



City of North Port

ORDINANCE NO. 2017-10

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, except as provided by law; 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, 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. The regular meeting may be cancelled, rescheduled or added as needed.
- (b) 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.
 - 1. Proclamation Procedures. 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.
- (c) 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.
- (d) 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. The City Manager and/or Commission may schedule workshops as needed.
- (e) 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) 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 maps applicable 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 must be provided no less than 24 hours prior to the meeting to be considered. All items requiring a vote by the commission 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 City Manager.

3. Citizens under section 15.01 of the city charter proposing ordinances and or requesting reconsideration of adopted ordinances 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 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 the agenda item.

- (c) A 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. General Public Comment and / or any agenda item other than quasi-judicial.
6. Public hearings for agenda Items requiring public hearings.
7. Public hearings for resolutions.
8. General business items.
9. Consent agenda including approval of minutes of previous meetings.
10. Commission communication.
11. Administrative and legal reports.
12. Public Comment: any matter other than quasi-judicial.
13. Adjournment.

(d) Public Comments

- (A) General Public Comment: Any person may speak on any matter, excluding quasi-judicial matters.
- (B) Public Comment on 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. If a speaker reflects intent to provide comments, which in the opinion of the Mayor, 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. 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, 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.

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 or designee inquires whether there are any questions for the petitioner or staff.
 6. The Mayor or designee calls for public comment. The petitioner may rebut any public comment or staff comments.
 7. If there are no further questions, 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.
 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
- (f) General business items are matters due to their nature, staff input and full discussion by the commission is warranted.
- (g) 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. 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 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. This section of the agenda shall be utilized by the Mayor and Commissioners to provide informational reports and communications. 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 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.

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 deleted in its entirety.

2.06 Section 2-62 is hereby amended and revised to read as follows:

Section 2-62. - 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.

(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'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.

2.07 Section 2-63 is hereby deleted in its entirety.

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 _____, 2017.

PASSED and ADOPTED on second and final reading in public session this ____ day of _____, 2017.

CITY OF NORTH PORT, FLORIDA

LINDA YATES
Mayor

ATTEST:

PATSY ADKINS, MMC
City Clerk

Approved as to form and correctness:

MARK MORIARTY
City Attorney