

**ORDINANCE NO. 2017-10**

**AN ORDINANCE PROVIDING QUASI-JUDICIAL PROCEDURES BY AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 2, ADMINISTRATION, ARTICLE II, MAYOR AND COUNCIL, DIVISION 2, MEETINGS, SUBDIVISION I, IN GENERAL, SECTION 2-53 ADDRESSING COUNCIL; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, city council wishes to set reasonable time limits for presentations during quasi-judicial proceedings; and

**WHEREAS**, basic due process is met by providing notice of the hearing and opportunity to be heard; and

**WHEREAS**, these procedures establish limits and provide parties a reasonable opportunity to be heard and present evidence; and

**WHEREAS**, city council finds that establishing reasonable standards for presentations before council is in the best interest of effective city government.

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

**SECTION 1.** The Whereas clauses above are ratified and confirmed as true and correct.

**SECTION 2.** Chapter 2, Administration, Article II, Mayor and Council, Division 2, Meetings, Subdivision I, In General, Section 2-53 Addressing Council, is hereby amended to read as follows:

**Sec. 2-53. - Addressing council.**

(a) Except for quasi-judicial public hearings, aAny 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, including emails or other electronic means, in regard to matters under discussion. Such communications shall be copied to each member of the council by the city clerk.

(2) Oral communications. 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 member of the public present at the meeting. 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. 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.

(4) Addressing council. Each person addressing council shall speak into the microphone, 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 unless another time limit is otherwise established;
- 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, 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 council.

(5) 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.

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

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

(b) Quasi- judicial hearings shall be conducted substantially the following manner:

(1) All speakers shall sign and submit a request to speak card, which shall contain an oath or affirmation that the testimony to be given will be truthful.

- (2) The mayor, or designee, shall open the public hearing and call upon the city clerk to read the title of the proposal before council.
- (3) The mayor and councilmembers shall disclose any conflicts of interest and ex parte communications.
- (4) City attorney shall raise any preliminary matters including whether there are any requests for affected party status.
- (5) City council decides on any preliminary matters including affected party status.
- (6) Staff makes a presentation, if requested.
- (7) After the staff presentation, the applicant may make a presentation.
- (8) Any affected party may make a presentation.
- (9) Cross examination of witnesses may occur after each presentation.
- (10) City council shall hear any public comment whereupon the public comment portion of the public hearing shall be closed.
- (11) Staff shall make any response and summary.
- (12) Any affected party may offer rebuttal.
- (13) The applicant may offer rebuttal.
- (14) During the course of the hearing, councilmembers may ask questions through the Mayor, or designee, of the person testifying. The timing of these questions shall be at the sound discretion of the Mayor, or designee, in consultation with the presenter in order to facilitate and achieve an orderly public hearing process. After rebuttal, the Mayor, or designee, shall close the public hearing but may allow staff, the applicant or any affected party to respond to specific questions from Council Members.
- (15) Staff shall submit written material in accordance with the requirements of this code. All other persons who wish to submit written material are encouraged to provide it to the city clerk as far in advance of the hearing as possible (at least five (5) business days is recommended). All material submitted shall be made part of the record except for material specifically excluded by law.
- (16) Staff, the applicant and any affected party shall each be entitled to thirty (30) minutes for presentation. All other persons shall be entitled to five (5) minutes. Rebuttal shall be limited to five (5) minutes except when there are multiple affected parties and additional time is requested by the applicant. In order to insure that due process is afforded, time limits may be extended by vote of the majority of council members present. All time limits shall be enforced by the city clerk and shall not include the time for council questions or presenter's responses.

(17) 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 Mayor, or designee.

(18) City council shall vote on the matter within thirty (30) days of closing the public hearing unless the mayor, or designee, announces at the close of the public hearing that a vote will be taken on a specific date beyond the thirty (30) day period.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

**SECTION 4.** If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

**SECTION 5.** This ordinance shall take effect immediately upon approval and adoption as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 11TH DAY OF APRIL, 2017.**

First Reading: March 28, 2017

Final Reading: April 11, 2017

Adoption: April 11, 2017

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John W. Holic, Mayor

ATTEST:

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Lori Stelzer, MMC, City Clerk

Approved as to form:

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David Persson, City Attorney

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.