

RESOLUTION NO. 98-331

A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF KEY WEST, FLORIDA, ADOPTING RULES OF  
PROCEDURE FOR CITY COMMISSION MEETINGS;  
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in consideration of providing order to City Commission meetings, and in consideration of the Sunshine Law and Due Process, the City Commission desires to set forth rules of procedure pertaining to the conduct of its public meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That this Resolution shall supersede Resolutions No. 86-223, 88-286 and 89-520.

Section 2: Meeting Procedures.

(a) All meetings of the City Commission shall follow the rules set forth in this Resolution.

(b) The Mayor shall preside and preserve order at the Commission meeting and, in the Mayor's absence, the Mayor Pro Tem shall preside and preserve order. The Mayor shall call for motions and state the result of votes. The Mayor shall decide any question of order.

(c) The meeting shall be conducted consistent with Robert's Rules of Order, except insofar as its rules are superseded as provided in this Resolution.

Section 3: City Commissioner Comment.

(a) A member sponsoring an agenda item may have the privilege to introduce the item and may also have the privilege of making the final comment on the motion.

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(b) Before speaking, a member shall ask to be recognized by the presiding officer. A member shall limit his or her remarks to five (5) minutes per agenda item. By majority vote, the City Commission may increase a members remarks beyond five (5) minutes.

(c) Except in a quasi-judicial hearing as provided herein, discussion of an individual agenda item shall be limited to one (1) hour.

(d) In addition to Ordinances and Resolutions, an agenda may include Discussion items and Presentations. There is no public comment on a Discussion item or a Presentation. Presentations shall be limited to fifteen (15) minutes. By majority vote, the City Commission may waive the restrictions on public comment contained herein.

**Section 4: Public Comment.**

(a) Each person wishing to address the City Commission shall identify the specific agenda item to be addressed on a form provided by the City Clerk. Requests to speak on an item shall be recognized in the order they are received.

(b) Members of the public addressing the City Commission shall observe order and decorum, including the confining of remarks to the item at hand. A person engaged in disorderly conduct in the Commission chambers may be removed upon a complaint of the presiding officer to the police.

(c) Public comment shall be limited to three (3) minutes per speaker.

(d) For an item wherein there is an application for a City contract, lease or regulatory approval, the applicant may make a

presentation prior to other public comment for five (5) minutes. After public comment closes, the City Commission may call back the applicant or a member of the public to the podium for further comment or to answer a City Commissioner's question.

(e) By majority vote, the City Commission may waive the time limits prescribed in this Section 4 in increments of one minute.

(f) Public comment time limits set forth in this Section 4 shall be applicable to quasi-judicial hearings of the City Commission, except that time limits of parties and witnesses shall be waived by the presiding officer in order for complete, relevant testimony to be presented.

**Section 5: Meeting; Agenda.**

(a) Regular meetings of the City Commission shall occur on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month. A variation of this regular schedule shall be established by Resolution. The City Commission will not meet on an election day. If a Commission meeting falls on an election day, it will be rescheduled for the following day, and if on that Wednesday a Board of Adjustment meeting is scheduled, then it shall be rescheduled to the following day.

(b) The City Commission may hold a workshop at any time. Workshops shall be advertised to the public. No quorum is required to hold a workshop. The procedures set forth in this Resolution shall govern the conduct of a workshop, unless otherwise determined by the City Commission at the time.

(c) The Mayor or a City Commissioner, the City Manager or the City Attorney may place an item on an agenda of a regularly scheduled meeting. The sponsor of the item shall meet the City

Clerk's deadline for receiving the item by 5 p.m. on the Tuesday before the meeting. Late items may be added only by a unanimous vote of the City Commission to be taken at the beginning of the meeting, and only where the item is not required to be advertised by law or ordinance.

(d) Agenda items shall be submitted for any special meeting as required by the City Charter.

Section 6: Quasi-judicial Hearings. The following sets forth hearing procedures to be used when a land use matter or other matter requires the City Commission to sit in its quasi-judicial capacity:

- (a) Mayor opens public hearing.
- (b) City Clerk confirms advertisement/notice.
- (c) City Clerk swears in all persons who intend to give testimony. If a person is not sworn in due to late arrival, he or she is sworn in at the time of giving testimony.
- (d) Applicant's presentation (including witnesses, if any).  
If there are exhibits to be introduced, they are entered with and numbered by the City Clerk. (City Commissioners may ask questions at any time during proceedings.)
- (e) City's cross-examination of applicant, if any.
- (f) If no cross-examination, then City staff presentation (including witnesses and exhibits, if any).
- (g) Applicant's cross-examination of City staff or witnesses, if any.

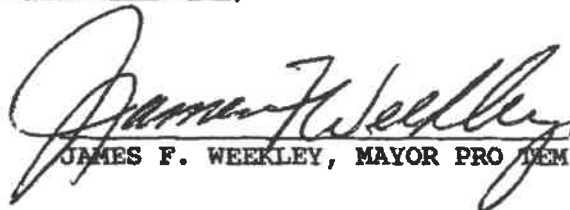
- (h) Public comment (including exhibits).
- (i) Applicant's rebuttal to public comment.
- (j) Close public hearing. City Commission discussion and vote -- decision to be based on substantial competent evidence.

Section 7: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

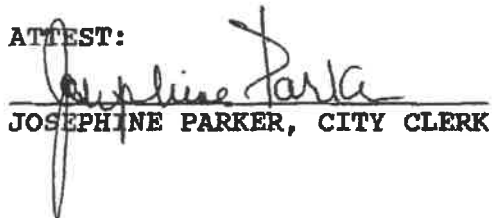
Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ 1st \_\_\_\_\_ day of September \_\_\_\_\_, 1998.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ September 8 \_\_\_\_\_, 1998.

Filed with the Clerk \_\_\_\_\_ September 8 \_\_\_\_\_, 1998.

  
JAMES F. WEEKLEY, MAYOR PRO TEM

ATTEST:

  
JOSEPHINE PARKER, CITY CLERK

SEP 10 1998