

**CURRENT LANGUAGE:**

**Sec. 2-26. Days and time for regular meetings.**

The council shall meet regularly on the first and third Tuesdays of each month at 7:00 p.m. When the time for any regular meeting of the council falls on a holiday or New Year's Eve, the meeting shall be held at the same hour on the first next day which is not a holiday

**PROPOSED LANGUAGE:**

Sec. 2-26. Days and time for regular meetings.

The **City Council** shall meet in **City Hall** on the first and third Tuesdays of each month at 7:00 p.m. **or another time designated by the Council with notice in accordance with applicable law.** When the time for any regular meeting of the **Council** falls on a holiday or New Year's Eve, the meeting shall be held at the same hour on the first next day which is not a holiday **or another time designated by the Council with notice in accordance with applicable law.**

**DESCRIPTION:**

This change takes into account the notice required under the Open Meetings Law and the past practice of a resolution designating the rescheduling of meetings due to holidays.

**CURRENT LANGUAGE:**

**Sec. 2-27. Adjourned meetings.**

A regular meeting may be adjourned to any hour and day certain prior to the next regular meeting.

**PROPOSED LANGUAGE:**

Sec. 2-27. Adjourned **and cancelled** meetings

- (a) **A regular meeting may be adjourned to any hour and day certain prior to the next regular meeting, and shall be noticed in accordance with applicable law.**
  
- (b) **A regular meeting may be cancelled by the City Manager or Council President for the reason(s) of:**
  - 1. **Hazardous conditions that may risk public safety, including but not limited to, hurricane, blizzard, flood, earthquake, fire, and black out;**
  - 2. **Lack of quorum of council members;**
  - 3. **No items on the calendar to be voted on by the council.**
  
- (c) **If the cancelled meeting is rescheduled it shall be noticed in accordance with applicable law**

**DESCRIPTION:**

This addresses situations in which we have cancelled meetings in the past and takes into account the notice required under the Open Meetings Law

**CURRENT LANGUAGE:**

**Sec. 2-28. Place of regular meetings.**

All regular meetings of the council shall be held in the city hall.

**PROPOSED LANGUAGE:**

Sec. 2-28. Place of regular meetings

All regular meetings of the council shall be held in the city hall **unless otherwise specified by motion or resolution.**

**DESCRIPTION:**

This would give the City Council the flexibility to hold a meeting outside of City Hall. Currently it is restricted to only City Hall.

**CURRENT LANGUAGE:**

**Sec. 2-29. Preparation of calendar.**

- (a) Upon delivery to the city clerk of resolutions, ordinances, local laws, motions or other matters, the city clerk shall prepare a calendar setting forth the items and matters to be acted upon at the council meeting and shall cause a copy of the calendar to be delivered to each councilman or left at their homes not later than two (2) business days before the council meeting, except that a special meeting may be called in accordance with the provisions of section 72 of the Charter.
- (b) No other business shall be added to the calendar except upon unanimous consent of the members of the council present.

**PROPOSED LANGUAGE:**

Sec. 2-29. Preparation of calendar

- (a) Upon delivery to the **City Clerk** of resolutions, ordinances, local laws, motions or other matters, the City Clerk shall prepare a calendar setting forth the items and matters to be acted upon at the **regular** meeting and shall cause a copy of the calendar to be delivered to each **Council member in person or by leaving a copy at the Councilmember's home**, not later than two (2) business days before the council meeting. **Notwithstanding the provisions of this subsection**, a special meeting may be called in accordance with the provisions of section 72 of the Charter.
- (b) **After delivery of the final version of the calendar to the Council**, no other business shall be added to the calendar except upon unanimous consent of the Councilmembers present.

**DESCRIPTION:**

Section (a) is just a cleanup of language

Section (b) codifies the long standing practice of FINALIZING the agenda upon delivery to the council

**CURRENT LANGUAGE:**

**Sec. 2-30. Order of business.**

At each meeting of the council, the business of the council shall be taken up for consideration and disposition in the following order:

- (a) *Roll call.* Before proceeding with the business of the council, the roll of the members shall be called and the names of those present shall be entered in the minutes.
- (b) *Approval of the minutes of the previous meeting.* Unless a reading of the minutes of a council meeting is requested by a member of the council, the minutes may be approved without reading if the city clerk has previously furnished each member with a synopsis thereof.
- (c) *Calendar items.*
- (d) *Such other items as may be properly before the council.*
- (e) *At the conclusion of every regular scheduled meeting of the City Council, a "Good and Welfare" session shall be held affording individuals present at the meeting an opportunity to speak and be heard before the Council for a period of three (3) minutes on matters relating to the City.*

**PROPOSED LANGUAGE:**

**Sec. 2-30. Order of business**

**At each meeting of the Council, the business of the Council shall be taken up for consideration and disposition in the following order:**

- (a) The presiding officer shall call the meeting to order with the assistance of the City Clerk.**
- (b) Roll call and preliminary matters. Before proceeding with the business of the Council, the roll of the members shall be called and the names of those present shall be entered in the minutes. Thereafter, any applicable reports or updates from the City Manager may be presented.**
- (c) Public hearings. Public comment on these items are permitted with the permission of the presiding officer in accordance with the time limitations and guidelines set forth in the rules of order.**
- (d) Calendar items. During the call and presentation of the calendar items, only Councilmembers, presenting individuals, and those with the permission of the presiding officer, in accordance with the guidelines set forth in the rules of order, may speak, except for items on for publication only. At the conclusion of the presentation of the calendar item, the public may comment subject to the time constraints and guidelines set forth in the rules of order, except for items on for publication only or the designating of the President and Vice President of the Council.**
- (e) Voting on calendar items. At the conclusion of the calendar presentation, debate on the calendar items, and public comment, the City Clerk shall call the calendar items for voting. The City Council shall then proceed in accordance with the rules of order.**

(f) **Such other items as may be properly before the Council.**

(g) **At the discretion of the City Clerk, any items may be called out of order in the interest of time or other constraints.**

**DESCRIPTION:**

The original section was very sparse. This re-write takes into account our long standing practices and the open meetings law.

For subsection (c) – Public comment is REQUIRED under state law at public hearings. This language sets forth that it is up to the Presiding Officer to call individuals up to speak.

For subsection (d) – This essentially splits each item into two “periods”. The “internal” period includes the City Manger (or designee) to describe the item. It also allows for staff, consultants or other officials to speak or answer questions. The Council Members may then ask their questions. The “public comment period” allows for any member of the public to speak for three (3) minutes (as defined in the rules of order). As has been our long standing practice, there is no comment for publication only items and for the selection of President and Vice President.

For subsection (g) – This codifies our long standing practice of calling items out of order when needed. For example, if we have a consultant that we are paying by the hour we may wish to call the item earlier than originally scheduled.

For the former subsection (e) (Good and Welfare): This will be moved to a new section 2-35

**PROPOSED AMENDMENTS:**

Change subsection (c) to read:

“(c) Public Hearings. Public comment shall be held, unless otherwise noted in applicable law. The Presiding Officer shall call upon individuals wishing to speak. Those individuals shall address the Council in accordance with the time limitations and guidelines set forth in the rules of order.”

Add subsection h:

“(h) Motion to close. “

**CURRENT LANGUAGE:**

Sec. 2-31. Rules of order

(g) *Persons other than members addressing the council.*

(1) Any person desiring to address the council concerning any item on the calendar shall first secure the permission of the presiding officer therefor, and shall address the council prior to the calling of the calendar.

(2) Each person addressing the council shall step up to the front of the rail, shall give his name and address in an audible tone of voice for the record and, unless further time is granted by the council, shall limit his remarks to three (3) minutes. All remarks shall be confined to the item under discussion and shall be addressed to the council as a body and not to any member thereof. No person, other than members of 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 councilman except through the presiding officer.

**PROPOSED LANGUAGE:**

(g) *Persons other than members addressing the Council.*

(1) **During the public comment portion of a meeting**, any person desiring to address the **Council regarding any** calendar **item** shall first secure the permission of the presiding officer, and shall address the Council prior to the **voting on** the calendar.

(2) Each person addressing the **Council** shall step up to the front of the rail, shall give **their** name and may **optionally** give their address in an audible tone of voice for the record and, unless further time is granted by the **Presiding Officer, shall have three (3) minutes in total. During the public comment portion of the meeting**, all remarks shall be confined to the items under discussion and shall be addressed to the Council as a body and not to any member thereof. No person, other than members of 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 **Councilperson** except through the presiding officer.

(h) *Preservation of decorum.*

(1) *By Council members.* While the **Council** is in session, the members shall preserve order and decorum, and a member shall not by conversation or otherwise, delay or interrupt the proceedings or the peace of the **Council** or disturb any member while speaking or refuse to obey the orders of the **Council** or its presiding officer, except as otherwise provided in this division.

(2) *By persons other than Council members.* Any person making personal, impertinent or slanderous remarks or who shall become boisterous **or cause a disturbance** or who shall refuse to obey an order of the presiding officer shall be forthwith barred from further appearance before the

**Council**, unless permission to continue is granted by a majority vote of the **Council**.

- (3) *Enforcement of decorum.* **The Commissioner of Police, or his/her designee**, shall be sergeant-at-arms of the **Council** meetings. **He/she** shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the **Council** meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, the complaint for which prosecution shall be signed by the presiding officer.
- (4) *Persons authorized to be within rail.* No person shall be permitted within the rail in the Council chamber without the express consent of the **Presiding Officer**.

### **DESCRIPTION:**

Most of the changes in this section are just cleanup of language and capitalizations.

In g(1) – the public comment portion is any time the public is allowed to speak during a hearing or a calendar item.

In g(2) – We added the **optionally** language since due to previous harassment issues we no longer require the address. The name is still required so we can properly address the individual and note them in the minutes.

Again the public comment period is any time the public is allowed to speak during a hearing or a calendar item. This allows for the individual to speak for three minutes, not including any time taken by the Council. So if the Council speaks, the timer stops.

In h(2) – the language “**cause a disturbance**” was added in order to better maintain order in the meetings

In h(4) – the language “the express consent of the council” was changed to “the express consent of the **Presiding Officer**” since it is the Presiding Officer that runs and controls the meeting.

### **PROPOSED AMENDMENTS:**

In subsection (h)(2) Change “and cause him to be prosecuted” to “and case the individual to be prosecuted”



**CURRENT LANGUAGE:**

NONE

**PROPOSED LANGUAGE:**

- (k) ***Block Voting:*** All or any portion of items on the calendar may be voted together if:
- (1) A council member shall make a motion to either block vote the entire calendar, or specifies the specific items to be block voted; and
  - (2) Upon receiving a second to the motion a roll call vote shall be taken by the City Clerk. The motion shall only pass if there is a unanimous vote of the members present in the affirmative. The motion shall fail if there are any negative votes or abstentions and the items shall then be recalled for a vote individually.

Upon the passing of the motion, each item in the block shall be recorded with the voting result from the motion.

**DESCRIPTION:**

The procedure for block voting was never defined and has caused some confusion in the past. This sets a defined procedure

**CURRENT LANGUAGE:**

NONE

**PROPOSED LANGUAGE:**

**Sec. 2-34. Work Sessions.**

**The Council may hold work sessions, informal meetings, or committee meetings the convening of which constitute at least a quorum; however, no final action may be taken at such a meeting, unless the meeting notice states that action may be taken. Work sessions of the Council may be held upon the call of the president or Vice President of the Council or any three Councilmembers and also as may be provided by resolution or rule. The work session shall be open to the public, but public comment is not required. Work sessions shall be noticed in accordance with applicable law**

**DESCRIPTION:**

We started holding City Council work Sessions in 2020 and we have solely relied on the requirements set forth in the Open Meetings Law. This defines a procedure for calling a work session that is similar to calling a special meeting

**CURRENT LANGUAGE:**

**Sec. 72. Special meetings.**

Special meetings of the council may be held upon call of the president or temporary president of the council or any three councilmen and also as may be provided by resolution or rule. Notice of all special meetings shall be given by delivering personally to each member, or leaving at his residence, at least twelve hours before each such meeting a written notice thereof, signed by the person or persons calling the same. Such notice shall specify the object of such meeting and no other business shall be transacted except upon unanimous consent of all the members of the council.

**PROPOSED LANGUAGE:**

“Sec. 72. Special meetings.

Special meetings of the **Council** may be held upon call of the president or **vice president** of the council or any three **Councilmembers** and also as may be provided by resolution or rule. Notice of all special meetings shall **be given in accordance with applicable law and given by delivering such notice personally to each Councilmember, in paper or electronic format or leaving at his/her residence**, at least twelve hours before each such meeting. Such notice shall be signed by the person or persons calling the **special meeting** shall specify the object of such meeting, **and no** other business shall be transacted.”

**DESCRIPTION:**

This cleans up much of the language in the section. It also allows for electronic delivery of the agenda for a special meeting since in an urgent or emergency situation there may be time constraints.

The last section “except upon unanimous consent of all the members of the council.” Was removed because it does not fit proper practice under the open meetings law, when a special (or emergency) meeting is called, it should only be for the subject matter that it was called for.

**NEW SECTION TO BE ADDED:**

**“Sec. 2-35. Good and Welfare.**

**At the conclusion of a regular scheduled meeting of the City Council, a “Good and Welfare” session may be held affording individuals present at the meeting an opportunity to speak and be heard before the Council for a period of three (3) minutes on matters relating to the City..”**