



City of North Port

ORDINANCE NO. 2016-40

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING CHAPTER 2, DIVISION 2, OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA RELATING TO THE CONDUCT OF MEETINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Article VI, Section 6.01, North Port Charter provides that all meetings of the City Commission shall be public and any person shall have the right to be heard on any matter before the Commission; and

WHEREAS, Article VI, Section 6.02, North Port Charter authorizes the City Commission to determine its own regulations, rules and order of business. The Commission shall be guided by parliamentary law procedures; and

WHEREAS, the City Commission seeks to codify meeting procedures; and

WHEREAS, these procedures shall be administered and implemented with flexibility, to assure that the will of the majority is accomplished while the rights of the minority are protected, to the end of accomplishing City business in an efficient, effective and respectful manner; and

WHEREAS, the adoption of these procedures is in the best interest of the City of North Port.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1. RECITALS. The recitals outlined above are incorporated by reference herein.

SECTION 2. FINDINGS. The City Commission hereby makes the following findings:

2.01 Section 2-54 is hereby amended and revised to read as follows:

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

The city commission shall conduct the affairs of city government as follows:

- (a) Regular meetings. Consistent with section 6.01 of the City Charter, the City Commission shall hold regular meetings the second and fourth Tuesday of each month but not in the month of August. Regular meetings may be cancelled or

rescheduled as needed. A regular meeting may be recessed to a later date certain which is announced at the regular meeting. All meetings shall be open to the public, except as may be expressly exempted by state law. The purpose of such meetings is to conduct the business of the City. If an item results in extensive discussion at a regular meeting, any Commissioner may move that the item be continued to a workshop. Items requiring Commission action to become effective must return to a regular or special Commission meeting if such action is to be taken.

- (b) *Special Recognition Meetings:* The City Commission may hold special recognition meetings ~~the first Thursday of the month as needed~~. The City Manager may cancel or reschedule Special recognition meetings as needed. The purpose of the meetings is to showcase employees, events, programs, and people that support and further the mission, goals, and initiatives of the City of North Port. Types of matters appropriate for Special Recognition Meetings include but are not limited to:
1. Welcome of new employees, and employee recognition.
 2. Proclamations. The number of proclamations per meeting is limited to the first 10 received by the City Clerk. Standing requests or rolling requests for proclamations will not be accepted. Requests for proclamations will be received by the City Clerk one 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.
 3. Ceremonial Items.
 4. Certificates of Appreciation.
 5. Presentations and Reports.
- (c) *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.
- (d) *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 clerk shall give reasonable notice of such meeting.

- (e) *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 the Commission is receiving preliminary information on and providing direction for further staff analysis and information gathering for a later meeting. ~~Commission may hold workshop meetings the last Friday of the month. The City Manager may cancel or reschedule workshops as needed. Workshops items will be scheduled or noticed as requested by the commission or the City Manager. The City Manager and/or Commission may schedule workshops as needed.~~
- (f) *Agenda Items requiring public hearings* ~~(other than quasi-judicial)~~. Public hearings shall be held to consider the adoption of all ordinances, 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 section 2-83.

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.
3. If applicable, the staff makes a presentation for the agenda item being considered.
4. If applicable, the petitioner makes a presentation.
5. ~~The Mayor calls for public comment. The petitioner may rebut any public comment. The Mayor or designee inquires whether there are any questions for the petitioner or staff, limiting the time to ten (10) minutes per commissioner.~~
6. ~~The Mayor inquires whether there are any questions for the petitioner or staff, limiting the time to five (5) minutes per commissioner for public hearings. The Mayor or designee calls for public comment. The petitioner may rebut any public comment.~~
7. If there are no further questions or the time for questions expires, the Mayor closes the public hearing and requests a motion.

8. The motion is debated. The maker of the motion speaks first. After this, the Mayor shall recognize other Commissioners in rotation, ~~and not call on any Commissioner a second time or subsequent time until such time as all Commissioners shall have had an opportunity to speak. — Each Commissioner may speak twice, for no more than five (5) minutes each time.~~
9. 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.
10. After debate has concluded, the Mayor shall state 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.

(g) *Other meetings.* Such other meetings as may be advisable.

2.02 Section 2-55 is hereby amended and revised to read as follows:

Sec. 2-55. - Agenda. .

- (a) The city manager or, in his absence, the acting city manager shall review requests for inclusion on any agenda. The 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) The regular meeting agenda 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 commission. The suggested layout for agendas is as follows:
 1. Call to order/ Invocation/ Pledge of Allegiance.
 2. Roll call.
 3. Approval of the agenda.
 4. Announcements by the City Clerk.
 5. Public Comment: non-agenda and consent agenda items.
 6. Consent agenda including approval of minutes of previous meetings.
 7. Public hearings for agenda items requiring public hearings.
 8. Public hearings for resolutions.
 9. General business items.
 10. ~~Scheduling of workshops~~ Commission communication.
 - ~~11. — Commissioner reports~~
 - ~~12. 11.~~ Administrative and legal reports.

~~13.~~12. Public Comment: any matter.

~~14.~~13. Adjournment.

- (c) Consent Agenda items include noncontroversial 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. Removal of an item can be requested to discuss an item, to question an item, or to register a vote against an item.
2. The Mayor then requests a motion to approve the consent agenda or items.
3. The Consent Agenda is voted on with a single vote – to approve the consent agenda or 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.

Any commissioner may request discussion of a consent item.

- (d) General business items are matters due to their nature, staff input and full discussion by the commission is warranted.

~~(e) 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. Any background documentation applicable shall be submitted along with the request. All items requiring a vote by the commission shall include suggested forms of appropriate motions.~~

- (f) Departments through the city manager or citizens under section 15.01 of the city charter proposing ordinances for adoption by the commission shall submit a request for inclusion on the agenda.

- (g) Citizens initiating a petition for reconsideration of an adopted ordinance in accordance with section 15.01 of the city charter shall comply with the following procedure:

- (1) Any five qualified voters of the city shall file with the city clerk an intent to file a petition. Petitions for reconsideration shall include an affidavit stating who will constitute the petitioners' committee and be responsible for circulating and filing it in proper form, stating the name of the committee, addresses and specifying the address to which all notices to the committee will be sent and citing the ordinance sought to be reconsidered.
- (2) A copy of the petition with 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.
- (3) When a properly filed petition is received, the commission shall reconsider the ordinance in question.

- (h) All requests for inclusion on any agenda, with the exception of bona fide emergency 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, 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.
- (i) All members of the public seeking to speak before the city commission are requested to submit to the city clerk a speaker's card to be prepared and made available by the city clerk, containing all information requested on said card. Speakers' cards shall be presented to the city clerk. Speaker's cards shall be accepted up to the closing of the public comment period. ~~The Mayor shall have the right to decline to recognize any member of the-~~ If public whose speakers' card reflects intent to provide comments, which in the opinion of the Mayor, are not germane to matters before the commission. ~~Under such circumstances,~~ the Mayor should invite the member of the public to offer the proposed comments during the public comment portion of the meeting or workshop.
- (j) Commissioner ~~Reports / Comments Communication.~~ This section of the agenda shall be utilized by the Mayor and Commissioners to ~~provide present and/or discuss, including but not limited to, reports, desires for future agenda items, consensus, issues, questions and~~ informational reports. ~~Each Commissioner and the Mayor shall have a maximum of five (5) minutes for such reports. The Commission may allow additional time for any Commissioner Comments as necessary to report on specific Commissioner Assignments, City liaison activities or responsibilities (such as reporting on the activities of a committee on which a Commissioner sits as a City representative).~~ The order of speaking shall be determined by the Mayor.

2.03 Section 2-58. is hereby amended and revised to read as follows:

Sec. 2-58. - Rules of decorum.

- (a) Preservation of order and decorum while in session. While the commission is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the commission nor disturb any member while speaking or refuse to obey the orders of the Mayor. ~~Members of the commission shall not leave their seats during a meeting without first obtaining the permission of 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.~~

2.04 Section 2-59. is hereby amended and revised to read as follows:

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, if necessary, by a Police Officer. Persons violating Florida Statute Section 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 his 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 meeting may be adjourned by the Mayor and the remaining business considered at the next regular meeting or at a special meeting or other meeting pursuant to §2-54 (c) & (g).

~~2.05 Section 2-61 is hereby created to read as follows:~~

~~2-61 City Representation.~~

- ~~a) Commissioners may freely represent and communicate City ordinances, resolutions, motions and adopted plans.~~
- ~~b) Commissioners representing and communicating personal projects, individual goals or visions shall use best efforts to state he or she is communicating in the Commissioner's personal capacity.~~

~~c) Any requests of or for the City Commission received by an individual commissioner shall be communicated to the commission at the next City Commission meeting.~~

2.06 Section 2-62 is hereby created to read as follows:

Section 2-62. - Rules of Procedure

(a) Rules of procedure. Consistent with section 6.02 of the City Charter, Parliamentary rules as outlined in Robert's Rules of Order, as revised, is suggested ~~are applicable unless expressly changed herein or waived by the Commission~~

(1) DUTIES AND RESPONSIBILITIES OF THE MAYOR

a. 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.

~~b. Mayor to Determine Questions and Point of Order. Questions of order shall be decided by the Mayor subject to appeal by the Commission. The Mayor may ask the City Attorney or the City Clerk to serve as the parliamentarian on such questions. The Parliamentarian's role is not to rule but only to counsel the Mayor. The Mayor shall be free to disregard the advice. Such decisions shall be guided by the law that parliamentary procedure shall not be used to thwart the will of the majority of the Commission. A majority vote of the Commission, following a proper motion and a second appealing the Mayor's decision, will ultimately govern appeals of questions of order. The Mayor may consult with the City Attorney for advice on any question of order at any time.~~

~~(i) If a Commissioner believes the Rules of Procedure are being violated, that Commissioner may interrupt a speaker without being recognized by stating "Point of Order". No motion is required nor is debate allowed. The Mayor shall ask the Commissioner to state the point and shall rule. The ruling is subject to appeal.~~

~~(ii) — An appeal to the ruling of the Mayor shall be made by the statement: “I appeal from the decision of the Mayor.” The appeal must be seconded and is subject to debate.~~

~~(iii) — The Mayor then puts to a vote the question, “Shall the decision of the Mayor be sustained?” A majority vote or tie vote sustains the ruling of the Mayor.~~

c. **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, but does not have veto power. The Mayor may make and second motions upon passing the gavel to the Vice Mayor or, in the absence of the Vice Mayor, to any Commissioner.~~

~~.(2) — MOTIONS, DEBATE and VOTING~~

a. ~~**Main Motions.** A main motion is one whose introduction brings an item before the Commission. Limited discussion may be permitted by the Mayor prior to the introduction of a motion for the purpose of clarifying an issue. Strictly speaking, however there should be no debate or discussion by the Commission on a matter before a motion regarding it is made. Only one main motion may be before the Commission for action at a time. Once a motion is seconded and stated by the Mayor, it belongs to the Commission and the original maker has no control over it, such as withdrawing it according to the Mayor’s own wishes without permission of the Commission.~~

~~(i) — **Secondary Motions.** A secondary motion can be introduced while a main motion is being debated. The most common is a “motion to amend” [the main motion]. The motion must be debated and must be voted upon before the main motion is further considered. Secondary motions usually include subsidiary and privileged motions. Motions determined by the Mayor to be hostile to the main motion are out of order.~~

~~(ii) — **Number of Permissible Secondary Motions.** All main motions shall be subject to no more than two amendments per commissioner.~~

b. ~~**Debate.** All comments shall be polite, respectful, and germane to the pending motion or agenda item. Comments shall be directed to fellow Commissioners, and not directed to the attending public. Proper titles shall be used at all times to contribute to a respectful and business-like atmosphere. Rights in regard to debate may not be transferred to another member. To the greatest extent possible Commissioners shall not interrupt another Commissioner who has the floor. Those who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-59. The Manager may play a role in keeping the Commission discussion on topic and keeping the meeting moving forward. The Mayor shall not unreasonably withhold or delay recognition of any Commissioner desiring to speak.~~

(i) ~~**Questions by Commissioners.** In the event a Commissioner wishes to direct questions to another Commissioner, to staff or to the public, the questions shall be directed to the Mayor who, in turn, will recognize the Commissioner or member of the public who wishes to answer the specific questions. All questions of City staff shall be made through the City Manager. Any answers or time taken responding to a Commissioner's question shall not reduce the Commissioner's allotted debate time provided in Section 2-54.~~

c. ~~**Voting.** When the Mayor calls for the vote on a motion, every member who is in the commission chamber must vote, unless the Commissioner has indicted a voting conflict pursuant to section 112.3143 or section 286.011 Florida Statutes. The abstaining Commissioner must comply with the requirements of Section 112.3143 or section 286.011, Florida Statutes, including the requirement that Form 8B—Conflict of Interest must be filed with the City Clerk within ten days of the meeting at which the conflict was declared~~

2.07 Section 2-63 is hereby created to read as follows: [Deletions are shown as strikethrough and additions underline].

Section 2-63. - PUBLIC COMMENT

a) Non-Agenda and Consent Agenda Items.

Individuals wishing to speak on matters that are not on the agenda or on the Consent Agenda will be recognized by the Mayor under the “Public Comment: Non-Agenda and Consent Agenda Items” section at or near the beginning of the agenda. The public shall be permitted to speak for a maximum of three minutes each. Each person who addresses the Commission shall approach the speaker’s podium, shall give his or her name and may state whether he or she is a resident of the City. ~~A speakers’ time may not be transferred to another speaker.~~ Personal attacks are not permitted. 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. The normal practice shall be for the City Manager to designate a staff person to follow up on questions or requests, and to avoid conversation between the public speaker and the members of the Commission or the City administration. Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other City officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-59.

(b) Agenda Items.

Individuals wishing to speak on matters that appear on the agenda will be recognized by the Mayor when the item is considered by the Commission. The public shall be permitted to speak for a maximum of three minutes each. Each person who addresses the Commission shall approach the speaker’s podium, shall give his or her name and may state whether he or she is a resident of the City. 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. ~~The normal practice shall be for the City Manager to designate a staff person to follow up on questions or requests, and to avoid conversation between the public speaker and the members of the Commission or the City administration.~~ Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other City officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-59.

(c) Any Matter.

Individuals wishing to speak on any matter will be recognized by the Mayor under the “Public Comment: Any matter” section at or near the end of the agenda. The public shall be permitted to speak for a maximum of three minutes each. 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 of the City. 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. The normal

practice shall be for the Manager to designate a staff person to follow up on questions or requests, and to avoid conversation between the public speaker and the members of the Commission or the administration. Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other City officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-59.

SECTION 3. SEVERABILITY.

- 3.01 If any section, subsection or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. CONFLICTS.

- 4.01 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 5. EFFECTIVE DATE.

- 5.01 This Ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY in public session this _____ day of _____, 2016.

PASSED and ADOPTED on second and final reading in public session this _____ day of _____, 2016.

CITY OF NORTH PORT, FLORIDA

JACQUELINE MOORE
Mayor

ATTEST:

HELEN RAIMBEAU, MMC
City Clerk

Approved as to form and correctness:

MARK MORIARTY
City Attorney

Draft