

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-12 (AS AMENDED)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 2-79 OF CHAPTER 2, ARTICLE III OF THE CITY CODE, TITLED, "ORDER OF BUSINESS" TO ESTABLISH AN OPEN PUBLIC COMMENT SECTION OF THE CITY COMMISSION MEETING AGENDA, IN ADDITION TO THE PUBLIC COMMENTS CURRENTLY PERMITTED IN ACCORDANCE WITH SEC. 286.0114, F.S., THE CITIZENS BILL OF RIGHTS, AND OTHER APPLICABLE LAWS, TO ALLOW FOR MEMBERS OF THE PUBLIC TO ADDRESS THE CITY COMMISSION ON ANY MATTER AND PROVIDING FOR THE IMPOSITION OF TIME LIMITATIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE. *(For ratification)*

WHEREAS, the City of Coral Gables Commission has always complied with section 286.0114, F.S. in allowing members of the public a reasonable opportunity to be heard on a proposition before the City Commission takes final action; and

WHEREAS, in addition, the City Commission provides for public comment during all items requiring a public hearing under applicable law, which includes ordinances on second reading and when the City Commission sits in a quasi-judicial capacity; and

WHEREAS, the City of Coral Gables Commission has also complied with section five of the Citizen's Bill of Rights, Miami-Dade County Charter, by allowing any individual who wishes to address the City Commission on a matter within the Commission's jurisdiction to be placed on the "Personal Appearance" section of the City Commission agenda and address the Commission, subject to time limitations at the discretion of the Mayor, as Chair of the City Commission; and

WHEREAS, within Miami-Dade County, the City of West Miami, City of South Miami, City of Hialeah, Village of Key Biscayne, Village of Palmetto Bay, City of Miami Springs, Village of Biscayne Park, Village of El Portal, Bal Harbour Village, City of Aventura, Town of Miami Lakes, City of Doral, Town of Surfside, Town of Bay Harbour Islands, North Bay Village, City of Hialeah Gardens, City of Sunny Isles Beach, City of Miami Gardens, City of Opa Locka, City of North Miami, City of North Miami Beach, and Miami Shores Village include a "Public Comment," "Public Remarks," "Comments and Questions," "Requests, Petitions and Public Comments," "Open Forum," or "Good & Welfare" section in their Commission meeting agendas; and

WHEREAS, in order to allow for increased public participation, the City Commission wishes to amend the City Code to provide for an open public comment section; and

WHEREAS, all those who wish to speak must comply with applicable lobbying registration rules; and

WHEREAS, the Ordinance was adopted on first reading at the March 10th City Commission meeting and, with changes, on second reading at the April 21st City Commission meeting; and

WHEREAS, due to the Coronavirus/COVID-19 Pandemic, and in accordance with Resolution No. 2020-74, the April 21st City Commission meeting was held virtually and it came to the City's attention that the platform did not allow certain members of the public to access the meeting; and

WHEREAS, in an abundance of caution, the ordinance is being placed on the May 12th City Commission meeting agenda so as to allow for any member of the public who was unable to speak during the April 21st City Commission meeting to do so and for the Commission's ratification of its adoption of the ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

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 Ordinance upon the adoption hereof.

SECTION 2. The Code of Ordinances of the City of Coral Gables is hereby amended as follows^a:

Chapter 2-ADMINISTRATION

ARTICLE III.-BOARDS, COMMISSIONS, COMMITTEES

Sec. 2-79. - Order of business.

(a) *Official agenda.* There shall be an official agenda for every meeting of the commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the commission shall be conducted in accordance with the official agenda.

(b) *Agenda form; availability; support information.* The agenda shall be prepared by the city clerk in appropriate form approved by the commission. The city clerk shall make available to the commissioners a copy of the agenda before the meeting. Absent an

^a Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline. **Changes between first and second reading are indicated by underline and bold text.**

emergency, all support information for agenda items shall be available no later than three calendar days before the regular meeting, except where other dates are requested by state statute. If the support information is not available, the agenda item shall be removed from the agenda and considered at a later meeting. Consistent with the timeframe requirements as set forth in this subsection, the following shall be posted on the Internet, to the extent possible:

- (1) "The City Commission Agenda," simultaneous with its distribution;
- (2) The supplemental agenda, and any other information related to the upcoming agenda simultaneous with its distribution;
- (3) The city clerk's report and annotation to the agenda immediately after its release by the city clerk, subsequent to the city commission meeting to which it applies.

(c) *Agenda format for regular meeting.* The agenda format for a regular commission meeting shall be in substantially the form as set forth below:

- (1) Call to Order, invocation and pledge of allegiance;
- (2) Presentations and proclamations;
- (3) Open Public Comment;
- (34) Approval of minutes;
- (45) Consent agenda;
- (5) ~~Personal appearances;~~
- (6) Scheduled public hearings;
- (7) City commission items;
- (8) Boards and committee items;
- (9) City manager items;
- (10) City attorney items;
- (11) City clerk items;
- (12) General discussion—commissioners;
- (13) Adjournment.

(d) *Consent agenda.* On the portion of the agenda designated as "consent," all items contained therein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past commission direction or policy. However, any commissioner, the city manager, the city attorney, the city clerk, or, at the request of a member of the public if approved by the chairperson, may withdraw an item from the consent agenda, and it shall then be voted on individually.

(e) ~~*Personal appearances.*~~

- ~~(1) Any citizen shall be scheduled on the agenda of a regular meeting of the commission for presentation of information and material to be considered by the commission, within the scope of its jurisdiction, following the city manager's~~

~~investigation and review of the citizen's issue, or unless otherwise directed by the mayor or a member of the commission.~~

~~(2) No citizen shall be entitled as a matter of right to address the city commission on any matter appearing on the agenda, which is not scheduled as a personal appearance or public hearing unless required by applicable law. Said citizen desiring to speak shall be allowed to speak when permitted to do so by the chairperson, or by a majority of the commission members present.~~

~~(3) The mayor or the chairperson may fix time limits for each individual to address the commission or per side where individuals in a group share the prescribed time period allotted.~~

(e) Open public comment.

(1) An opportunity for open public comment shall be provided at every City Commission meeting. During this portion of the meeting, 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. If the individual wishes to address the City Commission on an item that is on the agenda, the individual shall not be given an opportunity to speak again once the item is called. The City Commission shall take no action on items that are not on the agenda. An individual who wishes to speak during a public hearing where the City Commission is sitting in a quasi-judicial capacity, must speak during the public hearing for that item.

(2) Individuals who speak during the open public comment portion of the meeting shall be given three (3) minutes during which to address the City Commission. That amount of time may be extended by the Mayor, as Chair of the City Commission. At the conclusion of one (1) hour, if the open public comment section of the meeting has not ended, it shall end automatically, in order to proceed with the rest of the agenda. Once the open public comment section of the meeting is closed, it shall not be re-opened.

(3) An individual addressing the City Commission shall state the following, prior to beginning his/her comments:

a. Name;

b. Address;

c. Whether the individual is speaking on his/her own behalf, on behalf of a group of persons, or a third party, or if the person represents an organization.

(4) An individual addressing the City Commission shall comply with the City's Civility Code, as adopted in Resolution No. 2016-279, in addition to all other applicable rules of decorum, including Sections 2-78 and 2-83 of the City Code.

(5) The City Clerk may establish procedures necessary to ensure the orderly conduct of business during the Commission meeting, which may include the requirement that speakers fill out speaker cards prior to being recognized during the open public comment portion of the City Commission meeting.

- (f) *Scheduled public hearings.* Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular commission meetings, public hearings shall be heard no earlier than 9:00 a.m. Individual speakers are encouraged to adhere to a three-minute time limit when speaking on issues scheduled for public hearing. The chairperson has the discretion to either extend or reduce time limits, based on the number of speakers and to set items as time certain.
- (g) *Discussion items by commissioners.* During the portion of the agenda designated as "discussion items by commissioners," assignments shall be given to the city manager, city attorney or city clerk unless objected to by a majority of the commission. The commission shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the commission.
- (h) *Departure from order of business.* Any departure from the order of business set forth in the official agenda shall be made only upon determination of the chairperson or a majority vote of the members of the commission present at the meeting. Except that public comment can only be taken out of order by a majority vote of the City Commission.
- (i) *Placing items on agenda.* Any member of the commission, the city manager, the city attorney, or the city clerk may place an item on the agenda.
- (j) *Additions, deletions, or corrections to agenda.* Deletions or corrections to the agenda may be considered by the commission and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only. Add-on agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the commission only in exigent circumstances, for issues that are time critical or cost sensitive to the city. For such matters, the city manager and city attorney should be consulted in advance of the meeting. If the add-on agenda item is approved by the city manager, the add-on agenda item shall be placed on the agenda, and the agenda coordinator should modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas. Furthermore, the city's web site should be updated to reflect the new agenda. For matters of extreme emergency, a special meeting of the commission may be called in accordance with the provisions of the Charter, upon adequate notice being provided under F.S. § 286.011.
- (k) *Announcing agenda items.* The chairperson shall announce each item on the agenda. The city manager, city attorney or city clerk, or their designees, as appropriate, shall then present the item to the commission.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances and that the sections of this "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its adoption.

PASSED AND ADOPTED THIS 21st DAY OF APRIL, A.D., 2020.

Adopted April 21, 2020

[Moved: Lago

Seconded: Keon

Fors, Keon, Lago, Mena, Valdes-Fauli]

Ratified May 12, 2020

[Moved:

Seconded:

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APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

MIRIAM SOLER RAMOS
CITY ATTORNEY