

CITY OF CORAL GABLES, FLORIDA

RESOLUTION 2023-XX

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF CORAL GABLES, FLORIDA REPEALING
RESOLUTION NO. 2023-203 TO ALLOW PUBLIC
COMMENT ON ALL COMMISSION 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”¹ 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

¹ 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 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, pursuant to Resolution No. 2023-203, set forth a procedure for requesting that public comment be allowed on specific “discussion items” in advance of the Commission meeting; and

WHEREAS, the City Commission would like to repeal Resolution No. 2023-203 and clarify that public comment is allowed on all discussion items.

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 repeals Resolution No. 2023-203 and clarifies that public comment shall be allowed on all discussion items.

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

PASSED AND ADOPTED THIS ___ DAY OF OCTOBER, A.D., 2023.

(Moved: ____/ Seconded: _____)

(Yeas:)

(Agenda Item)

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ
CITY ATTORNEY