

#19

RESOLUTION 2020-18

A RESOLUTION OF THE CITY OF FLAGLER BEACH, FLORIDA, ADOPTING RULES OF CIVILITY AND DECORUM DURING COMMISSION MEETINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to promote and encourage civility and decorum during its Commission meetings; and

WHEREAS, the City Commission finds it to be in the best interest of the public health, safety, and welfare, to adopt these policies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AS FOLLOWS:

SECTION ONE. The Rules of Civility and Decorum During Commission Meetings, attached hereto and incorporated herein as Exhibit "A" are hereby adopted.

SECTION TWO. 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 THREE. EFFECTIVE DATE. The effective date of this Resolution shall be immediately upon its enactment.

PASSED AND ADOPTED this ___ day of ___ 2020, by the City Commission of the City of Flagler Beach, Florida.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

**CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION**

Linda Provencher, Mayor

ATTEST:

Penny Overstreet, City Clerk
City Clerk

**CITY OF FLAGLER BEACH
RULES OF CIVILITY AND DECORUM
AT COMMISSION MEETINGS**

CITY COMMISSION TO PROMOTE AND PRESERVE DECORUM AND CIVILITY

The City Commission expressly recognizes that promoting decorum and civility best enables the Commission to fairly and expeditiously conduct the business of the City.

While the Commission is in session, the Chair shall preserve order and decorum. Commissioners shall observe the directions of the Chair. No Commissioner shall through interruption or side conversation delay or otherwise disrupt the proceedings of the Commission. Commissioners shall at all times conduct themselves with respect toward the Chair, other members of the Commission, and the public. In the event any circumstance occurs which is not addressed by these Rules, the Chair shall have the authority, subject to concurrence by the Commission, to take reasonable and lawful measures to ensure safe and orderly conduct of meetings.

POSITIVE EXPECTATIONS OF COMMISSION DISCOURSE

Commissioners are encouraged to focus on discussing matters in the context of what is best for the City and to represent positions that are, in their opinion, in the best interest of the entire City. Commissioners are encouraged to treat each other's viewpoints with respect and an open mind. Commissioners should demonstrate the virtue of being able to disagree in a professional and respectful manner. It is recognized that circumstances do not always allow for matters a Commissioner desires to bring to the attention of the Commission to be provided to the City Clerk in advance of the meeting; however, Commissioners should make reasonable efforts to provide as much information as possible to the City Clerk in advance of the meeting in order to minimize surprise to their fellow Commissioners.

OFFICIAL USE ONLY AREA

To ensure the timely business of the Commission proceeds with limited distractions and to respect all speakers, that portion of the Commission Chambers shown in Exhibit "A," attached hereto, is designated as an Official Use Only Area. The Official Use Only Area includes the dais, staff tables, and the floor area between the speaker podium and the dais and staff tables. During public meetings, only the City Commissioners and City staff shall be allowed within the Official Use Only Area; provided, however, that members of the public may, on a case by case basis, be invited or given permission by the Chair to approach the dais and/or staff tables. At all times while a meeting of the Commission is in session, members of the public and media shall observe the restricted access to the Official Use Only Area and failure to adhere to the restriction shall be considered a disruption of the meeting and addressed as provided herein.

GENERAL PUBLIC COMMENT AND PRIVILEGE OF FLOOR

Entitlement to Public Comment on Measures Proposed by the Commission. Members of the public shall be given a reasonable opportunity to be heard on any non-emergency, non-ministerial action proposed by the Commission. Such opportunity to be heard is not required to occur at the meeting during which such action is voted upon but shall, in all circumstances, occur prior to a vote being taken and within a reasonable proximity of time to the final vote.

Emergency actions shall include such actions in which the Commission must take immediate action to address a situation reasonably perceived to present an immediate and substantial threat to the public health, safety, and welfare. In the event the Commission must consider an action on an emergency basis it shall make reasonable efforts to allow for public comment to the extent such efforts do not delay or impair the Commission's ability to act in the best interest of health, safety, and welfare.

Ministerial actions shall include ceremonial proclamations, the approval of minutes, scheduling, and other actions that are limited to the process by which the Commission conducts its business.

Agenda and Non-Agenda Comment Periods. During each regular meeting of the Commission, a comment period for items not on the agenda shall be allowed. Public comments during this period shall be limited to those items not on the agenda for action by the Commission. Except as otherwise provided herein, public comments on agenda items shall be allowed during the consideration of such item prior to the Commission taking a vote on any measure.

Recognition by the Chair. Except for Commissioners and City staff, no person shall address the City Commission while a meeting is in session until such person is recognized by the Chair. During public comment periods announced by the Chair, a member of the public may approach the podium prior to being recognized but shall await recognition by the Chair prior to beginning to speak. Outside of public periods announced by the Chair, no member of the public shall approach the podium without prior recognition and invitation by the Chair.

Decorum, Civility, and Courtesy. Members of the public and designated representatives shall address their comments to the Chair of the Meeting. Members of the public are encouraged to use their speaking time efficiently and make all comments or ask all questions during their comment period. Members of the Commission and members of City staff shall not engage in back-and-forth conversation with a speaker nor shall the speaker engage in back-and-forth conversation with members of the Commission or members of City staff unless expressly authorized by the Chair. Should a member of the Commission desire to ask a clarification question of a speaker, the member shall wait until the speaker has finished speaking and direct the request for clarification to the Chair. All speakers, including members of the Commission, members of City staff, and members of the public shall avoid interrupting speakers, making personal attacks, making impertinent or slanderous comments, or engaging in or encouraging disruptive activity. For the purpose

of these policies, personal attacks shall include statements directed to an individual's character or appearance. Impertinent or slanderous comments shall include statements that are immaterial to the item under consideration and which tend to impugn the reputation of the person of whom the comment is made. Disruptive activity shall mean actions that are intended to provoke the passions of observers in such a manner as to threaten the civility and order of the meeting.

Time Limits and Extensions thereof for Individual Speakers. Each person addressing the Commission as general public comment, whether during the comment period for items not on the agenda or during the agenda item specific comment periods shall limit his or her comments to three (3) minutes and shall be allowed to speak once per agenda item. The Chair may extend a speaker's time for up to one additional minute. If a speaker requests additional time beyond that allowed by the Chair such requested shall only be granted after a motion by a Commissioner for such extension, second, and majority vote. Unused time may not be reserved or given to other speakers.

The above time limit shall not apply to an individual who has requested and been allowed an agenda item. Individuals who are the sponsor of an agenda item shall be allowed ten minutes for their presentations on the agenda item. Such time may be extended pursuant to the process described above.

Time Limits and Extensions Thereof for Groups. Speakers with common causes and/or views are encouraged to designate a representative or representatives to speak for the group. A representative designation should be provided to the City Clerk prior to commencement of the meeting at which representative(s) shall speak and shall include the names of every individual for whom the group representative(s) is/are speaking. Under no circumstances shall a group representative be recognized if public comment on an item has already begun.

The representative(s) for a group with twenty (20) or more represented individuals shall collectively be allowed ten (10) minutes to make comments on behalf of the group. The representative(s) for a group with fewer than twenty represented individuals shall collectively be allowed five (5) minutes to make comments on behalf of the group. Any individual whose name is included upon the representative designation shall not be allowed to speak individually on the matter for which the group designation was made. Extensions of time shall be allowed in the same manner as allowed for individual speakers.

QUASI-JUDICIAL HEARINGS

Quasi-judicial hearings occur on those matters upon which the City Commission is acting in a quasi-judicial capacity rather than a legislative capacity. By definition, quasi-judicial matters are those matters in which the Commission is making an application of existing law rather than considering adoption or amendment of existing laws. Typical quasi-judicial matters include actions on applications, appeals, and land use matters such as rezonings and site plan reviews.

In order to assist the Commission and the public in distinguishing legislative actions from quasi-judicial actions, City staff shall endeavor to indicate on meeting agendas which items are quasi-judicial. On a quasi-judicial matter, the Chair request any individuals requesting affected party status to identify themselves prior to commencement of the hearing. Affected parties shall be those individuals who may be impacted by a decision in a manner cognizably distinct from the general public. Applicants and appellants shall be considered affected parties without having to be expressly recognized by the Chair. The Chair shall have the authority to recognize an individual requesting affected party status; however, in the event any Commissioner disagrees with the Chair's refusal to recognize an individual as an affected party, such Commissioner may make a motion, which if seconded and carried by a majority vote, shall extend affected party status to the requestor. Said motion shall be considered before the quasi-judicial hearing continues.

Individuals desiring to speak on quasi-judicial matters who are not extended affected party status will be allowed to speak pursuant to the general allowance for public comment provided herein.

Individuals speaking as affected parties shall be allowed such time as is necessary to provide their evidence and testimony in full. Accordingly, affected parties shall not be bound to the time limits governing general public comment. Affected parties, however, are encouraged to make a concise and efficient presentation. At any time during an affected party's presentation, the Chair may instruct the party to refrain from redundant or irrelevant information. Refusal to observe any instruction from the Chair by an affected party may result in such party's forfeiture of the right to continue its presentation. Prior to ordering an affected party to end its presentation, the Chair shall consult with the City Attorney.

In any quasi-judicial proceeding, due process and fundamental fairness shall guide all actions. Failure to strictly follow any procedure set forth herein shall not alone constitute prejudice to any party.

DISRUPTION OF MEETINGS

Subject to the procedures set forth below, any person, including members of the Commission, City staff, and the general public, disrupting Commission meetings by disruptive activity, making personal, impertinent, or slanderous remarks, or refusing to observe the lawful orders of the Chair while the Commission is session may be removed from the meeting by the City Police or designated security official. Prior to removal of any person from a meeting the Chair shall first warn the individual causing the disruption. If the individual disrupts the meeting again after warning, the Chair shall give a second warning and advise the individual that a third disruption shall result in removal from the meeting. Upon a third disruption, the Chair shall request the individual leave the meeting. If a person asked to leave a meeting refuses, the Chair shall direct the police officer or security official present to remove such person. If necessary, the Chair may unilaterally call for a recess of the meeting while the disruptive individual is removed.

Any member of the Commission may make a point of order to call for the Chair to address a disruption during the meeting. If the Chair fails to address a disruption or any Commissioner disagrees with the action taken by the Chair to address a disruption, a motion may be made and, if seconded, a vote taken by the Commission to address a disruption in a manner contrary to the direction of the Chair. Such motion shall take precedence over any discussion or pending motion on the floor. During consideration of such motion, the Commission shall consider and follow the procedures regarding warnings set forth above for removal of disruptive individuals.

Verbal or physical threats shall not be tolerated. In the event of a disruption that could threaten the safety of Commissioners, City staff, or members of the public, the Chair may immediately call for a recess and direct the City Police or designated security official to remove the person causing such disruption. Alternatively, any Commissioner may request the removal of a person whose actions are reasonably perceived to be a threat to the safety of the Commission, City staff, or members of the public. Such request shall be made in the form of a motion which shall take precedence over any discussion or motion on the floor and which, if seconded, shall proceed to a vote of the Commission.

Nothing included herein shall impair the authority of a police officer or designated security officer to immediately address a threat to safety in a manner consistent with their lawful authority and responsibility to protect the safety and welfare of the public. In the event a police officer or designated security official must address a threat to safety, the Chair shall immediately call a recess and all members of the Commission, City staff, and the public shall observe all lawful orders of the City Police or security officials.

SUGGESTED SPEAKING POINTS TO MAINTAIN DECORUM DURING PUBLIC COMMENT

1) Personal or slanderous comments:

- “Sir/Madam, please refrain from making comments on matters of personal character or motives.”
- “Sir/Madam, please limit your comments to the issue before the Commission.”

2) Irrelevant or impertinent comments:

- “Sir/Madam, can you please clarify how this line of comment is related to the matter we are considering?”
- “Sir/Madam, please limit your comments to the issue before the Commission.”

3) Disruptive activity, refusal to observe Rules of Decorum or direction of the Chair:

- “Sir/Madam, you are reminded to adhere to the Rules of Decorum in making your comments.”
- “City Attorney, would you mind refreshing everyone’s memory on the City’s Rules of Decorum?”
- “Sir/Madam, you are disrupting the meeting. If you cannot adhere to the Rules of Decorum and to my direction as Chair, you will be asked to leave the podium and may be asked to leave the meeting.”
- “Sir/Madam, I have warned you that those actions are disruptive to our meeting and you have failed to observe that warning. At this time, I must ask that you yield the podium. If you refuse to do so, I will ask you to leave the meeting and I will have you removed, if necessary.”
- “Officer, will you please remove the speaker from the Chambers.”