

4-A)

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING SECTION 2-51 OF THE CODE OF THE CITY OF VERO BEACH RELATING TO THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 2.08 of the Charter of the City of Vero Beach provides that the City Council shall determine its rules and order of business for City Council meetings; and

WHEREAS, the City Council finds that it serves an important municipal purpose as well as the public interest to provide for and maintain such rules to govern City Council meetings, agendas, and the order of business for City Council meetings in order to facilitate and encourage the orderly and efficient conduct and progression of City Council meetings; and

WHEREAS, section 2-51 of the Code of Ordinances provides such rules for the order of business for City Council meetings and meeting agendas; and

WHEREAS, the City Council desires to update and amend said section 2-51 in order to modify the manner of establishing the City Council's order of business to provide more administrative flexibility in adoption, amendment, and application of the City Council's order of business and meeting agendas,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA:

SECTION 1 – ADOPTION OF “WHEREAS” CLAUSES.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Ordinance.

SECTION 2 – AMENDMENT OF SECTION 2-51.

The Code of the City of Vero Beach, Chapter 2, Administration, Article II, City Council, Division 2, Meetings, section 2-51 is hereby amended to read as follows:

[CODING: Words stricken are deletions; words underlined are additions].

Chapter 2 ADMINISTRATION

ARTICLE II. – CITY COUNCIL

DIVISION 2. MEETINGS

Sec. 2-51. Order of business.

The order of business for council meetings shall generally be as established by council resolution and shall appear on the meeting agenda generally as follows: substantially in the form adopted in such resolution.

~~The order of business shall appear on the agenda generally as follows:~~

~~Council invocation and pledge of allegiance.~~

~~(1) Call to order.~~

~~a. Roll call.~~

~~(2) Preliminary matters.~~

~~a. Agenda additions, deletions, and adoption.~~

~~b. Proclamations.~~

~~c. Public comment.~~

~~(3) Consent agenda.~~

~~(The matters listed on the consent agenda will be acted upon by the city council in a single vote unless any councilmember or a member of the public requests that any specific item be considered separately.)~~

~~(4) Public hearings.~~

~~a. Ordinances.~~

~~b. Resolutions.~~

~~(5) Ordinances and resolutions for first reading by title (future public hearing required).~~

~~(6) City clerk's matters.~~

~~(7) City manager's matters.~~

~~(8) City attorney's matters.~~

~~(9) City council matters.~~

~~a. Old business.~~

~~b. New business.~~

~~(10) Individual councilmembers' matters.~~

~~a. Mayor's matters~~

~~1. Correspondence.~~

~~2. Committee reports.~~

~~3. Comments.~~

~~b. Vice mayor's matters.~~

~~1. Correspondence.~~

~~2. Committee reports.~~

~~3. Comments.~~

~~c. Councilmember _____'s matters.~~

~~1. Correspondence.~~

~~2. Committee reports.~~

~~3. Comments.~~

~~d. Councilmember _____'s matters.~~

~~1. Correspondence.~~

~~2. Committee reports.~~

~~3. Comments.~~

~~e. Councilmember _____'s matters.~~

~~1. Correspondence.~~

~~2. Committee reports.~~

~~3.—Comments.~~

~~(11)—Adjournment.~~

SECTION 3 – CONFLICT AND SEVERABILITY.

In the event any provision of this Ordinance conflicts with any other provision of the Code or any other ordinance or resolution of the City, the provisions of this Ordinance shall apply and govern on the subject matter of this Ordinance. If any provision, phrase, or portion of this Ordinance or application thereof to any person or circumstance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

SECTION 4 – CODIFICATION.

The City Clerk shall cause the amendments provided for in this Ordinance to be codified in the Code of the City of Vero Beach, Florida.

SECTION 5 – EFFECTIVE DATE.

This Ordinance shall become effective immediately upon final adoption by the City Council.

This Ordinance was read for the first time on the ___ day of _____ 2016 and was advertised on the _____ day of _____ 2016, for a public hearing to be held on the ___ day of _____ 2016, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote of the City Council:

Mayor Jay Kramer	_____
Vice-Mayor Randolph B. Old	_____
Councilmember Pilar E. Turner	_____
Councilmember Richard G. Winger	_____
Councilmember Harry Howle III	_____

ATTEST:

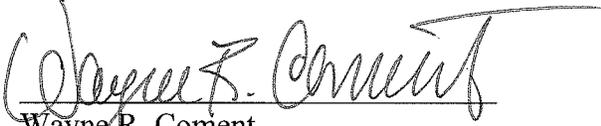
CITY OF VERO BEACH, FLORIDA

Tammy K. Vock
City Clerk

Jay Kramer
Mayor

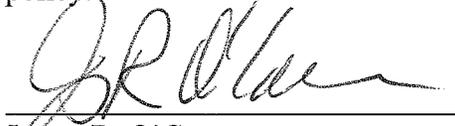
[SEAL]

Approved as to form and legal
sufficiency:



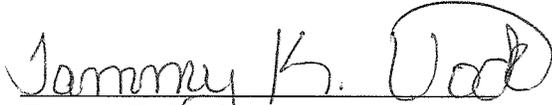
Wayne R. Coment
City Attorney

Approved as conforming to municipal
policy:



James R. O'Connor
City Manager

Approved as to technical requirements:



Tammy K. Vock
City Clerk

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, ADOPTING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS AND RELATED SUPPLEMENTAL RULES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council finds that it serves an important municipal purpose as well as the public interest to provide for and establish an organized order of business for City Council meetings in order to facilitate and encourage the orderly and efficient conduct and progression of City Council meetings; and

WHEREAS, the City Council finds the order of business established herein and adopted hereby will promote the procedural needs for the orderly and efficient conduct of the business of the City by the City Council while also serving the public desire and need for participation in their local government,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:

Section 1 – Adoption of “Whereas” Clauses.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Resolution.

Section 2 – Order of Business for City Council Meetings.

The order of business for City Council meetings shall generally be as provided herein and shall appear on the meeting agenda in substantially the following form:

**CITY OF VERO BEACH, FLORIDA
REGULAR CITY COUNCIL MEETING
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

A G E N D A

Council invocation* and Pledge of Allegiance.

1. CALL TO ORDER.

A. Roll call.

2. PRELIMINARY MATTERS.

A. Agenda additions, deletions, and adoption.

B. Proclamations and recognitions by Council.

(1) _____.

C. Special reports and information items.

(1) _____.

D. Presentation items by the public.

3. CONSENT AGENDA.

A. City Council Meeting Minutes – _____.

B. _____.

[The matters listed on the consent agenda will be acted upon by the City Council in a single vote unless a Councilmember or a member of the public requests that a specific item be considered separately].

4. PUBLIC HEARINGS.

A. ORDINANCES.

(1) _____.

B. RESOLUTIONS.

(1) _____.

5. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING.

A. _____.

6. CITY CLERK MATTERS.

A. _____.

7. CITY MANAGER MATTERS.

A. _____.

8. CITY ATTORNEY MATTERS.

A. _____.

9. PUBLIC COMMENT.

10. CITY COUNCIL MATTERS.

A. Old Business.

(1) _____.

B. New Business.

(1) _____.

11. COUNCILMEMBER MATTERS.

A. Mayor _____ Matters.

- (1) Correspondence.
- (2) Committee Reports.
- (3) Comments.

B. Vice Mayor _____ Matters.

- (1) Correspondence.
- (2) Committee Reports.
- (3) Comments.

C. Councilmember _____ Matters.

- (1) Correspondence.
- (2) Committee Reports.
- (3) Comments.

D. Councilmember _____ Matters.

- (1) Correspondence.
- (2) Committee Reports.
- (3) Comments.

E. Councilmember _____ Matters.

- (1) Correspondence.

- (2) Committee Reports.
- (3) Comments.

12. ADJOURNMENT.

ADDITIONAL MEETING INFORMATION

Public participation. Except for those matters specifically exempt pursuant to law, the Council will provide an opportunity for public comment prior to the undertaking by the Council of final action on an agenda item, including those matters on the consent agenda, as well as any other proposition on which the Council is to take action that was not listed on the Council agenda.

Addressing the council generally. After first securing permission from the presiding officer, any person may address the council, in the manner specified herein at the appropriate times where oral communication is permitted as provided in the order of business appearing on the agenda adopted for the meeting.

Manner of addressing council; time limit. Each person recognized by the presiding officer and granted leave to address the council shall step up to the microphone and state his or her name and address for the record. On specific agenda matters, speakers shall confine their remarks to the subject of the agenda matter then under discussion by the council. Unless further time is granted by majority vote of the council, members of the public shall limit their address to three minutes during the public comment section of the meeting. All remarks shall be addressed to the council as a body and not to any individual member thereof, nor to members of the audience. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked a councilmember except through the presiding officer. The presiding officer may limit immaterial, unnecessary, or redundant comments, presentations, or requests. Once a motion is made by a councilmember, no person from the audience shall address the council.

Meeting decorum. No person shall make any personal, impertinent, slanderous, obscene, profane, inflammatory, untruthful, irrelevant, or immaterial remarks, or become boisterous while in the council chambers, or incite violence or fighting, or otherwise disturb the meeting, whether or not while addressing the council. Heckling or verbal outbursts in support or opposition to a speaker or his or her remarks and displays of anger, rudeness, ridicule, impatience, lack of respect, and personal attacks shall be prohibited.

Record for appeal. This is a public meeting. If a person decides to appeal a decision made by the Council with respect to any reviewable matter considered at such meeting, he or she will need a record of the proceedings, and for such purpose, he or she is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with special needs. Anyone who needs a special accommodation for this meeting may contact the City's Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

**Invocation.* An invocation that may be offered before the official start of the Council meeting is and shall be the voluntary offering of a private citizen to and for the benefit of the Council pursuant to Resolution No. 2013-30. The views and beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief by the Council or the City. No person in attendance at the meeting is or shall be required to participate in any invocation and such decision whether or not to participate will have no impact on his or her right to actively participate in the public meeting.

Meeting televised and recorded. Council meetings may be broadcast live, recorded, and replayed on Comcast cable channel 13 and on the City's website www.covb.org and other websites.

Section 3 – Modification of Order of Business.

By City Council. The order of business appearing on the agenda for a meeting may be modified or adjusted as deemed appropriate by vote of the Council at such meeting. In addition, the City Council may modify or adjust its order of business for any future meeting by vote of the Council as deemed appropriate for the circumstances.

By City Clerk. The city clerk is authorized to modify or adjust the order of business and agenda for special Council meetings as the circumstances and subject matters of such meeting may reasonably dictate.

Section 4 – Supplemental Rules for Public Presentations and Comment.

The following rules related to public presentations and public comment at Council meetings are adopted and shall be in addition and supplemental to all other applicable Code provisions, ordinances, rules, and regulations regarding public participation at Council meetings:

Presentations by the public. Any person or organization desiring more than the time allowed for general public comment in order to make a formal presentation for Council consideration or for potential future Council action shall complete and file with the city clerk a presentation request form requesting to have such matter placed on a council meeting agenda. All such requests shall specify the amount of time reasonably necessary for the presentation and must concern a subject matter over which the council may lawfully exercise control or take action or that is of special interest to the city or council. Each presentation request shall require approval or sponsorship by a councilmember prior to being placed under presentation items on the agenda and may be subject to time limitation. It shall be the responsibility of the requestor to obtain such approval or sponsorship. Regular agenda item deadlines shall apply. Any request to make a presentation not obtaining councilmember approval or sponsorship may be placed on the agenda under general public comment at the option of the requestor.

General public comment. Any person desiring to address the Council during the general public comment section of a council meeting may complete and file with the city clerk a written request to speak prior to commencement of the meeting. Those persons having timely filed a written request shall be given preference in determining the order of speaking. The time limit specified in Code section 2-54 shall apply.

Section 5 – Conflict and Severability.

In the event any provision of this Resolution conflicts with any other resolution of the City Council, the provisions of this Resolution shall apply and govern on the subject matter of this Resolution. If any provision, phrase, or portion of this Resolution or application thereof to any person or circumstance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the

remaining portions of this Resolution, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

Section 6 – Effective Date.

This Resolution shall become effective upon adoption by the City Council.

This Resolution was heard on the _____ day of _____ 2016, at which time it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote:

Mayor Jay Kramer _____
Vice-Mayor Randolph B. Old _____
Councilmember Pilar E. Turner _____
Councilmember Richard G. Winger _____
Councilmember Harry Howle III _____

ATTEST:

**CITY COUNCIL
CITY OF VERO BEACH, FLORIDA**

Tammy K. Vock
City Clerk

Jay Kramer
Mayor

[Seal]

Approved as to form and legal
sufficiency:

Approved as conforming to municipal
policy:

Wayne R. Coment
City Attorney

James R. O'Connor
City Manager

Approved as to technical requirements:

Tammy K. Vock
City Clerk