

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2023-203**

**A RESOLUTION OF THE CITY COMMISSION  
SETTING FORTH A PROCEDURE FOR REQUESTING  
PUBLIC COMMENT ON DISCUSSION ITEMS.**

**WHEREAS**, Section 2-83(a) of the City Code “recognizes the importance of protecting the right of all citizens to express opinions on the operation of city government and encourages citizen participation in the local government process. The commission also recognizes the necessity for conducting orderly and efficient meetings in order to complete city business in a timely manner;” and

**WHEREAS**, as a general matter, Florida Statutes § 286.0114(2) requires that “[m]embers of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission”<sup>1</sup> and, similarly, the Miami-Dade County Citizens’ Bill of Rights provides for a “right to appear before . . . any municipal council . . . for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved;” and

**WHEREAS**, the City Commission has traditionally allowed public comment on almost every item on the agenda, including during discussion items under Commission items and, moreover, in 2020, the City Commission established an “Open Public Comment” section on each City Commission agenda during which an individual may address the city commission on an item that is on the agenda or on a matter which is not on the agenda, but within the scope of the city commission’s jurisdiction, yet the Mayor continued to allow public comment on each agenda item; and

**WHEREAS**, the Open Public Comment section satisfies the “reasonable opportunity to be heard” requirements of Florida Statutes § 286.0114(2) and the Miami-Dade County Citizens’ Bill of Rights; and

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<sup>1</sup> The opportunity to be heard does not have to occur at the same meeting at which the official action is taken, as long as it occurs at a meeting during the decision-making process and is within reasonable proximity in time before the meeting at which the commission takes the official action. Fla. Stat. §286.0114(2). This requirement does not apply to (1) official acts to deal with emergency situations affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the commission not act; (2) an official act involving no more than a ministerial act, including the approval of minutes and ceremonial proclamations; (3) a meeting exempt from the requirements of the Sunshine Law; and (4) a meeting during which the commission is acting in a quasi-judicial capacity.

**WHEREAS**, Section 6 of the City Charter provides that “[t]he Mayor shall preside at the meetings of the Commission,” and the City Code grants the Mayor the authority, among other things, “[t]o serve as chair of the city commission including the authority to procedurally manage and administer commission meetings;” and

**WHEREAS**, recently, due to the extended length of Commission meetings and in furtherance of conducting city business in a timely manner, the Mayor has announced that public comment will not be automatically allowed on items that are referred to as “discussion items,” including discussions, updates, presentations, or similar items on which the Commission will not take any official action, while still allowing for public comment prior to the City Commission taking action on each item that is an ordinance, resolution, or other official action, in addition to Open Public Comment; and

**WHEREAS**, while acknowledging the Mayor’s authority to preside over Commission meetings, the City Commission desires to outline an appropriate procedure for requesting that public comment be allowed on specific “discussion items” in advance of the Commission meeting;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**SECTION 2.** That the City Commission directs that, following a similar procedure to that for requesting that time-certain items be placed on the agenda, the Sponsor placing a discussion item on the agenda may request from the mayor that public comment be allowed on a discussion item. Additionally, if during a Commission meeting, a motion that may lead to official action is made relating to a discussion item on the agenda, the Clerk shall announce that public comment is allowed.

**SECTION 3.** That this Resolution shall become effective upon the date of its passage and adoption herein.

**PASSED AND ADOPTED THIS ELEVENTH DAY OF JULY, A.D., 2023.**

(Moved: Anderson / Seconded: Castro)

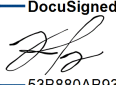
(Yeas: Fernandez, Menendez, Anderson, Castro)

(Nays: Lago)

(Majority: (4-1) Vote)

(Agenda Item; F-3)

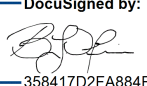
APPROVED:

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VINCE LAGO  
MAYOR

ATTEST:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

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BILLY Y. URQUIA  
CITY CLERK

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CRISTINA M. SUÁREZ  
CITY ATTORNEY