

Resolution No. 2226

A Resolution of the City Commission of the City of Sanford, Florida providing for City Commission policies relating to public input, public meetings and public hearings; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability and providing for an effective date.

Be it adopted and resolved by the City Commission of the City of Sanford, Florida as follows:

Section 1. Legislative Findings.

The City of Sanford has complied with all requirements and procedures of Florida law in processing and advertising this Resolution.

Section 2. Policies Relating to Public Input, Public Meetings and Public Hearings.

(a). The City Commission of the City of Sanford hereby adopts the procedures set forth in this Resolution which shall govern all official meetings of the City Commission, except workshops or work sessions, and the members of the City Commission, City staff, and the public shall adhere to the rules, set forth herein.

(b). The City Commission recognizes the importance of protecting the right of its citizens and taxpayers to express their opinions on the operation of City government and encourages citizen participation in the local government process. The City Commission also recognizes the necessity for conducting orderly and efficient meetings in order to complete City business in a timely and proper manner.

(c). The presiding officer of the City Commission shall be the Mayor, or in the Mayor's absence, the Vice Mayor. In the absence of both the Mayor and the Vice Mayor a temporary presiding officer shall be selected in accordance with Rule 18 and Rule 19 of the *Rules of the Sanford City Commission*. The presiding officer shall preserve order and decorum at all regular and special meetings of the City Commission and shall have the authority to regulate irrelevant debate, repetitious discussion and disruptive behavior at a public meeting. The presiding officer shall decide all questions of order and decorum, subject, however, to an appeal of said decision forthwith by a member of the City Commission, in which event a majority vote of the City Commission shall govern and conclusively determine such question of order or decorum.

(d). It is prohibited for any person to disturb or interrupt any meeting of the City Commission or otherwise fail to comport with the rules of decorum herein. The use of obscene or profane language, loud and disruptive speech or other loud and boisterous behavior, physical violence or the threat thereof, use of "fighting words" (e.g. words likely to cause a fight, that are threatening, annoying, or tending to cause a breach of the peace) or speech that threatens harm, engaging in commercial speech (advertising), engaging in personal attacks, or engaging in electioneering or campaign activities, which the presiding officer or a majority of the City Commission determines is intended as a disruption of the meeting and a failure to comply with any lawful decision or order of the presiding officer or of a majority of the City Commission shall constitute a

disturbance. It is prohibited for any person to approach the dias of the City Commission without first being invited to do so by the presiding officer.

(e). In order to conduct orderly and efficient meetings of the City Commission order must be preserved. Out of respect for all speakers, no unruly behavior such as applause, audible conversations, booing, harassing remarks or other audience participation during or at the conclusion of anyone's presentation will be tolerated. The City Commission is not allowed to consider such material and it intimidates and takes time away from other speakers. It is prohibited for any person, by speech or otherwise, to delay or interrupt the proceedings or the peace of the City Commission, or disturb any person having the floor. Persons making irrelevant, impertinent, or slanderous remarks or who become boisterous while addressing the City Commission shall not be considered orderly or decorous and be subject to removal. Any person who becomes disorderly, disruptive, interferes with the orderly business of the City Commission, is out of order, or who fails to confine remarks to the identified subject or business at hand may be cautioned by the presiding officer and (if such person is at the lectern) given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned may be required to relinquish the podium, barred from making any additional comments during the meeting or ordered to be removed from the meeting room by the presiding officer.

(f). The City Manager shall determine an appropriate location for media personnel to be located and media equipment to be placed during the course of meetings. Media personnel shall be welcome at meetings, but shall not disrupt the proceedings.

(g). For public safety purposes, signs, placards, banners or other materials mounted on sticks, posts, poles or similar devices are prohibited as are signs, placards or banners that are not so mounted which disrupt meetings or interfere with the ability of a person to observe a meeting.

(h). Each person desiring to address the City Commission on an agenda item pending before the City Commission must, before addressing the City Commission, legibly complete a citizen's input form and submit the form to the City Clerk or designee.

(i). When the name of a person desiring to speak is called or the person is otherwise recognized by the presiding officer, the person shall step up to the speaker's lectern and shall give their name, place of residence or business address, and group affiliation (if any), in an audible tone of voice for the minutes.

(j). All remarks shall be addressed to the City Commission as a body and not to any particular member thereof. Speakers shall not address the audience and shall direct their comments solely to the City Commission.

(k). Only a member of the City Commission or a person having the floor as granted by the presiding officer, may be permitted to enter into any discussion, either directly, or through a member of the City Commission. It is

prohibited to enter into such discussions without the permission of the presiding officer. No question shall be asked of a City Commissioner or City staff except through the presiding officer. The presiding officer shall determine the appropriateness of such questions. If a speaker requests information and such information is not provided to the speaker in the normal course of the discourse on the matter before the City Commission, the City Clerk shall consider such request as a public records request and act upon such request in accordance with controlling law.

(l). Speakers must make their comments concise and to the point, and present any data or evidence desired to be considered by the City Commission. Any written information to be distributed should be submitted in not less than eight (8) copies in order that the Mayor, each City Commissioner, the City Clerk, the City Manager and the City Attorney may each review a copy. No person may speak more than once on the same subject unless specifically granted permission by the presiding officer.

(m). City Commission Workshops.

City Commission workshops are held in a public setting, but public input is not permitted unless invited by the presiding officer or by majority vote of the City Commission. Workshops generally consist of free flowing discussion sessions or briefings received by City staff. Quasi-judicial matters that are to be considered at public hearings will not be discussed at workshops.

(n). Regular City Commission Meetings: The City Commission typically operates with a detailed agenda for each of its meetings. There are generally four sections on a regular City Commission agenda: Consent, Public Hearing, Other Business, and Citizen Participation.

(1). Consent Agenda: The consent agenda consists of routine items, such as previously budgeted purchases or administrative matters that require final approval by the City Commission. Items may be removed from the consent agenda for discussion upon the request of members of the City Commission. Items removed from the consent agenda will be considered immediately following approval of the consent agenda and public input will not be accepted. The consent agenda is approved or disapproved in a single vote and public comment on any item placed on the consent agenda must be made before the City Commission's deliberation and vote on the consent agenda. Each person shall limit his or her address to three (3) minutes, unless such time is enlarged or contracted by the presiding officer or by majority vote of the City Commission. The consent agenda, although acted upon during the course of a public meeting, generally consists of administrative actions. Items for action that are not on a consent agenda are on what is normally referred to as the "regular agenda" which consists of an array of items and public hearings.

(2). Public Hearings: There are, generally, two types of public hearings: (1). Legislative, and (2). Quasi-judicial. The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of

policy such as setting the tax rate, approving the budget, amending the City's *Comprehensive Plan* or enacting general ordinances. A legislative public hearing is generally less formal than a quasi-judicial hearing since it is a policy making proceeding and it does not involve the legal rights of property owners but rather affects a wider range of citizens. A quasi-judicial public hearing is much like a courtroom proceeding, in that testimony and evidence is presented, as well as having expert witnesses testify. These hearings involve land use matters including requests for zoning actions and similar land use decisions. The decisions made at the hearing must be based upon and supported by the testimony and evidence presented.

With regard to comments during public hearings, as described below, once public input begins, there will be no further speaker cards allowed to be submitted to the City Clerk, or designee, for that subject. An opportunity for members of the public to comment shall be provided before or during consideration of each agenda item on which an official act will be taken. Each person shall limit his or her address to three (3) minutes, unless such time is enlarged or contracted by the presiding officer or by majority vote of the City Commission or a person is speaking for an organization during a quasi judicial hearing as set forth below. Once an individual has addressed the City Commission, he or she will not be permitted to return to the podium for follow-up comments, unless the issue involved is quasi judicial in nature. In that case, the applicant whose application is being heard by the City Commission may return to

the podium to conclude his or her position as a matter of rebuttal prior to the matter being brought before the City Commission for determination at which time no further public input will be accepted.

If an organization is presenting its views during a quasi judicial hearing, the person representing the organization will be allowed a five (5) minute speaking time.

(3). Other Business: For non-public hearing agendized matters, except for those placed on the consent agenda, an opportunity for members of the public to comment shall be provided before or during consideration of each agenda item on which an official act will be taken. Each person shall limit his or her address to three (3) minutes, unless such time is enlarged or contracted by the presiding officer or by majority vote of the City Commission.

(4) Citizen Participation: At regularly scheduled City Commission meetings, the City Commission shall provide a comment period for citizens, taxpayers of the City and the general public to speak on non-agenda items. This public comment period is denoted on the agenda as "Citizen Participation." The remarks of each speaker shall be limited to three (3) minutes except for a public comment period after the conclusion of agendized items, at which time each speaker shall be limited to five (5) minutes, unless such time is enlarged or contracted by the presiding officer or by majority vote of the City Commission. The City Commission may provide a time for such comments both near the beginning of the meeting and near the end of the meeting or at one

point of the meeting or the other. The purpose of the public comment portion of the meeting is to receive citizen input pertaining to matters over which the City Commission has jurisdiction or control. This period of time is for comments and not for questions directed to the City Commission or City staff for immediate answer. Questions directed to the City Commission may be referred to City staff to be answered within a reasonable period of time following the date of the meeting. Citizens are encouraged to correspond and communicate with City staff and the City Commission in order that the City may provide information to citizens in a timely manner.

Section 3. Implementing administrative actions.

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Resolution by means of such administrative actions as may be deemed appropriate.

Section 4. Savings.

The prior actions of the City of Sanford relating to the City of Sanford's actions relative to public hearings and meetings are hereby ratified and affirmed.

Section 5. Conflicts.

All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

Section 6. Severability.

If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not

be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 7. Effective Date.

This Resolution shall become effective immediately upon enactment.

Passed and adopted this 11th day of April, 2011.

**City Commission of the City of
Sanford, Florida**

ATTEST:

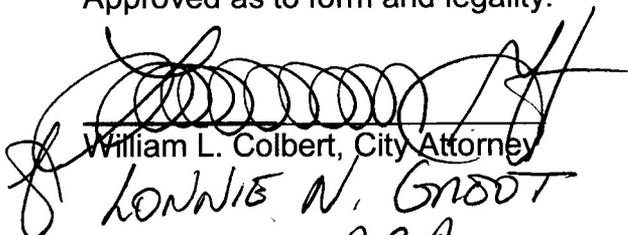


Janet R. Dougherty, City Clerk

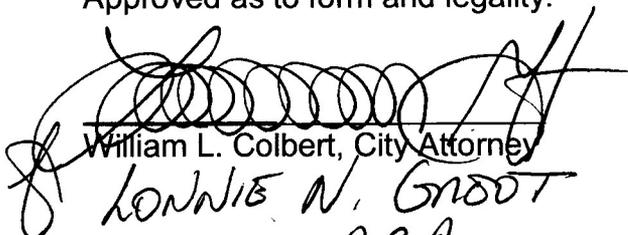


Jeff Triplett, Mayor

For use and reliance of the Sanford
City Commission only.
Approved as to form and legality.



William L. Colbert, City Attorney



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