

**RESOLUTION 2018-10 (Amended)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA PROVIDING FOR CITY COUNCIL POLICIES RELATING TO PUBLIC INPUT, PUBLIC MEETINGS AND PUBLIC HEARINGS INCLUDING, BUT NOT LIMITED TO, DECORUM AT MEETINGS AND RELATED MATTERS AND PROCEDURES; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.**

- (a). The City Council shall have authority to adopt such rules governing its meetings as it may deem expedient.
- (b). The City of Daytona Beach Shores 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 Council of the City of Daytona Beach Shores hereby adopts the procedures set forth in this Resolution which shall govern all official meetings of the City Council, except workshops or work sessions, and the members of the City Council, City staff, and the public shall adhere to the rules, set forth herein.
- (b). The City Council 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 Council 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 Council 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 by the City Council. The presiding officer shall preserve order and decorum at all meetings of the City Council 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 Council, in which event a majority vote of the City Council 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 Council 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 Council 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 Council shall constitute a disturbance. It is prohibited for any person to approach the dais of the City Council without first being invited to do so by the presiding officer.

(e). In order to conduct orderly and efficient meetings of the City Council 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 Council 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 Council, or disturb any person having the floor. Persons making irrelevant, impertinent, or slanderous remarks or who become boisterous while addressing the City Council 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 Council, 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 Council on an agenda item pending before the City Council must, before addressing the City Council, 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 incorporation into the minutes of the meeting.

(j). All remarks shall be addressed to the City Council 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 Council.

(k). Only a member of the City Council 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 Council. It is prohibited to enter into such discussions without the permission of the presiding officer. No question shall be asked of a City Councilmember 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 Council, 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 Council. Any written information to be distributed should be submitted in not less than eight (8) copies in order that the Mayor, each City Councilmember, 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 Council Workshops. City Council 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

Council. 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 Council Meetings:** The City Council typically operates with a detailed agenda for each of its meetings. There are generally four sections on a regular City Council 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 Council. Items may be removed from the consent agenda for discussion upon the request of members of the City Council. 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 Council'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 Council. 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:

(i). Legislative, and

(ii). 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 Council or a person is speaking for an organization during a quasi- judicial hearing as set forth below. Once an individual has addressed the City Council, 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 Council 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 Council for determination at which time no further public input will be accepted.

(3). *Other Business:* For non-public hearing agenda items, 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 Council.

(4) *Citizen Participation:* At regularly scheduled City Council meetings, the City Council 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 "Audience Comments". The remarks of each speaker shall be limited to three (3) minutes, unless such time is enlarged or contracted by the presiding officer or by majority vote of the City Council. The City Council may provide a time for such comments near the end of the meeting. The purpose of the public comment portion of the meeting is to receive citizen input pertaining to matters over which the City Council has jurisdiction or control. This period of time is for comments and not for questions directed to the City Council or City staff for immediate answer. Questions directed to the City Council 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 Council in order that the City may provide information to citizens in a timely manner. In view of the prohibition against engaging in electioneering or campaign activities as set forth above, speakers are discouraged from wearing political campaign clothing within the City Council chambers. Council meetings are intended to focus on the public business of governing the City and not the pursuit of campaign or political activities.

(o) *City Council Meeting Minutes:* The City Clerk shall take and maintain minutes of City Council meetings as required by controlling State law which minutes shall be presented to the City Council for approval. A City Council Member may request, through the Mayor, and subject to City Council approval, the privilege of having an abstract of his or her statement on any matter germane to the business of the City Council entered into the minutes of a meeting.

**SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager, City Clerk and City Attorney are hereby authorized and directed to implement the provisions of this Resolution as may be deemed necessary or appropriate in accordance with controlling law as such officers may deem appropriate in their respective roles and functions under the *City Charter*. Further, the City Attorney is directed to present an ordinance to the City Council for consideration providing for a modernization of the provisions of the City Code relative to the processes and procedures of the City Council and related administrative matters.

**SECTION 4. SAVINGS.**

The prior actions of the City Council of the City of Daytona Beach Shores in terms of the matters relating hereto, as well as any and all related matters, are hereby ratified and affirmed.

**SECTION 5. CONFLICTS.**

All resolutions or part 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 to be invalid, unlawful, or unconstitutional.

**SECTION 7. EFFECTIVE DATE.**

This Resolution shall take effect immediately upon passage and adoption.

**CITY OF DAYTONA BEACH SHORES, FLORIDA**

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**MAYOR, HARRY H. JENNINGS**

**Attest:**

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**CITY MANAGER, MICHAEL T. BOOKER**

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**CITY CLERK, CHERI SCHWAB**

**Approved as to form and legality:**

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**CITY ATTORNEY, LONNIE GROOT**

**Adopted this 14th day of August, 2018.**

**Posted this 14th day of August, 2018**