

## RESOLUTION NO. 2022-35

### **A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, ESTABLISHING REASONABLE RULES AND POLICIES FOR THE CITY COUNCIL AND FOR COMMENT AT CITY COUNCIL MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 307 (b) of the Charter of the City of Gulfport, provides that the City Council shall determine its own rules and order of business; and

**WHEREAS**, the City Council has considered and wishes to adopt an order of business which provides reasonable rules and policies for the City Council and for comment at City Council meetings in order to efficiently and effectively complete city business during the meetings.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:**

**Section 1.** The following reasonable rules and policies are hereby established for the City Council and for comment at City Council meetings:

- A. Balance of Rights and Decorum. Gulfport is afforded the means to insure that the individual's right to participate in a public meeting is balanced with maintaining decorum during that meeting. The right of the individual to express his or her thoughts will generally prevail over restriction on public participation.
- B. Citizens to Be Heard Before the City Council.
  1. Public Comment. The remarks of each speaker are limited to three (3) minutes. Citizens may discuss any matter, unless the discussion is not appropriate because of a pending bid protest, the matter involves a quasi-judicial hearing or the matter is a scheduled agenda item.

The City Council will not attempt to resolve problems nor respond during a City Council Meeting until the matter has been referred to the Administration for review and recommendation.
  2. Agenda Items. Citizens' comments will be permitted on agenda items at the time the item is under consideration by the City Council. The remarks of each speaker are limited to three (3) minutes.
- C. Workshops. Workshop meetings of the City Council are held for the purpose of Council being informed on and discussing matters which may come before them for consideration at a regular or special Council meeting. Citizens' comment will be permitted on any/all agenda items at the beginning of the meetings. The remarks of each speaker are limited to three (3) minutes. City Council may request presentations when appropriate.

D. Addressing the City Council.

1. Once recognized by the Mayor/Chair, each person addressing the City Council shall approach the speaker's microphone/podium and shall give the following information in an audible tone of voice for the minutes;
  - a. Name and whether they reside within the city, a different city (which city) or within an unincorporated area.
  - b. If requested by the Mayor/Chair, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization and whether the person is being compensated by the organization.
2. All remarks shall be addressed to the City Council as a body and not to any member thereof. No personal attacks shall be tolerated.
3. Each person is limited to speak once during public comment and once on each agenda item.
4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the City Council to consider. Comments shall be limited to three (3) minutes.
5. Written communications provided to the City Council shall be retained in accordance with the Florida Records Retention Guidelines by the City Clerk.
6. The City Clerk shall indicate by a bell, buzzer or voice when the allotted three (3) minutes time period has expired.

E. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in the Council Chambers. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

F. Overhead/Visual Displays. The presenting of information through the City's audio/visual equipment is an allowable use by City Staff, by applicants during Site Plan Review and quasi-judicial proceedings or other applicable situations subject to City Council authorization. Persons making a scheduled presentation before the City Council who intend to present information through the City's audio/visual equipment shall coordinate with the City Manager before the close of business the day prior to the meeting.

- G. Decorum - City Council. While the Council is in session, the members thereof shall preserve order and decorum and shall not, by conversation or otherwise, delay or interrupt the proceedings nor the peace of the Council and shall obey all orders of the Council or its Mayor/Chair, except as otherwise provided. The Mayor/Chair shall preserve strict order and decorum at all meetings.

Every Councilmember desiring to speak shall address the Mayor/Chair and, upon recognition by the Mayor/Chair, shall confine them self to the question under debate and shall avoid all personalities and inappropriate language.

Generally, a Councilmember having an administrative inquiry shall address his/her question to the City Manager, who may answer or designate a member of the City Staff to answer.

A Councilmember once recognized, shall not be interrupted while speaking unless called to order by the Mayor/Chair, and unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. All members of the Council shall demonstrate the utmost courtesy to each other, to City employees, and to public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Councilmembers shall confine their remarks to the issues before the Council.

Cellular telephones and audible pagers shall be silenced and/or turned off while the City Council meeting is in order. Text messaging shall not be permitted.

- H. Decorum - Public. The Mayor/Chair shall preserve decorum and order and decide all questions of order subject to City Council appeal.
1. The public shall be respectful of others' opinions, and refrain from making personal attacks. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Mayor/Chair and given the opportunity to conclude remarks on the subject in a decorous manner and with the designated time limit. Any person failing to comply as cautioned may be barred from making any additional comments during the meeting by the Mayor/Chair, unless permission to continue or again address the City Council is granted by the majority of the City Councilmembers present.
  2. If the Mayor/Chair or the City Council declares an individual out of order, he or she may be requested to relinquish the podium. If the person does not do so, he or she may be subject to removal from the Council Chambers or other meeting room.
  3. Clapping, applauding, heckling or verbal outburst in support or opposition to a speaker or his or her remarks shall be discouraged.

4. Cellular telephones and audible pagers shall be silenced and/or turned off while the City Council meeting is in order.
5. Persons exiting the Council Chambers shall do so quietly.

I. Order of Business. The business of each regular City Council Meeting shall be transacted in the following order unless the City Council suspends the rules and changes the order by consensus and/or majority vote of the members present:

1. Call to Order.
2. Invocation, followed by the Pledge of Allegiance.
3. Roll Call.
4. Presentations.
5. Public Comment. (Limit to 3 minutes on non-agenda and/or consent items)
6. Reports of City Manager.
7. Report of City Attorney.
8. Report of City Clerk.
9. Consent Agenda.
10. Ordinances.
11. Resolutions.
12. Action Items.
13. Council Comments/Informational Reports.

This portion of the agenda is for each member of the City Council, should they elect to, to provide brief reports on any intergovernmental agency meetings, conferences, community meetings, meetings of other legislative bodies, or other events of interest to the community that they attended or will be attending.

It also provides an opportunity for City Council to provide guidance and direction to the City Manager concerning items to be included on future agendas, in accordance with Section J (2), and information to be provided to City Council in response to questions raised during public comment.

Under this portion of the agenda, the City Council may take a consensus to request the City Manager to provide information, perform studies or undertake other action. If the requested action is routine in nature, the City Manager will direct Staff to proceed. However, if the request cannot be accomplished within the approved budget or City Council priorities or it will involve substantial Staff resources, the City Manager will report to the City Council at a subsequent Council meeting and request further direction.

Members of the City Council shall limit their comments to five (5) minutes. These limitations may be waived or suspended for a time certain by a consensus of the City Council

14. Adjournment.

J. Agenda Setting.

1. The City Manager will place administrative or ministerial items on the agenda with the City Clerk. The Mayor will have the ability to review the agenda for clarity and placement, but the Mayor's action will not provide administrative duties.
2. A member of the City Council who would like to have specific items placed on the agenda will need to clearly state the issue and if the item is to be a discussion or action item. A Councilmember will need to receive a consensus from fellow Councilmembers to place an item on for a future agenda. Items requested for placement on a future agenda must be made during the Council Comments/Informational Reports section of the Council Meeting Agenda.
3. During the placement of items on the agenda, the City Manager will make the determination for items to be placed on the Consent Agenda. Consent items shall include the minutes, items dealing with the appointment and resignation to boards and committees and items related to the acquisition of goods and services which have already been included in the adopted budget. Variance from this will be in situations that require adoption as required by existing resolutions or ordinances, other government agencies or the City's purchasing guidelines.

All administrative matters or acts concerning Charter Officials or other items as determined by a majority of Council shall not be placed on the Consent Agenda.

Any item placed on the agenda as a consent item may be removed by a motion, second, and majority vote of the City Council. Items removed from Consent will be considered prior to New Business.

4. Items discussed during City Council Workshop Meetings will require a consensus of the majority of the City Council to bring the item forward for placement on a subsequent City Council Meeting Agenda. Substantive decisions shall not be made at workshops.

K. Procedure for City Council actions on the adoption of Ordinances and approval of Resolutions not on the consent agenda, and consideration of agenda items. The City Council shall follow the following process:

1. The Mayor/Chair shall direct the City Clerk to read the Ordinance or Resolution by title unless otherwise provided by law.
2. Comments from the City Manager and/or City staff members.
3. City Council questions to staff.
4. Consideration of a motion to adopt, reject or defer the agenda item.
5. Second on the motion.
6. Council debate.

7. Open public hearing and/or public comment.
8. Close public hearing and/or public comment.
9. Roll call vote.

L. Procedure for Ex-Parte Communications concerning Quasi-Judicial matters. Any person not otherwise prohibited by statute, charter, provision or ordinance may discuss with any public official, the merits of any matter on which action may be taken by the City Council. Such communication shall not raise any presumption of prejudice provided the following process of disclosure occurs:

1. The subject and substance of any ex-parte communication with a member of the City Council relating to a quasi-judicial action pending before them, as well as the identity of the person, group or entity with whom the communication took place, is disclosed and made a part of the record before final action is taken on the matter.
2. A member of the City Council may read a written communication from a person relating to a quasi-judicial action pending before them; however, such communication shall be made a part of the record before final action is taken on the matter.
3. A member of the City Council may conduct investigations, make site visits and receive expert opinions regarding a quasi-judicial action pending before them, provided that such activities and the existence of such investigation, site visit, or expert opinions are made a part of the record before final action is taken on the matter.

M. Procedure for Public Hearings on Quasi-Judicial matters. The City Council shall follow the following process:

1. Mayor/Chair explanation of hearing process.
2. Swearing in of individuals wishing to speak.
3. Staff presentation – 10 minutes max.
4. Applicant presentation – 10 minutes max.
5. City Council Disclosure – Ex-Parte Communications.
6. Proponents:
  - Designated representative – 10 minutes max.
  - Individuals – 3 minutes max.
7. Opponents:
  - Designated representatives – 10 minutes max.
  - Individuals – 3 minutes max.
8. Other citizen comments – 3 minutes max.
9. Rebuttal by Applicant – 5 minutes max.
10. Staff Response – 5 minutes max.
11. City Council questions.
12. Close public hearing.
13. City Council action.

N. Other:

1. A member of the City Council may convene a public forum that employs any City resources (including public meeting space and staff attendance) on a quarterly basis; once each quarter. If the public forum is on a specific subject/issue that affects the City, citywide; the Councilmember will need to receive a consensus from the City Council to hold the forum and to determine the forums time and place. The public forum request must be made during a City Council meeting under the Council Comments /Information Reports section of the Agenda. This provision does not prohibit a member of the City Council from convening an informal public forum to receive feedback from constituents.
2. The City's website is a tool that is used for communicating news from the City as a whole. Members of the City Council are provided a page on the City's website to provide to the public a "Welcome" message, their biographical information, their photograph and their City contact information.
3. Council Members shall refrain from making statements that promote the election or defeat of a candidate or candidates for public office.
4. The City Manager will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Council Members.

In order to provide for the equitable distribution of information, the City Manager may provide staff's research or prepared response to all Council Members. Any request made which is deemed by the City Manager to require more than two hours of staff time to do research or prepare a response, will need the support of at least two (2) other Council Members to ensure that staff resources are allocated in accordance with overall Council priorities. Once notified that a request for information or staff support would require more than two hours, the Council Member will need to bring their request before Council at an upcoming meeting under their Council Comments/Informational Reports to gain a consensus. There may be times in which the inquiry prompts the use of City resources to correct or address a situation either in workload or policy creation. In these situations, the City Manager will determine if the dedication of resources falls within normal, routine operations and thus will be completed or if it extends beyond normal, routine operations and should be placed on an upcoming Council agenda.

**Section 2.** The rules and policies adopted herein shall be effective until modified, or repealed by the City Council.

**Section 3.** This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 19th day of April, 2022 by the Council of the City of Gulfport, Florida.

ATTEST: APPROVED

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Samuel Henderson, Mayor

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Lesley DeMuth, City Clerk