

RESOLUTION NO. 19-069

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING AMENDED RULES OF PROCEDURE FOR CITY COMMISSION MEETINGS; PROVIDING THAT THIS RESOLUTION SUPERCEDES PRIOR RESOLUTIONS REGARDING 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, 89-520, 98-331, 08-063 and 10-021.

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 Vice Mayor

shall preside and preserve order. The Mayor shall call for motions and state the result of the 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(c) The meeting shall be conducted consistent with Robert's Rules of Order, except insofar as its rules are superseded as provided in this Resolution.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.

(b) Any Commission member desiring to speak shall address the presiding officer and upon recognition shall confine his or her comments to the question or matter under consideration. A member shall limit his or her remarks to five (5) minutes per agenda item. By majority vote, the City Commission may increase a member's 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 ten (10) 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. The Clerk shall call the name of the current speaker, and the name of the next speaker thereafter. Speakers shall promptly appear at the podium to address the Commission. Subsequent speakers shall situate themselves in reasonably close proximity to the podium in order to begin their comments upon conclusion of the speaker before them.

(b) Members of the public addressing the City Commission shall observe order and decorum, including the confining of remarks to the item at hand. All speakers must address their comments to the presiding officer rather than individual Commission members or staff. 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) The Clerk shall provide the members of the Commission with copies of all letters received on any particular matter, with a note regarding the specific agenda item to which it relates.

(e) 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.

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

(g) 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 Times and Dates.

(a) Regular meetings of the City Commission shall occur on the 1st and 3rd 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.

(b) Regular meetings of the City Commission shall begin at 5 p.m. No agenda item shall begin after 10 p.m. Commission meetings shall be advertised in a manner to provide that if the meeting is not completed within the time limits provide herein, the Commission shall recess until 5 p.m. the following day, or the same day as the case may be, to complete its business and that of the CRA and IRA, if applicable.

(c) 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.

Section 6: **Agenda.**

(a) The Mayor, a City Commissioner, the City Manager or the City Attorney may place an item on an agenda of a regularly scheduled meeting. Items not contained on the Agenda initially finalized by the Clerk may be added only upon 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.

(b) That the City Clerk shall provide all pertinent agenda information to the Mayor and City Commissioners at least one week prior to all regularly scheduled Commission meetings.

(c) That the City Clerk shall provide all pertinent agenda information to the Mayor and City Commissioners at least one week prior to all specially scheduled Commission meetings if sufficient time between the calling of such meeting and the actual holding of the meeting so allows. If the time does not permit, the City Clerk shall provide such materials as soon as possible to allow sufficient review.

(d) The City Manager and City Attorney are directed to develop timelines to facilitate adequate internal review in assisting the City Clerk to meet the deadlines specified in this resolution. Such timelines shall include providing information to the City Clerk nine days prior to the Commission meeting.

Section 7: That this Resolution shall supercede prior Commission meeting procedure Resolutions and 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 20th day of February, 2019.

Authenticated by the Presiding Officer and Clerk of the Commission on 21st day of February, 2019.

Filed with the Clerk on February 21, 2019.

Mayor Teri Johnston	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Absent</u>

ATTEST:


CHERYL SMITH, CITY CLERK


TERI JOHNSTON, MAYOR

RESOLUTION NO. 10-021

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, 89-520, 98-331 and 08-063.

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 Vice Mayor 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 or ordinances of the City of Key West.

Section 3: City Commission 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.

(b) Any Commission member desiring to speak shall address the Presiding officer and upon recognition shall confine his or her comments to the question or matter under consideration. A member shall limit his or her remarks to five (5) minutes per agenda item. By majority vote, the City Commission may increase a member's remarks beyond five (5) minutes.

(c) Except in a quasi-judicial hearing as provided herein, the Commission shall attempt to limit discussion of an individual agenda item 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. Unless a longer period is permitted by majority vote of the Commission, 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. The Clerk shall call the name of the current speaker, and the name of the next speaker thereafter. Speakers shall promptly appear at the podium to

address the Commission. Subsequent speakers shall situate themselves in reasonably close proximity to the podium in order to begin their comments upon conclusion of the speaker before them.

(b) Members of the public addressing the City Commission shall observe order and decorum, including the confining of remarks to the item at hand. All speakers must address their comments to the presiding officer rather than individual Commission members or staff. 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) The Clerk shall provide the members of the Commission with copies of all letters received on any particular matter, with a note regarding the specific agenda item to which it relates. ~~The Mayor or any Commissioner may request that a letter be read during discussion of the Agenda item. Should the Clerk read such a letter, it~~ Letters read by the Clerk shall be subject to the time limits set forth in this section.

(e) 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.

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

(g) 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 Times and Dates.

(a) Regular meetings of the City Commission shall commence on the 1st and 3rd Tuesday 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.

(b) ~~Unless determined by the City Manager as provided herein, or upon prior determination of the City Commission, regular meetings of the City Commission shall begin at 6 p.m. No agenda item shall begin after 11 p.m. However, by majority vote of the Commission, the meeting may be extended so no agenda item commences after 12 a.m. Commission meetings may be advertised in a manner to provide that if the meeting is not completed by 11 p.m. within the time limits provided herein, the Commission shall recess until 6 p.m. the following day, or the same day as the case may be, to complete its business. When the City Manager reasonably believes a Commission meeting may extend past 11 p.m., he or she is authorized, with prior notice to the Commission members, to~~

~~advertise the meeting to begin at 5 p.m.~~

(c) 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.

Section 6: Agenda.

(a) The Mayor, a City Commissioner, the City Manager or the City Attorney may place an item on an agenda of a regularly scheduled meeting. Items not contained on the Agenda initially finalized by the Clerk may be added only upon 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.

(b) That the City Clerk shall provide all pertinent agenda information to the Mayor and City Commissioners at least one week prior to all regularly scheduled Commission meetings.

(c) That the City Clerk shall provide all pertinent agenda information to the Mayor and City Commissioner at least one week prior to all specially scheduled Commission meetings if sufficient time between the calling of such meeting and the actual holding of the meeting so allows. If the time does not permit, the City Clerk shall provide such materials as soon as possible to allow sufficient review.

(d) The City Manager and City Attorney are directed to develop timelines to facilitate adequate internal review in assisting the City Clerk to meet the deadlines specified in this resolution. Such timelines shall include providing information to the City Clerk nine days prior to the Commission meeting.

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 19 day of January, 2010.

Authenticated by the presiding officer and Clerk of the Commission on January 21, 2010.

Filed with the Clerk January 21, 2010.

ATTEST:


CHERYL SMITH, CITY CLERK


MARK ROSSI, VICE MAYOR

RESOLUTION NO. 08-063

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE PROCEDURE FOR RECEIPT OF CITY COMMISSION MEETING MATERIALS FROM THE CITY CLERK; DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO ESTABLISH TIMELINES TO ASSIST THE CITY CLERK; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, it is essential to the citizens of Key West that their elected officials have sufficient time to review, analyze and thoughtfully consider all aspects of matters upon which the City Commission is asked to vote; and

WHEREAS, currently the City Commission generally receives the agenda and materials regarding a Commission meeting on the Thursday immediately preceding the Tuesday meeting; and

WHEREAS, providing the information further in advance of a Commission meeting will allow greater opportunity for a more thorough review by the Commission as well as members of the general public;

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

Section 1: That the City Clerk shall provide all pertinent agenda information to the Mayor and City Commissioners at least one week prior to all regularly scheduled Commission meetings. Directing the procedure for receipt of a complete and legible City Commission material.

Section 2: That the City Clerk shall provide all pertinent agenda information to the Mayor and City Commissioners at least one week prior to all specially scheduled Commission meetings if sufficient time between the calling of such meeting and the actual holding of the meeting so allows. If time does not permit, the City Clerk shall provide such materials as soon as possible to allow sufficient review.

Section 3: The City Manager and City Attorney are directed to develop timelines to facilitate adequate internal review in assisting the City Clerk to meet the deadlines specified in this resolution. Such timelines shall include providing information to the City Clerk twelve days prior to the Commission meeting.

Section 4: That the deadline proscribed in section 5, paragraph c of City Commission resolution 98-331 regarding submission of items to the City Clerk is superseded as specified herein.

Section 5: That this Resolution shall be effective immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and the procedures herein shall be followed commencing with the regularly scheduled April 1, 2008 City Commission meeting.

Passed and adopted by the City Commission at a meeting held this February day of 20, 2008.

Authenticated by the presiding officer and Clerk of the Commission on February 25, 2008.

Filed with the Clerk February 25, 2008.

ATTEST:


CHERYL SMITH, CITY CLERK


MORGAN MCPHERSON, MAYOR

RESOLUTION NO. 88-331

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.

98-331

(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 1st and 3rd 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.

ATTEST:


JOSEPHINE PARKER, CITY CLERK


JAMES F. WEEKLEY, MAYOR PRO TEM