



City of North Port

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING CHAPTER 2, NORTH PORT CODE RELATING TO THE CONDUCT OF MEETINGS OF THE NORTH PORT CITY COMMISSION; 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

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

36 (b) *Special Recognition Meetings:* The City Commission may hold special  
37 recognition meetings the first Thursday of the month. The City Manager may  
38 cancel or reschedule Special recognition meetings as needed. The purpose of  
39 the meetings is to showcase employees, events, programs, and people that  
40 support and further the mission, goals, and initiatives of the City of North Port.  
41 Types of matters appropriate for Special Recognition Meetings include but are  
42 not limited to:

- 43 1. Welcome of new employees, and employee recognition.
- 44 2. Proclamations. The number of proclamations per meeting is limited to the  
45 first 10 received by the City Clerk. Standing requests or rolling requests for  
46 proclamations will not be accepted. Requests for proclamations will be  
47 received by the City Clerk one month prior to the meeting where the  
48 proclamation is requested to be read. Letters of Recognition prepared by  
49 the City Clerk and signed by the Mayor may be provided in response to any  
50 request that does not result in a proclamation due to this section.
- 51 3. Ceremonial Items.
- 52
- 53 4. Certificates of Appreciation.
- 54
- 55 5. Presentations and Reports.

56 (c) *Special meetings.* ~~[The Mayor [with] [or] a A quorum of the city commission or~~  
57 ~~the city manager and one member of the city commission]~~ [A quorum of the city  
58 commission or the city manager with two members of the city commission] may  
59 call a special meeting of the commission. The city clerk shall provide public  
60 notice and written notice of such a meeting to each commissioner at least 48  
61 hours before the time set for the meeting. The notice shall specify the date,  
62 time, place, location and all the business to be included in the meeting. Nothing  
63 can be considered in a special meeting if it is not included in the notice.

64 (d) *Emergency meetings.* The city manager and any one commissioner may call an  
65 emergency meeting. An emergency meeting shall be called only when the

66 conditions and circumstances indicate that emergency measures must be taken.  
67 The clerk shall give reasonable notice of such meeting.

68 (e) *Workshop meetings.* Workshop meetings are meetings where the Commission  
69 reviews and discusses items. The Commission may not make final decisions  
70 during workshop meetings. Items are generally topics the Commission is  
71 receiving preliminary information on and providing direction for further staff  
72 analysis and information gathering for a later meeting. [The City Manager may  
73 schedule workshops as needed.] [Workshops will be scheduled or noticed as  
74 requested by individual commissioners. Each commissioner is limited to two (2)  
75 requests per month] [Workshops will be scheduled or noticed as requested by  
76 the commission or the City Manager]

77 (f) *Agenda Items requiring public hearings (other than quasi-judicial).* Public  
78 hearings shall be held to consider the adoption of all ordinances, resolutions,  
79 when applicable, and any other official action required to be considered at a  
80 public hearing by city charter, ordinance, or state statutes. Procedures for  
81 quasi-judicial proceedings are provided in section 2-83.

82 Public hearings shall be conducted in the following manner.

- 83 1. The Mayor reads the description of the agenda item(s) to be considered  
84 and opens the public hearing.
- 85 2. The City Clerk shall read the titles of ordinances and resolutions.
- 86 3. If applicable, the staff makes a presentation for the agenda item being  
87 considered.
- 88 4. If applicable, the petitioner makes a presentation.
- 89 5. The Mayor calls for public comment. The petitioner may rebut any  
90 public comment.
- 91 6. The Mayor inquires whether there are any questions for the petitioner  
92 or staff, limiting the time to ten (10) minutes [~~five (5) minutes~~] per  
93 commissioner.
- 94 7. If there are no questions or the time for questions expires, the Mayor  
95 closes the public hearing and requests a motion.
- 96 8. The motion is debated. The maker of the motion speaks first. After this,  
97 the Mayor shall recognize other Commissioners in rotation and not call  
98 on any Commissioner a second time or subsequent time until such time  
99 as all Commissioners shall have had an opportunity to speak. Each

100 Commissioner may speak twice, for no more than five (5) minutes each  
101 time.

102 9. If during deliberations, a question arises which the commission desires  
103 to ask, it shall reopen the public hearing, pose the question and allow  
104 either staff or the petitioner or both the opportunity to respond to the  
105 question posed prior to closing the public hearing again and resuming  
106 deliberations.

107 10. After debate has concluded, the Mayor shall state aloud the motion  
108 before a vote is taken. After a decision is made, the Mayor announces  
109 the vote. Until such a time that the vote has been announced, a  
110 Commissioner has a right to change his or her vote.

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

112 2.02 Section 2-55 is hereby amended and revised to read as follows:

113 Sec. 2-55. - Agenda. .

114 (a) The city manager or, in his absence, the acting city manager shall review  
115 requests for inclusion on any agenda. The clerk shall be responsible for the  
116 preparation of each agenda for all meetings held by the city commission. The  
117 city manager shall advise the city clerk as to which items are to be included on  
118 an agenda.

119 (b) The regular meeting agenda may include public comments, a designated time  
120 for public hearings, consent agenda, other business and reports from the city  
121 manager, city attorney, city clerk and city commission. The suggested layout for  
122 agendas is as follows:

- 123 1. Call to order/ Invocation/ Pledge of Allegiance.
- 124 2. Roll call.
- 125 3. Approval of the agenda.
- 126 4. Announcements by the City Clerk.
- 127 5. Public Comment: non-agenda and consent agenda items.
- 128 6. Consent agenda including approval of minutes of previous meetings.
- 129 7. Public hearings for agenda Items requiring public hearings.
- 130 8. Public hearings for resolutions
- 131 9. General business items.
- 132 10. Scheduling of workshops
- 133 11. Commissioner reports
- 134 12. Administrative and legal reports.
- 135 13. Public Comment: any matter.
- 136 14. Adjournment

- 137 (c) Consent Agenda items include noncontroversial matters which may be fully explained by  
138 supporting documentation and do not require full discussion by the city commission. A  
139 single motion may be made to approve the Consent Agenda or one or more consent items  
140 identified by number as follows:  
141  
142 1. The Mayor asks the Commission if anyone wishes to remove any item from the  
143 consent agenda. Removal of an item can be requested to discuss an item, to  
144 question an item, or to register a vote against an item.  
145 2. The Mayor then requests a motion to approve the consent agenda or items.  
146 3. The Consent Agenda is voted on with a single vote – to approve the consent  
147 agenda or one or more consent items identified by number.  
148 4. Any item not approved or included in the motion to approve will be considered as  
149 a separate item independent from the Consent Agenda.  
150  
151 Any commissioner may request discussion of a consent item.  
152  
153 (d) General business items are matters due to their nature, staff input and full discussion by  
154 the commission is warranted.  
155  
156 (e) Requests for inclusion on any agenda shall be signed and submitted, in writing, to the city  
157 clerk. Requests shall state the nature of the item to be included, together with a statement  
158 of requested action. Any background documentation applicable shall be submitted along  
159 with the request. All items requiring a vote by the commission shall include suggested  
160 forms of appropriate motions.  
161  
162 (f) Departments through the city manager or citizens under section 15.01 of the city charter  
163 proposing ordinances for adoption by the commission shall submit a request for inclusion  
164 on the agenda.  
165  
166 (g) Citizens initiating a petition for reconsideration of an adopted ordinance in accordance with  
167 section 15.01 of the city charter shall comply with the following procedure:  
168  
169 (1) Any five qualified voters of the city shall file with the city clerk an intent to file a  
170 petition. Petitions for reconsideration shall include an affidavit stating who will  
171 constitute the petitioners' committee and be responsible for circulating and filing it in  
172 proper form, stating the name of the committee, addresses and specifying the address  
173 to which all notices to the committee will be sent and citing the ordinance sought to be  
174 reconsidered.  
175  
176 (2) A copy of the petition with at least ten percent of the qualified voters of the city, as  
177 certified by the supervisor of elections, shall be filed with the city clerk.  
178  
179 (3) When a properly filed petition is received, the commission shall reconsider the  
180 ordinance in question.  
181  
182 (h) All requests for inclusion on any agenda, with the exception of bona fide emergency items,  
183 shall be received by the city clerk no later than the close of business on Monday of the  
184 week prior to the week of the targeted commission meeting. Absent a showing of a bona

185 fide emergency, no item requiring a commission vote shall be considered by the city  
186 commission unless it has been included on the agenda pursuant to the procedure adopted  
187 herein.

188  
189 (i) All members of the public seeking to speak before the city commission are  
190 requested to submit to the city clerk a speaker's card to be prepared and made  
191 available by the city clerk, containing all information requested on said card.  
192 Speakers' cards shall be presented to the city clerk. Speaker's cards shall be  
193 accepted up to the time the closing of the public comment period. The Mayor shall  
194 have the right to decline to recognize any member of the public whose speakers'  
195 card reflects intent to provide comments, which in the opinion of the Mayor, are  
196 not germane to matters before the commission. Under such circumstances, the  
197 Mayor should invite the member of the public to offer the proposed comments  
198 during the public comment portion of the meeting or workshop.

199 (k) Commissioner Reports / Comments. This section of the agenda shall be  
200 utilized by the Mayor and Commissioners to provide informational reports. Each  
201 Commissioner and the Mayor shall have a maximum of five (5) minutes for such  
202 reports. The Commission may allow additional time for any Commissioner  
203 Comments as necessary to report on specific Commissioner Assignments, City  
204 liaison activities or responsibilities (such as reporting on the activities of a  
205 committee on which a Commissioner sits as a City representative). The order of  
206 speaking shall be determined by the Mayor.

207 2.03 Section 2-58. is hereby amended and revised to read as follows:

208 Sec. 2-58. - Rules of decorum.

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

215 (b) Persons addressing the commission. All comments shall be polite. Proper titles  
216 shall be used at all times, to contribute to a respectful and business-like  
217 atmosphere. The broadest possible accommodation shall be provided for  
218 statements of personal opinion, but no one shall engage in personal,  
219 impertinent, slanderous or profane remarks. Yelling, threatening or abusive  
220 language is unacceptable.

221 (c) Members of the audience. No person in the audience shall engage in disorderly  
222 conduct such as hand-clapping, yelling and similar demonstrations, which  
223 conduct disturbs the peace and good order of the meeting.

224 (d) Exception. Except for members of the commission and city staff, no person shall  
225 be allowed to approach the commission dais without the consent of the Mayor.

226 2.04 Section 2-59. is hereby amended and revised to read as follows:

227 Sec. 2-59. – Enforcement of decorum

228 (a) *Removal of person disturbing meeting.* The Mayor shall maintain decorum at city  
229 commission meetings. The Mayor may interrupt any speaker to maintain order and  
230 decorum, but such interruption shall not reduce the speaker’s time. Members of  
231 the audience who become disruptive to the proper conduct of the meeting shall  
232 first be counselled about their behavior. If the disruptive behavior persists the  
233 Mayor is given the right and the authority to require such person to leave the  
234 meeting, to be accompanied, if necessary, by a Police Officer. Persons violating  
235 Florida Statute Section 871.01 may be arrested by police officers present and noting  
236 the willful interruption or disturbance.

237 (b) *Attendance by chief of police or designee.* The chief of police or his designee shall  
238 attend all commission meetings for the purpose of maintaining order.

239 (c) *Motions to enforce.* Any commissioner may move to require the Mayor to enforce  
240 these rules and the affirmative vote of a majority of the commission shall require  
241 the Mayor to do so.

242 (d) *Adjournment.* In the event that any meeting is willfully disturbed by a group or  
243 groups of persons so as to render the orderly conduct of such meeting infeasible  
244 and when order cannot be restored by the removal of individuals who are creating  
245 the disturbance, the meeting may be adjourned by the Mayor and the remaining  
246 business considered at the next regular meeting or at a special meeting or other  
247 meeting pursuant to §2-54 (c) & (g).

248 2.05 Section 2-61 is hereby created to read as follows:

249 2-61 City Representation.

250 a) Commissioners may freely represent and communicate City ordinances, resolutions,  
251 motions and adopted plans.

252  
253 b) Commissioners representing and communicating personal projects, individual goals or  
254 visions shall use best efforts to state he or she is communicating in the Commissioner’s  
255 personal capacity.

256  
257 c) Any requests of or for the City Commission received by an individual commissioner shall be  
258 communicated to the commission at the next City Commission meeting.

259 2.06 Section 2-62 is hereby created to read as follows:

260 Section 2-62. - Rules of Procedure

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

264 (1) DUTIES AND RESPONSIBILITIES OF THE MAYOR

265 a. Mayor to Serve as Presiding Officer. The Mayor shall be the  
266 presiding officer at all Commission meetings. The Vice Mayor  
267 shall act as the presiding officer during the absence of the  
268 Mayor. In the absence of both the Mayor and Vice Mayor, the  
269 remaining Commissioners shall, by majority vote, select a  
270 presiding officer (Mayor Pro Tem) to carry out the functions of  
271 Mayor for that meeting.

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

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

291 (ii) An appeal to the ruling of the Mayor shall be made by  
292 the statement: "I appeal from the decision of the  
293 Mayor." The appeal must be seconded and is subject to  
294 debate.

295 (iii) The Mayor then puts to a vote the question, "Shall the  
296 decision of the Mayor be sustained?" A majority vote  
297 or tie vote sustains the ruling of the Mayor.

298 c. **Mayor's Ability to Vote.** In accordance with City Charter  
299 Section 5.03, the Mayor shall have a voice and a vote on all  
300 questions and items, and is called last, but does not have veto  
301 power. The Mayor may make and second motions upon passing  
302 the gavel to the Vice-Mayor or, in the absence of the Vice-  
303 Mayor, to any Commissioner.

304 (2) MOTIONS, DEBATE and VOTING

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

316 (i) **Secondary Motions.** A secondary motion can be  
317 introduced while a main motion is being debated. The  
318 most common is a "motion to amend" [the main  
319 motion]. The motion must be debated and must be  
320 voted upon before the main motion is further  
321 considered. Secondary motions usually include  
322 subsidiary and privileged motions. Motions determined  
323 by the Mayor to be hostile to the main motion are out  
324 of order.

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

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

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

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

362    2.07    Section 2-63 is hereby created to read as follows: [Deletions are shown as strikethrough  
363                   and additions underline].

364    Section 2-63. - PUBLIC COMMENT

365                   a)       Non-Agenda and Consent Agenda Items.

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

382 (b) Agenda Items.

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

397 (c) Any Matter.

398 Individuals wishing to speak on any matter will be recognized by the Mayor  
 399 under the “Public Comment: Any matter” section at or near the end of the  
 400 agenda. The public shall be permitted to speak for a maximum of three minutes  
 401 each. Each person who addresses the Commission shall approach the speaker’s  
 402 podium, shall give his or her name and state whether he or she is a resident of  
 403 the City. All questions from the public to the Commission shall be addressed  
 404 through the Mayor, and shall be handled in the manner that the Mayor sees fit.

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

412

413 SECTION 3. SEVERABILITY.

414 3.01 If any section, subsection or portion of this Ordinance is for any reason held invalid or  
415 unconstitutional by any court of competent jurisdiction, such provisions shall be  
416 deemed a separate, distinct and independent provision and such holding shall not affect  
417 the validity of the remaining portions thereof.

418

419 SECTION 4. CONFLICTS.

420 4.01 In the event of any conflicts between the provisions of this Ordinance and any other  
421 Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

422 SECTION 5. EFFECTIVE DATE.

423

424 5.01 This Ordinance shall take effect immediately upon adoption by the City Commission of  
425 the City of North Port, Florida.

426

427 READ BY TITLE ONLY in public session this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

428

429 PASSED and ADOPTED on second and final reading in public session this \_\_\_\_\_ day of  
430 \_\_\_\_\_, 2016.

431

432 CITY OF NORTH PORT, FLORIDA

433 \_\_\_\_\_

434 JACQUELINE MOORE

435 Mayor

436

437 ATTEST:

438 \_\_\_\_\_

439 HELEN RAIMBEAU, MMC

440 City Clerk

441

442 Approved as to form and correctness:

443 \_\_\_\_\_

444 MARK MORIARTY

445 City Attorney

446