All questions from the public to the commission shall be addressed through the mayor, and shall be handled in the manner that the

mayor sees fit. Each person who addresses the commission shall approach the speaker's podium, shall give his or her name and state whether he or she is a resident or taxpayer of the city. A speaker's time may not be transferred to another speaker.

- (e) *Agenda items requiring public hearings (other than quasi-judicial).* Public hearings shall be held to consider the adoption of all ordinances, and resolutions, when applicable, and any other official action required to be considered at a public hearing by city charter, ordinance, or state statutes. Procedures for quasi-judicial proceedings are provided in chapter 2 article III.

Public hearings shall be conducted in the following manner.

- (1) The mayor reads the description of the agenda item(s) to be considered and opens the public hearing.
- (2) The city clerk shall read the titles of ordinances and resolutions upon request of the commission.
- (3) The mayor or designee may call upon a charter officer or designee to introduce the matter
- (4) If applicable, the petitioner makes a presentation.
- (5) If applicable, the staff makes a presentation for the agenda item being considered.
- (6) The mayor or designee inquires whether there are any questions for the petitioner or staff.
- (7) The mayor or designee calls for public comment. The petitioner may rebut any public comment or staff comments.
- (8) If there are no further questions, the mayor closes the public hearing and requests a motion.
- (9) The commission debates the motion. The maker of the motion speaks first. After this, the mayor shall recognize other commissioners in rotation and does not call on any commissioner a second time or subsequent time until all commissioners have had an opportunity to speak.
- (10) If during deliberations, a question arises which the commission desires to ask, it shall reopen the public hearing, pose the question and allow either staff or the petitioner or both the opportunity to respond to the question posed, prior to closing the public hearing again and resuming deliberations.

- (11) After debate concludes, the mayor states aloud the motion before a vote is taken. After a decision is made, the mayor announces the vote. Until such a time that the vote has been announced, a commissioner has a right to change his or her vote.
- (f) *General business items are matters which may require staff input and full discussion by the commission.*
- (g) *Consent agenda items include noncontroversial and ministerial matters which may be fully explained by supporting documentation and do not require full discussion by the city commission.* A single motion may be made to approve the consent agenda or one or more consent items identified by number as follows:
- (1) The mayor asks the commission if anyone wishes to remove any item from the consent agenda. A commissioner can request removal of an item to discuss an item, to question an item, or to register a vote against an item.
 - (2) Any commissioner may request discussion of a consent item and the item shall be removed from the consent agenda.
 - (3) The consent agenda is voted on with a single vote to approve the consent agenda or to approve one or more consent items identified by number.
 - (4) Any item not approved or included in the motion to approve will be considered as a separate item independent from the consent agenda.
- (h) *Commissioner communication.* The mayor and the commissioners shall utilize this section of the agenda to provide informational reports and communications. The mayor shall determine the order of speaking.

(Code 1990, § 43-4; Ord. No. 2016-04, § 2, 2-23-2016; Ord. No. 2017-10, § 2.02, 4-25-2017; Ord. No. 2018-29, § 2, 10-23-2018)

Sec. 2-56. - Notice of meetings.

- (a) The city clerk shall provide notice of meetings by posting the agenda at least 48 hours prior to regular and/or special meetings of the city commission.
- (b) Such notice shall be accomplished by posting on the public bulletin board of the municipal building.

(Code 1990, § 43-5)

Sec. 2-57. - Record of proceedings.

The city clerk shall record all proceedings of all meetings of the city commission and shall maintain such records and be the custodian of same, pursuant to provisions of the city charter.

(Code 1990, § 43-6)

Sec. 2-58. - Rules of decorum.

- (a) *Preservation of order and decorum while in session.* While the commission is in session, the commissioners must preserve order and decorum, and a commissioner shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the commission nor disturb any commissioner while speaking or refuse to obey the orders of the mayor. Any commissioner needing to leave during the meeting will notify the mayor.
- (b) *Persons addressing the commission.* All comments shall be polite. Proper titles shall be used at all times, to contribute to a respectful and business-like atmosphere. The broadest possible accommodation shall be provided for statements of personal opinion, but no one shall engage in personal, impertinent, slanderous or profane remarks. Yelling, threatening or abusive language is unacceptable.
- (c) *Members of the audience.* No person in the audience shall engage in disorderly conduct such as hand-clapping, yelling and similar demonstrations, which conduct disturbs the peace and good order of the meeting.
- (d) *Exception.* Except for members of the commission and city staff, no person shall be allowed to approach the commission dais without the consent of the mayor.

(Code 1990, § 43-9; Ord. No. 2013-33, § 1, 11-12-2013; Ord. No. 2016-04, § 2, 2-23-2016; Ord. No. 2017-10, § 2.03, 4-25-2017)

Sec. 2-59. - Enforcement of decorum.

- (a) *Removal of person disturbing meeting.* The mayor or designee shall maintain decorum at city commission meetings. The mayor may interrupt any speaker to maintain order and decorum, but such interruption shall not reduce the speaker's time. Members of the audience who become disruptive to the proper conduct of the meeting shall first be counselled about their behavior. If the disruptive

behavior persists, the mayor is given the right and the authority to require such person to leave the meeting, to be accompanied by a police officer, if necessary. Persons violating F.S. § 871.01 may be arrested by police officers present and noting the willful interruption or disturbance.

- (b) *Attendance by chief of police or designee.* The chief of police or the chief's designee shall attend all commission meetings for the purpose of maintaining order.
- (c) *Motions to enforce.* Any commissioner may move to require the mayor to enforce these rules and the affirmative vote of a majority of the commission shall require the mayor to do so.
- (d) *Adjournment.* In the event that any meeting is willfully disturbed by a group or groups of persons so as to render the orderly conduct of such meeting infeasible and when order cannot be restored by the removal of individuals who are creating the disturbance, the mayor may adjourn the meeting and the remaining business considered at the next regular meeting or at a special meeting or other meeting pursuant to section 2-54.

(Code 1990, § 43-9; Ord. No. 2016-04, § 2, 2-23-2016; Ord. No. 2017-10, § 2.04, 4-25-2017)

Sec. 2-60. - Cameras and recording devices.

Cameras, including television and motion-picture cameras, electronic sound-recording devices and any other mechanical or electrical in the public section of the city chambers but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the commission.

- (1) *Supplemental lighting.* Supplemental lighting for television and motion-picture cameras shall be used only with the exercise of extreme discretion with regard to the intensity and duration of such lighting and with a view to creating the least amount of interference with or disturbance of the proceedings of the commission and the least amount of discomfort to members of the public attendance.
- (2) *Disruptive lighting.* The presiding officer shall have the authority to determine whether the intensity or duration of supplemental lighting is such that it disturbs the proceedings of the commission and, upon making such a determination, require that the use of such lighting be discontinued.

(Code 1990, § 43-10)

Sec. 2-61. - Rules of procedure.

- (a) *Rules of procedure.* Consistent with section 6.02 of the city charter, the commission shall be guided by parliamentary rules as outlined in Robert's Rules of Order, as revised. The city clerk shall be recognized as the parliamentarian.
- (b) *Duties and responsibilities of the mayor.*
 - (1) *Mayor to serve as presiding officer.* The mayor shall be the presiding officer at all commission meetings. The vice mayor shall act as the presiding officer during the absence of the mayor. In the absence of both the mayor and vice mayor, the remaining commissioners shall by majority vote select a presiding officer (mayor pro tem) to carry out the functions of mayor for that meeting.
 - (2) *Mayor's ability to vote.* In accordance with city charter section 5.03, the mayor shall have a voice and a vote on all questions and items, and is called last. The mayor may move to make motions upon passing the gavel to the vice-mayor or, in the absence of the vice-mayor, to any commissioner.

(Ord. No. 2017-10, §§ 2.05, 2.06, 4-25-2017)

Editor's note— Ord. No. 2017-10, §§ 2.05, 2.06, adopted April 25, 2017, repealed § 2-61 and amended and renumbered 2-62 as 2-61 as herein set out. Former § 2-61 pertained to city representation, and derived from Ord. No. 2016-04, § 2, adopted Feb. 23, 2016.

Sec. 2-62. - Reserved.

Editor's note— See editor's note to section 2-61.

Sec. 2-63. - Reserved.

Editor's note— Ord. No. 2017-10, § 2.07, adopted April 25, 2017, repealed § 2-63, which pertained to public comment and derived from Ord. No. 2016-04, § 2, adopted Feb. 23, 2016.

Secs. 2-64—2-78. - Reserved.