

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC COMMENTS DURING MEETINGS OF THE VILLAGE COUNCIL; REVISING SECTION 2.47 ENTITLED "ORDER OF BUSINESS" AND SECTION 2.50 ENTITLED "COUNCIL MEETING AGENDA ITEMS" TO ENSURE COMPLIANCE WITH SECTION 286.0114, FLORIDA STATUTES, WHICH PROVISION BECOMES EFFECTIVE ON OCTOBER 1, 2013; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, article IV, section 4.1(B) of the Village Charter of the Village of Palmetto Bay provides that the Council shall determine its rules of procedure and order of business; and,

WHEREAS, a newly created Florida Statute, Section 286.0114, becomes effective October 1, 2013, and mandates public comment be heard prior to an official action of a governing body; and

WHEREAS, to be consistent with the requirements of 286.0114, Florida Statutes, the Village Council's order of business for meetings, as well, as the scope of public comments be modified to be consistent with the enactment of the statute; and,

WHEREAS, the Mayor and Council desire to enact an ordinance to implement the newly-created Statute.

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Section 2.47 and 2.50, of the Village's Code, are amended to read as follows:

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2.47 Agenda Procedures.

(a) Order of business. There shall be an official agenda for every regular and special meeting of the Council that shall determine the order of business to be conducted at the meeting. The order of business of the Council at the regular meetings shall be as follows:

1. Call to Order, Roll Call, Pledge of Allegiance
2. Decorum Statement
3. Proclamations, Awards, Presentations
4. Approval of Minutes
5. Consent Agenda
6. ~~Request, Petitions, and Public Comments~~
5. Requests, Petitions, and Public Comments
6. Consent Agenda
7. Village Manager's Report

8. Village Attorney's Report
9. Board and Committee Reports
10. Resolutions
11. Resolutions requiring public hearing
12. Ordinances for first reading and emergency ordinances
13. Ordinances for second reading and public hearing
14. Other Business
15. Council Comments
16. Next meeting and adjournment

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**Sec. 2-50. Council meeting agenda items.**

The order of business shall be conducted as follows.

- (1) Call to order, roll call, pledge of allegiance.
  - a. *Call to order.* The Mayor shall take the chair and call the Council to order promptly at the hour set for each meeting.
    1. *Quorum.* A majority of the Council shall constitute a quorum. Except as provided for action on items in which Council Members abstain due to a legal conflict of interest, no ordinance, resolution or motion shall be adopted by the Council without the affirmative vote of the majority of the Council.
    2. *Failure to attain a quorum.* Should the Council fail to achieve a quorum within 20 minutes after the time scheduled for the meeting, the members in attendance may adjourn the meeting until another date or time. The names of the members present and their action at the meeting shall be recorded in the minutes by the Village Clerk.
  - b. *Roll call.* The Village Clerk shall determine whether a quorum is present to continue with the meeting. The Village Clerk shall call the roll of the members of the Council, and the names of those present shall be entered into the minutes. The absence of a member shall be noted in the minutes. Any Council member who intends to be absent from any Council meeting shall notify the Village Clerk of the intended absence as soon as convenient.
  - c. *Pledge of allegiance.* All Council Members, staff and persons present during the meeting shall stand, salute the flag, and recite the pledge of allegiance.

~~(2) — Proclamations, awards, presentations. This section of the agenda is reserved for presentations, proclamations or special recognition made by the Mayor.~~

~~(2) Decorum Statement. The Clerk shall issue the following decorum statement during the meeting.~~

~~"Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting."~~

~~(3) Proclamations, awards, presentations. This section of the agenda is reserved for presentations, proclamations or special recognition made by the Mayor.~~

~~(34) Approval of the minutes. Unless a reading of the minutes of a meeting is requested by a majority of the Council, the minutes, when approved by the Council and signed by the Mayor and Village Clerk, shall be considered approved without reading; provided, however, the Village Clerk shall place a copy of the minutes of each meeting, as soon as they have been completed, at a designated place in the Village Clerk's office where they may be examined by the Council members prior to formal approval. A copy of the minutes shall, upon completion by the Village Clerk, be delivered to the Village Manager and Village Attorney. The minutes of prior meetings may only be approved by a majority of the Council present at the meeting of the Council and, upon approval, shall become the official minutes.~~

~~(4) Consent agenda. There shall be a consent agenda only during regular Council meetings. The consent agenda shall contain resolutions that, in the opinion of the Village Manager, may be handled and implemented without the necessity for discussion. Unless a Council member specifically requests that an item be removed from the consent agenda, the items shall be approved without discussion and adopted by a single motion and vote. All items on the consent agenda shall be voted upon in one vote.~~

~~(5) Requests, petitions and public comments. Pursuant to the Citizen's Bill of Rights of the Village of Palmetto Bay Municipal Charter, every person shall have the right to be heard on matters within the jurisdiction of the Village. Individuals wishing to speak on matters on the agenda and on items pertinent to the Village may do so by speaking during this section of agenda. The Mayor will recognize those persons who wish to speak. Each speaker must sign in prior to speaking on the designated public commentary sign-in sheet. Items for public hearing provided for within the agenda shall not be a topic of discussion during this section of agenda.~~

(5) *Requests, petitions and public comments.* Pursuant Section 286.0114, Florida Statutes, and the Citizen's Bill of Rights of the Village of Palmetto Bay Municipal Charter, every person shall have the right to be heard on matters within the jurisdiction of the Village. Individuals wishing to speak on matters on the agenda and on items pertinent to the Village may do so by speaking during this section of agenda. The Mayor will recognize those persons who wish to speak. Each speaker must sign in prior to speaking on the designated public commentary sign-in sheet. Items for public hearing provided for within the agenda shall not be a topic of discussion during this section of agenda. The requirements of 286.0114, Florida Statutes and the Citizens Bill of Rights does not apply to an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Council to act; if the item is a ministerial action of the Council including minutes and ceremonial proclamations; an exempt meeting under 286.011, Florida Statutes; or a quasi-judicial proceeding.

(6) *Consent agenda.* There shall be a consent agenda only during regular Council meetings. The consent agenda shall contain resolutions that, in the opinion of the Village Manager, may be handled and implemented without the necessity for discussion. Unless a Council Member specifically requests that an item be removed from the consent agenda, the items shall be approved without discussion and adopted by a single motion and vote. All items on the consent agenda shall be voted upon in one vote.

(67) *Village Manager's report.* This section of the agenda shall be utilized by the Village Manager to provide information reports. The topics of the reports should be provided to the Village Clerk prior to the close of the agenda so the public may have notice of the items to be addressed. No final action may be taken during this portion of the agenda unless determined to be an emergency by a super majority vote of the Council.

(78) *Village Attorney's report.* This section of the agenda shall be utilized by the Village Attorney to provide information reports. The topics of the reports should be provided to the Village Clerk prior to the close of the agenda so the public may have notice of the items to be addressed. No final action may be taken during this portion of the agenda unless determined to be an emergency by a super majority vote of the Council.

(89) *Board and committee reports.* This section of the agenda shall be utilized for the Mayor, Council members and committees to provide information reports. The topics of the report should be provided to the Village Clerk prior to the close of the agenda so the public may have notice of the items to be addressed. No final action may be taken during this portion of the agenda unless determined to be an emergency by a super majority vote of the Council.

(910) *Resolutions.* Resolutions not included on the consent agenda shall be placed on this portion of the agenda. After the resolution title is read the matter shall be placed on the floor for consideration upon a motion and a second to the motion. The staff shall provide a report on the item, which shall be followed by discussion and action by the Council.

(4011) *Resolutions requiring public hearing.* Items requiring a public hearing shall be placed on this portion of the agenda. After the matter is placed on the floor for consideration, and after the staff report, the Mayor shall open the hearing to the public. At that time all interested persons shall have the opportunity to be heard. Once all interested persons have been heard the Mayor shall close the public hearing. The proposed resolution shall be considered by the Council and a vote shall be taken. Zoning resolutions and other quasi-judicial matters, as defined in Chapter 5 of the Village's Code of Ordinances, shall be considered at a time determined by the Village Council and in accordance with quasi-judicial hearing procedures enacted by the Council.

(4112) *Ordinances for first reading.* Ordinances may be introduced and listed by title and shall be read by title only before consideration by the Council on first reading. On first reading of ordinances, there shall be no discussion by either the Council, Village staff or members of the public unless discussion is requested by a Council member. Any such request by a Council member shall open the item to the floor for public comment. On first reading only, the Council may either vote for all ordinances in one vote or may vote separately on each ordinance.

(4213) *Ordinances for second reading.* After an ordinance on second reading is placed on the floor for consideration, and after the staff report, the Mayor shall open the hearing to the public. At that time all interested persons shall have the opportunity to be heard. Once all interested persons have been heard the Mayor shall close the public hearing. The proposed ordinance shall be considered by the Council and a vote shall be taken. An ordinance for second reading must be read individually and voted upon separately. Once action is taken on a proposed ordinance, neither the same matter nor its repeal or rescission may be brought before the Council again for a period of six months following the action unless a majority of the Council agrees to waive the rule.

(4314) *Other business.* A Council member may make a request for the preparation of policy, legislation or action by the Village Manager or Village Attorney under this section of the agenda. A signed written memorandum or form provided for this purposes shall state the purpose of the item or action, the major points to be covered, the reasons why action is necessary, and the action desired by the Council member. The document shall be provided to the Village Manager and, or Village Attorney prior to the deadline for closing the agenda. The request shall not be acted upon until it is approved by a vote of a majority of the Council.



Vice-Mayor John DuBois

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Mayor Shelley Stanczyk

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