

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2016-279

A RESOLUTION OF THE CITY COMMISSION APPROVING THE ADOPTION OF A CORAL GABLES CIVILITY CODE TO FURTHER ESTABLISH RULES OF PUBLIC PARTICIPATION AND DECORUM FOR CITY COMMISSION AND BOARD MEETINGS.

WHEREAS, the City of Coral Gables City Commission has resolved to adopt a Civility Code, attached as **Exhibit A**, with which the City Commission seeks to further establish the Rules of Public Participation and Decorum for City Commission and Board Meetings adopted as of October 20, 2015, attached as **Exhibit B**; and

WHEREAS, the purpose of the Civility Code is to further establish rules of decorum and civility for members of the public addressing City staff, in addition to the City Commission and City boards/committees, during any and all meetings that are open to the public, not only those considered public meetings under the Florida Sunshine Law; and

WHEREAS, the Civility Code is intended to facilitate an open, orderly, and respectful environment for all those in attendance and to foster an atmosphere of fairness, courtesy, and respect for differing points of view;

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 that adoption hereof.

SECTION 2. That the City Commission does hereby adopt the Civility Code, attached as **Exhibit A**.

SECTION 3. That the provisions of the Civility Code are adopted to further establish and support the Rules of Public Participation and Decorum for City Commission and Board Meetings adopted as of October 20, 2015, attached as **Exhibit B**.

SECTION 4. The Civility Code shall apply to all meetings that are open to the public and where members of the public address City staff, the City Commission, and City boards/committees.

SECTION 5. That this Resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS SIXTH DAY OF DECEMBER, A.D., 2016.
(Moved: Quesada / Seconded: Slesnick)
(Yeas: Lago, Quesada, Slesnick, Cason)
(Absent: Keon)
(Majority: 4-0 Vote)
(Agenda Item: I-2)

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

City of Coral Gables City Commission Meeting
Agenda Item I-2
December 6, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Commissioner Pat Keon

Commissioner Vince Lago

Vice Mayor Frank Quesada

Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark

Assistant City Manager, Peter Iglesias

City Attorney, Craig E. Leen

Deputy City Attorney, Miriam Ramos

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item I-2 [0:00:00 a.m.]

Discussion and adoption of Civility Code.

Mayor Cason: I-2.

City Attorney Leen: Mr. Mayor, before I start I-2, I just want to say for I-3, that I'm going to be requesting two executive sessions, Robert Murhee, et al., v. City of Coral Gables, case number 2013-020731 CA (01), as well as Starbuck's v. City of Coral Gables, two related cases, 2016-

City Commission Meeting

December 6, 2016

Agenda Item I-2 - Discussion and adoption of Civility Code.

029939 CA (01) and 3D 16-2577. The 3D case is in the Third District Court of Appeal -- pardon me. Yes, the Third District Court of Appeal. Why is it in the --? Forgive me. I may have to revise this case number slightly, because it's supposed to be in the Circuit Court Appellate Division. The other two cases are in the circuit court. So, let me just check with special counsel and I'll update that number. In addition, I-2 is a discussion and adoption of the Civility Code. For that, I would like to ask the Deputy City Attorney to discuss this. I just want you to know that, as parliamentarian, I'm strongly supportive of a Civility Code. I know our City Manager -- she raised this issue. I think it's great. And I know the Mayor -- we met with the Mayor, and he's sponsoring the item, as well. So, with that, Miriam.

Deputy City Attorney Ramos: Hi, again, everyone. So, back quite a while ago, we adopted rules of public participation and decorum, which are incorporated in the Civility Code, as Exhibit A. And those really address situations of City Commission or board meetings. What happened was that during a staff meeting, actually, one of our staff members or department directors told us of a very disturbing experience during a community meeting, which didn't qualify as a board meeting, and certainly, not as a Commission meeting, where they actually feared for their safety. They felt that people got, you know, very upset and they felt, you know -- physically, they felt very uncomfortable, causing them to end the meeting and leave and get into their vehicles. And so, the City Manager asked our officer to please draft a Civility Code that would broaden, you know, when these rules apply, not just during board and Commission meetings. And so, that is what this is. And we added a number two, which talks about remaining seated during a meeting while the individuals are speaking, which the Mayor wanted to address as well. So, if you have any questions, I'm happy to answer them.

Mayor Cason: We love civility.

Vice Mayor Quesada: So move.

Commissioner Lago: It's plain Jane.

Commissioner Slesnick: Second.

Commissioner Lago: Pretty simple.

Mayor Cason: Vice Mayor made the motion, and Commissioner Slesnick second.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Mayor Cason: Yes.

(Vote: 4-0)

F. CITY COMMISSION ITEMS

- F.-1. 16-5608** A Resolution of the City Commission of the City of Coral Gables, Florida, urging the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection and the South Florida Water Management District to expedite Phase II of the Biscayne Bay Coastal Wetlands Project and to take all necessary actions to expedite completion of the Biscayne Bay Coastal Wetlands Project.
(Sponsored by Commissioner Slesnick)
- M/S: Slesnick / Quesada
RC: Slesnick, Keon, Lago, Quesada, Cason
Reso: 2016-277
City Clerk Item No. 31

G. BOARDS/COMMITTEES ITEMS**Agenda Items C-1 and G-1 are related.**

- G.-1. 16-5196** A Resolution approving the donation of a work of public art in conjunction with the Gables Waterway project at 6100 Caballero Boulevard in fulfillment of the Art in Public Places requirement for public art in private development. (Unanimously recommended by the Arts Advisory Panel, 5 to 0, and the Cultural Development Board 5 to 0)
- M/S: Keon / Quesada
RC: Quesada, Slesnick, Keon, Lago, Cason
Reso: 2016-274
City Clerk Item No. 19

H. CITY MANAGER ITEMS

- H.-1. 16-5497** A Resolution accepting the recommendation of the Chief Procurement Officer to authorize contract negotiations with AECOM Technical Services, Inc., and if necessary, with the other short-listed firms for the Public Safety Building Design Consultant, pursuant to Florida Statute 287.055, known as the "Consultants Competitive Negotiation Act" and Request for Qualifications (RFQ) 2016.05.MG.
- M/S: Keon / Slesnick
RC: Slesnick, Keon, Cason
Nay: Lago, Quesada
Reso: 2016-281
City Clerk Item No. 36

- H.-2. 16-5576** A Resolution authorizing the execution of a Maintenance Memorandum of Agreement with the Florida Department of Transportation (FDOT) in order to designate and set forth the responsibilities of each party with regards to the maintenance of the decorative pavers and pattern pavement crosswalks installed pursuant to the Miracle Mile Streetscape Project.
- M/S: Lago / Quesada
RC: Lago, Quesada, Slesnick, Cason
Absent: Keon
Reso: 2016-278
City Clerk Item No. 32

- H.-3. 16-5579** A Resolution authorizing the creation of a Special Taxing District by Miami-Dade County for Banyan Drive, Coral Gables, Florida, for purpose of providing for twenty-four hours stationary security guard service subject to compliance with applicable Miami-Dade County and City requirements, approving construction of a guard house facility, operation of traffic control devices, and requiring execution of Interlocal Agreement between City and Miami-Dade County.
- M/S: Keon / Lago
RC: Lago, Quesada, Slesnick, Keon, Cason
Reso: 2016-275
City Clerk Item No. 24

I. CITY ATTORNEY ITEMS

- M/S: Quesada / Lago
RC: Quesada, Slesnick, Lago, Cason
Keon: Keon
- I.-1. 16-5603** Request for six month extension of Zoning in Progress stay related to the Giralda Overlay District.
- M/S: Quesada / Slesnick
RC: Lago, Quesada, Slesnick, Cason
Absent: Keon
Reso: 2016-280
City Clerk Item No. 35
- I.-2 16-5605** Discussion and adoption of Civility Code
- Absent: Keon
Reso: 2016-279
City Clerk Item No. 34

CITY OF CORAL GABLES

CIVILITY CODE

In 2015, the City Attorney published CAO 2015-104 detailing the rules of public participation and decorum during City Commission and City Board/Committee meetings. That opinion is incorporated herein as exhibit A.

The purpose of this Civility Code is to further establish rules of decorum and civility for members of the public addressing City staff, in addition to the City Commission and City boards/committees, during public meetings. (For purposes of this Code, the term “public meeting” includes any and all meetings that are open to the public not only those considered “public meetings” under the Florida Sunshine Law). The policy is intended to facilitate an open, orderly and respectful environment for all those in attendance and to foster an atmosphere of fairness, courtesy and respect for differing points of view.

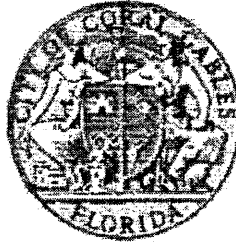
All individuals attending a public meeting must:

1. Wait to be acknowledged by the chair or staff member running the meeting before speaking;
2. Not interrupt the staff member or an individual who has the floor or speak over that person;
3. Refrain from behavior which will disrupt the public meeting. This includes making loud noises, clapping, speaking in a significantly raised voice, shouting, booing, hissing or engaging in any other activity that disrupts, disturbs, hinders or impedes the orderly conduct of the meeting;
4. Refrain from behavior that can be interpreted as physically threatening to those conducting the meeting or to anyone in attendance, such as encroaching into their personal space, pointing of a finger toward a person in particular.
5. Refrain from using profanities, insults or other disparaging remarks;
6. Refrain from making comments, references or statements regarding race, gender, ethnicity, religion or sexual orientation;
7. Refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact;
8. Refrain from speaking on their cell phone while the meeting is in session;

9. Endeavor to cite only the truth and not knowingly misrepresent, mischaracterize or misquote information received from others (this behavior may also violation the City's False Claims Ordinance, Ch. 39 of the City Code).

Any individual who violates this Civility Code during a Board/Committee meeting shall be warned to stop the behavior immediately; failure to do so will subject the individual to removal from the meeting pursuant to the procedures detailed in No. 11 through No. 14 of exhibit A. If the meeting is conducted by City staff, the staff member running the meeting has the full discretion to conclude the meeting and is not required to continue if the behavior in violation of this Code does not cease.

December 2016



To: Mayor and Commissioners

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "C. Leen", written over the name "Craig E. Leen" in the "From:" line.

RE: Rules of Public Participation and Decorum

Date: October 20, 2015

The following rules of public participation and decorum, based on sections 2-68, 2-70, and 2-73 of the City Code, shall be observed by all speakers and members of the public during City Commission and City Board meetings. For purposes of these rules, the Mayor is the Chair of the City Commission and the City Attorney is the Parliamentarian.

CITY OF CORAL GABLES
OFFICE OF THE CITY ATTORNEY

RULES OF PUBLIC PARTICIPATION AND DECORUM
FOR CITY COMMISSION AND BOARD MEETINGS

The following rules of public participation and decorum, based on sections 2-68, 2-70, and 2-73 of the City Code, shall be observed by all speakers and members of the public during City Commission and City Board meetings. For purposes of these rules, the Mayor is the Chair of the City Commission and the City Attorney is the Parliamentarian.

1. The City encourages public participation. Anyone who wishes to speak on a public hearing item, or other matter where comment is either required by law or permitted in the discretion of the Chair, should fill out a speaker card provided by the City Clerk. If the speaker is a lobbyist as defined by applicable law, then the appropriate registration must be filed.
2. When the speaker's name is called, the following information should be provided: name; residential or business address; and whether the person is speaking on behalf of a group or third party (if representing an organization, the speaker should indicate whether the view expressed represents an established policy or position approved by the organization, and whether the speaker is being compensated by the organization);
3. The remarks of each speaker shall be limited to no more than three minutes. The Chair has the discretion to either extend or reduce time limits where warranted; for example, where there are many speakers, in order to ensure everyone has the opportunity to speak, the time limit may be reduced to two minutes per speaker;
4. No speaker or other member of the public shall refuse to obey the orders of the Chair, or of the Commission or the Board when acting as a body;
5. The Parliamentarian may assist in interpreting and applying parliamentary law, rules of procedure, and rules of public participation and decorum.
6. All remarks shall be addressed to the Commission or Board as a body and not to any member thereof (directing remarks to or through the Chair is an appropriate way to address the Commission or Board as a body);
7. No person, other than a member of the Commission or Board, and the speaker having the floor, may be permitted to enter into any discussion without permission of the Chair. No question may be asked except through the Chair.
8. Speakers should make comments concise and to the point, and present any data or evidence for consideration to the City Commission or City Board;
9. No person may speak more than once on the same subject unless specifically granted permission by the Chair;
10. No speaker or other member of the public shall delay or interrupt the proceedings or the peace of the Commission or Board, or disturb any person having the floor; anyone

making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Commission or Board shall not be considered orderly or decorous;

11. Anyone who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit;
12. Anyone failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Commission or Board is granted by the majority of the Commission or Board members present;
13. If the Chair, the Commission, or the Board declares an individual out of order, the individual will be requested to relinquish the podium. If the person does not do so, the individual is subject to removal from the commission chambers or other meeting room;
14. Any person who becomes disruptive or interferes with the orderly business of the Commission or Board may be removed from the commission chambers or other meeting room for the remainder of the meeting;
15. The City's ultimate goal is to protect the ability of speakers to be able to address the Commission or Board on the identified subject or business at hand without interruption and in a manner that facilitates review of the matter by the Commission or Board.