

**RESOLUTION NO. 15-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA ADOPTING NEW RULES AND REVISIONS GOVERNING THE MANNER IN WHICH CITY COUNCIL MEETINGS ARE CONDUCTED; ADOPTING RULES OF CONDUCT AND PROCEDURE FOR CITY COUNCIL MEETINGS AND PROVIDING FOR PUBLIC PARTICIPATION AT COUNCIL WORKSHOPS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article IV, Section 4.12 of the Charter of the City of DeBary (the “City”), the City Council shall determine its own rules and order of business for City Council proceedings; and

**WHEREAS**, the City has previously established specific standards and procedures for public meetings, quasi-judicial proceedings, and public workshops; and

**WHEREAS**, the City Council recognizes that established law provides that City Council proceedings constitute a limited public forum, which is subject to reasonable limitations and regulations recognizing significant governmental interests including, but not limited to, proper decorum, the conducting of orderly and efficient meetings, controlling the City agenda and remaining on topic to the matters at issue, managing time, and preventing unreasonable interruptions and disruptions; and

**WHEREAS**, the City Council desires to maintain a professional and respectful decorum and provide for non-disruptive public meetings and workshops in the interests of all persons involved and those in attendance, for the City to effectuate fair and orderly completion of City business, and to secure the just, speedy, and inexpensive determination of matters and issues relating to the City; and

**WHEREAS**, the City Council desires to balance the freedom of speech and freedom of expression protections afforded by federal and Florida law with the significant governmental interests of the City relating to decorum, efficiency, and other matters effecting the City’s ability to conduct business and address City related matters; and

**WHEREAS**, the City Council shall provide a warning and ample alternative channels to speakers who have had their speech, comments, or presentations curtailed or who must be removed from public meetings or workshops. Such alternative channels may include, but are not limited to, an opportunity to present the City Council with written or other documentary evidence; and

**WHEREAS**, the City Council desires that the rules and procedures for public meetings and workshops be amended, clarified, and restated as provided herein.

**IT IS HEREBY RESOLVED BY THE CITY OF DEBARY AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are true and accurate and are fully restated and incorporated herein.

**SECTION 2. Adoption of Rules of Order.** The City Council shall follow *Robert's Rules of Order Newly Revised*, (10th edition) "(Robert's Rules of Order") as a general guideline in the conduct of regular and special City Council meetings. The City Council recognizes that Robert's Rules of Order are not applicable to every procedural matter governing a public official in the state of Florida and such parliamentary rules shall not govern to the extent inconsistent with Florida law, the Charter of the City, the City Code of Ordinances, and any other procedural rules the City Council may adopt from time to time. Failure to follow or adhere to the procedural rules set forth herein shall not affect the validity of the action taken by the City Council.

**SECTION 3. Voting.** All City Council members in attendance shall vote on all City Council action, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest as defined in chapter 112, Florida Statutes, and as otherwise provided by general law. The Mayor, without relinquishing the Chair, and all other City Council members may make a motion, second a motion, participate in discussion, and vote on a motion. The Mayor or other City Council member presiding as the Chair shall not be deprived of any rights and privileges as a member of the City Council by reason of his/her serving as the Chair. Roll call voting shall be required upon the specific request of a City Council member or the City Clerk and shall be recorded in the minutes. Otherwise, all voting shall be by ayes and nays.

**SECTION 4. Points of Order.** Members of the City Council have the exclusive right to raise questions of procedure or a point of order to the Chair and have the Chair rule on the procedure or point of order. Any member of the City Council may appeal the decision of the Chair on a procedure or point of order to the entire City Council.

**SECTION 5. Agenda.** The City Manager is directed to prepare agendas for all City Council meetings. The agenda for each meeting shall be delivered to each City Council member at least forty-eight (48) hours prior to the time set for the meeting. The order of all regular meeting agendas shall be as follows:

- I. Call to Order
- II. Roll Call
- III. Committee Reports
- IV. Approval of Minutes
- V. Additions, Deletions, or Amendments to the Agenda
- VI. Consent Agenda
- VII. Public Hearings
- VIII. Growth Management and Development Review
- IX. Old Business
- X. New Business
- XI. Council Member / Staff Reports
- XII. Public Participation / Comment for City Issues Not on the Agenda
- XIII. Adjournment

The City Council, by majority vote of its members present, may modify the agenda to rearrange the order of the agenda. The City Council, by a majority vote of its members present, may modify the agenda to add additional items to the agenda provided that the City Council may hear such additional items without violating any notice provision required by Florida law, the Charter of the City, the City Code of Ordinances, or the City Land Development Code. Items placed in the Consent Agenda should be those of a routine and non-controversial nature. The Consent Agenda may be accepted by the City Council by a single vote without discussion unless a member should request an item be removed for further discussion. Any item pulled for a discussion will be considered by the City Council at the conclusion of the Consent Agenda. The time limit for any presentation shall be no longer than fifteen (15) minutes. However, at the City Council's discretion, the time limit may be extended by a majority vote.

**SECTION 6. Public Input Standards.** The following standards and procedures shall apply to public input at City public hearings and public workshops. Copies of these standards and procedures shall be made available at all public hearings and workshops upon request, and the City Council may require these standards and procedures to be posted or otherwise displayed during public hearings and workshops:

Individuals wishing to address the City Council on any matter shall fill out a speaker form and shall return such form to the City Clerk prior to that item being heard by the City Council or prior to the Public Comment / Comment for City Issues Not on the Agenda period, as applicable. Any member of the public addressing the City Council shall first state his or her name and address. If the item relates to a matter on the City Council agenda, then the speaker shall follow the recitation of his/her name and address with a concise statement of his/her position on the agenda item under discussion.

(1) Public Participation / Comment for City Issues Not on the Agenda: Individuals may address the City Council on issues not on the City Council agenda during the time allotted on the agenda for Public Comment / Comment for City Issues Not on the Agenda. Such public participation and/or comment shall be limited to local City of DeBary issues and matters only.

(2) Presentations and Comments on City Council Agenda Items: Individuals who wish to address the City Council on agenda items where public presentations are permitted shall address the City Council after City staff and applicant input, if any, and prior to the City Council deliberation of the City Council Agenda item. Individuals shall not address the City Council after commencement of City Council deliberation on an agenda item after public input has concluded; however, the Mayor and members of the City Council have the discretion to recall individuals to provide additional information or to answer questions.

(3) Time Limitations: Members of the public shall be allowed three (3) minutes for comment during public participation for any issue not on the City Council agenda. Members of the public shall be allowed five (5) minutes for comment on any item that is listed on the City Council meeting and workshop agendas.

(4) Submission of Written Statements and Other Documentation: The City Council encourages the submission of written statements and other documentation in lieu of or in addition to oral testimony or comment.

(5) Standards and Decorum for Public Hearings and Workshops:

(a) *City Council to be Addressed as a Whole*. All remarks, comments, presentations, and the like shall be addressed to the City Council as a whole unless the individual is answering a question of a specific member of the City Council or City staff.

(b) *Personal Attacks and Insults*. The City Council and City staff encourages constructive criticism. Notwithstanding the preceding, all personal attacks shall be prohibited. This prohibition applies to members of the City Council, City staff, citizens of the City, and members of the audience. The Chair shall determine whether the purported constructive criticism actually constitutes inappropriate personal attacks based upon whether or not the comment(s) in question reasonably relate to the performance and qualifications of the target of such criticism or are comments that have no bearing on performance and qualifications and serve no purpose other than to insult, belittle, or denigrate the target of such criticism. The Chair's decision may be appealed by members of the Council to the Council.

(c) *Disruptions and Decorum*. All speakers, City Council members, members of the public, and anyone in attendance at City Council meetings are requested to afford the utmost courtesy to members of the City Council, City staff, other members of the public appearing before the Council, and members of the audience, and shall refrain at all times from rude or derogatory remarks, disruptions, reflections as to integrity, slander, abusive comments, profanity, vulgarities, and statements as to personalities. There shall be no vulgar language, threats, fighting words, statements or other statements or actions that encourage or incite people to break the law or disrupt the public meeting such that the orderly and proper business of the public is unduly delayed or otherwise compromised during City Council meetings. The Chair and City Council have the right to find a violation of this subsection in the event a person's conduct or speech is, by way of example and not limitation, duplicative, irrelevant, redundant, constitutes a display of abusive behavior, or is otherwise causing substantial disruption.

(d) *Warnings and Removal*. In the discretion of the Chair and City Council, any violation of the provisions of this Resolution may result in the issuance of verbal warnings relating to any disruptions, curtailing of the speaker's comments or presentation, or removal from the public meeting. The Chair shall issue a verbal warning to any person determined to be in violation of the provisions of this Resolution. Following the issuance of an initial verbal warning, the Chair may, in the Chair's discretion, issue further verbal warnings, curtail or otherwise conclude a speaker's comments or presentation, or remove such person or persons in the event additional violations of the provisions of this Resolution occur. In the event a presentation, testimony, or comment period is curtailed in accordance with this subsection, the Chair may accept and encourages submission of written statements or other documentation to

afford ample alternative channels for the speaker to have an opportunity to convey his or her message, testimony, or viewpoint to the City Council. The Chair's decision may be appealed by members of the Council to the Council.

**SECTION 7. Meeting Times.** All City Council meetings shall be public and shall be scheduled to commence no earlier than 7:00 a.m. and no later than 10:00 p.m. All City Council meetings shall conclude no later than 11:00 p.m., unless extended by a majority vote of the City Council.

**SECTION 8. Verbatim Transcripts.** Any person who decides to appeal any decision made by the City Council with respect to any matter considered at any meeting or hearing will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be heard, in accordance with section 286.0105, Florida Statutes.

**SECTION 9. Suspension of Rules.** Any procedure set forth in this Resolution not mandated by Florida law, the City Charter, or the City Code of Ordinances may be suspended by a vote of a majority of the City Council.

**SECTION 10. Conflicts.** This Resolution shall supersede any previous resolutions, rules, and order of business for City Council proceedings adopted by the City Council. Notwithstanding the preceding, Resolution No.: 15-\_\_\_\_ shall be supplemental to this Resolution, and Resolution No.: 15-\_\_\_\_\_, which applies to quasi-judicial proceedings, shall control to the extent of any conflict with this Resolution.

**SECTION 11. Severability.** If any portion, word, phrase, clause, or sentence of this Resolution is determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, then the balance of this Resolution shall remain in full force and effect.

**SECTION 12. Effective Date.** This Resolution shall take effect immediately.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY COUNCIL  
CITY OF DEBARY, FLORIDA**

\_\_\_\_\_  
Clint Johnson, Mayor

**ATTEST:**

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Dan Parrott, Acting City Clerk