

Prepared by: City Clerk

ORDINANCE NO. 2014-02

AN ORDINANCE AMENDING THE CITY OF VENICE, FLORIDA CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE II, MAYOR AND COUNCIL, DIVISION 2, MEETINGS AND RULES OF PROCEDURES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council desires to amend the city council agenda procedures with regards to the placement of agenda items and addressing council during a council meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The Whereas clause above is ratified and confirmed as true and correct.

SECTION 2. Chapter 2, Administration, Article II, Mayor and Council, Division 2, Meetings, is amended as follows:

**Chapter 2
ADMINISTRATION
Article II. Mayor and Council**

Subdivision I. In General

Sec. 2-51. Meetings to be public; attendance; order of business.

All meetings of the council shall be open to the public. Promptly at the hour set for each meeting, the members of the council, the city attorney, the city manager, the city clerk, ~~the finance director~~ and such of the department heads as shall have been requested by the council or the city manager to be in attendance shall be in attendance in the council chamber. The agenda shall constitute the order of business, unless otherwise determined by a majority of the membership of the council then present.

Sec. 2-52. Agenda

(a) There shall be an official agenda for each regular meeting of the city council, which shall determine the matters of business to be considered at the meeting and the order in which the items shall be presented. Matters may be ~~placed~~ proposed for placement on the agenda by the mayor, any councilmember, the city manager, the city clerk, ~~the finance director~~ and the city attorney. All minutes of prior meetings requiring approval and all ordinances, resolutions, contract

documents, reports, communications and other matters to be submitted to the council shall be delivered to the city clerk not later than 12:00 noon on ~~the~~ Monday of the week preceding the regularly scheduled Tuesday meeting. The city clerk, upon receipt of the agenda items, shall immediately prepare the agenda by listing such matters according to the order of business and furnish each member of ~~the~~ council, the city manager, ~~the finance director~~ and the city attorney with a copy of the agenda, together with copies of the documents and papers which are pertinent thereto, on Wednesday of the week preceding a regular meeting or as far in advance of the meeting as time for preparation will permit.

(b) The city council shall not take action upon any matter, proposal, report or item of business which is not listed upon the agenda except those of an urgent nature and concerning which a majority of the membership of the council shall have first consented to the presentation thereof for consideration and action.

Sec. 2-53. Addressing council.

Any person desiring to present his views on any matter over which the council has control may do so in the following manner:

(1) *Written communications.* Interested parties or their authorized representatives may address the council by written communications in regard to matters under discussion. Such communications shall be copied to each member of the council ~~or heard in the order of receipt~~ by the city clerk.

(2) *Oral communications.* ~~Taxpayers or residents of the city,~~ Members of the public or their legal representatives, may request to address the council by oral communications on any matter concerning the city's business or on any matter over which the council has control; provided that those persons have notified the city clerk by 12:00 noon of the Monday of the week immediately preceding the Tuesday council meeting of their desire to speak in order that their names may appear on the agenda. Those not making previous arrangements will be allowed to speak during audience participation as set forth in subsection (3) of this section.

(3) *Audience participation.* The council will hear comments, concerns or questions from any ~~citizen~~ member of the public present at the meeting. ~~on matters not on the agenda,~~ All speakers shall complete and submit a request to speak card, it being understood that any single presentation must be limited to five minutes unless another time limit is otherwise established. ~~Citizens'~~ Comments will be permitted on agenda items at the time the item is under consideration by the council if a request to speak card has been submitted to the city clerk ~~prior to the council's consideration of the item.~~

~~(4) Reading of protests, petitions, communications, etc.~~ interested persons or their authorized representatives may address the council by reading protests, petitions or communications relating

~~to zoning, utilities and street proceedings, hearings on protests, appeals and petitions or similar matters in regard to matters then under consideration by the council.~~

(54) *Addressing council.* Each person addressing the council shall ~~step up~~ speak into the microphone, ~~shall~~ give his name and address for the record and, unless further time is granted by the council, shall limit his address to:

- a. The time granted on the agenda; or
- b. Five minutes if he is speaking during the time scheduled for audience participation or on an agenda item.
- c. Time limits for any member of the public may be extended at the discretion of the presiding officer.

The time limits will be strictly enforced. All remarks shall be addressed to the council as a body and not to any member thereof. There is to be no interruption during the presentation; however, at its completion, any councilmember may, through the chair, ask questions with the intent of receiving pertinent information but will not enter into a debate. The person will then be dismissed from the dais. Then council may, ~~by majority vote,~~ open the question for their discussion. In all areas other than public hearings or audience participation, the audience will not be allowed to speak, unless it is approved by four affirmative votes of ~~the~~ council.

(65) *Improper remarks or conduct.* Any person making personal, impertinent or slanderous remarks, or who shall become boisterous or disorderly, or who speaks longer than the allotted time without permission, or who speaks vulgarities, may be requested to leave the meeting and may be barred from further presentation before the council at that meeting by the presiding officer.

(76) *Enforcement of time limits.* The city clerk or his designee shall indicate by a bell, buzzer or voice when the allotted time has expired.

(87) *Order of audience participation.* Regardless of pro or con standing, citizens shall be asked to speak on the issue in the order ~~first seen by the chair~~ called by the city clerk.

Sec. 2-54. Minutes.

~~(a)~~ Minutes of council meetings shall contain a concise and accurate summary of actions taken at the meeting, but shall not include verbatim comments from councilmembers or of persons making presentations to ~~the~~ council.

~~(b)~~ Any councilmember may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the council entered in the

~~minutes. Such comments, prepared by the speaker, shall be presented in writing to the city clerk prior to the end of the second full business day following adjournment.~~

Subdivision II. Rules of Procedure

Sec. 2-71. Generally.

The rules of procedure in this subdivision shall govern all meetings of ~~the~~ city council.

Sec. 2-72. Robert's Rules of Order to govern.

Except as otherwise provided by the Charter and this Code, the conduct of business of the city council shall be governed by Robert's Rules of Order (latest edition).

Sec. 2-73. Time and place of regular meetings.

~~The~~ City council shall hold regular meetings on the second and fourth Tuesday of each month, except the fourth Tuesday in June and December and the second Tuesday in July, in council chambers of city hall at a time to be determined by the ~~agenda committee~~ city clerk or whatever other day, time or place within the corporate boundaries of the city as may be deemed temporarily expedient by the ~~agenda committee~~ city clerk; provided, however, the public is properly notified. When the day fixed for any regular meeting of city council falls upon a day designated by law as a legal or national holiday, such meeting shall be canceled.

Sec. 2-74. Special Meetings.

(a) *Generally.* A special meeting of ~~the~~ city council may be called by the mayor, or in his absence by the vice-mayor, or by any four members of the council, upon 24 hours' notice in writing, signed by the persons calling the meeting and stating the date and hour of the meeting and the purpose thereof; and no business shall be transacted thereat except such as is stated in such notice. Every notice of a special meeting shall be prepared by the city clerk and ~~served personally or by his official designee, or left at a councilmember's usual place of residence or business.~~ posted at city hall in a prominent place. The city clerk or his designee ~~may, for the purpose of meeting the notification deadline~~ shall contact notify each member of the council by telephone and/or email.

(b) *Emergency meetings.* Whenever an emergency exists which requires immediate action by ~~the~~ city council, a special meeting may be called at any time, as provided for in subsection (a) of this section, by notifying the city clerk, who shall cause a meeting to be called on short notice for the emergency purpose and for that purpose only. If, after exercising due diligence, the city clerk is unable to give notice of such emergency meeting to the mayor and each councilmember, such failure shall not affect the legality of the meeting if a quorum is in attendance. A written waiver of notice of the time and purpose thereof, signed by all members present, shall be made a part of the

official record of the meeting.

(c) Workshop meetings. Workshop meetings may be called to informally discuss matters relating to city business. No formal action shall be taken at a workshop meeting. However, items on which there is a consensus may be placed on a future agenda of a council meeting. Notice of workshop meetings shall be posted at least 24 hours in advance at city hall and on the city's website.

Sec. 2-75. Presiding officer; voting; motions and debate; preservation of order.

(a) *Presiding officer; voting.* The mayor shall moderate and chair all meetings of ~~the~~ city council. In the absence of the mayor, the vice-mayor will assume the duties of the chair. In the absence of both the mayor and vice-mayor, ~~the~~ city council shall elect a chair from those present; such substitution shall not continue beyond adjournment. The chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member and on first and final reading of all ordinances and resolutions.

(b) Motions and debate.

(1) While ~~the~~ city council is in session, ~~the~~ members are expected to preserve order and decorum; and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of ~~the~~ city council, or disturb any member while speaking, or refuse to obey the orders of ~~the~~ city council or its presiding officer. When addressing the assembly, councilmembers shall address one another by official titles thus: "Mr. Mayor," "Mr. Jones" or "Councilmember Jones."

~~(2) Under parliamentary procedure, discussion of any subject is permitted only with reference to a pending motion. A motion may be prefaced by a few words of explanation, which must not become a speech, or a member may first request information, or he may indicate briefly what he wishes to propose and may ask the chair to assist him in wording an appropriate motion. For a member to begin to discuss a matter while no question is pending, without promptly leading to a motion, implies an unusual circumstance and requires permission of the council. After a motion has been made, another member who wishes it to be considered may second it. If no member seconds the motion, the chair must be sure that all have heard it before proceeding to other business. When a motion that is in order has been made and seconded, the chair formally places it before the assembly by stating the question; that is, he states the exact motion and indicates that it is now open to debate.~~

~~(3)~~ In debate, each member has the right to speak twice on the same question on the same day and may speak to the question again only if he has not used up his allotted ten minutes. A councilmember who has spoken twice on a particular question on the same

day has exhausted his right to debate that question for that day, without the permission of the majority of city council. Without the permission of ~~the~~ city council, no one may speak longer than ten minutes on a particular question. The motion to move the question shall not be entertained until each member present has had at least one opportunity to speak.

(c) *Preservation of order.* The chair shall preserve order and decorum; prevent attacks on personalities or the impugning of member's motives and confine members in debate to the question under discussion. He may call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time or by speaking vulgarities. The chair shall determine all points of order, subject to the right of any member to appeal to ~~the~~ city council. If any appeal is taken, the question shall be, "Shall the decision of the chair be sustained?"

SECTION 3. **Effective date.** This ordinance shall take effect immediately upon its adoption as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 28TH DAY OF JANUARY 2014.

First Reading: January 14, 2014
Final Reading: January 28, 2014
Adoption: January 28, 2014

John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, LORI STELZER, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 28th day of January 2014, a quorum being present.

WITNESS my hand and the official seal of said City this 29th day of January 2014.

Lori Stelzer, MMC, City Clerk

Approved as to form:

David Persson, City Attorney