

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING AMENDED RULES OF PROCEDURE FOR CITY COMMISSION MEETINGS BY ADDING A RULE PROHIBITING THE USE OF CELL PHONES BY COMMISSIONERS; 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 supplement its rules of procedure pertaining to the conduct of its public meetings; and

WHEREAS, the use of electronic communication devices, such as cell phones, by Commissioners in chambers during a City Commission meeting may lead to a public perception that a Commissioner is not paying attention to the subject matter at hand, or that a Commissioner is receiving information relative to the subject matter at hand that other Commissioners and members of the public are not receiving, either one of which is inimical to transparency and a potential violation of public records law; and

WHEREAS, the City Commission finds that it would be of benefit to ban the use of electronic communication devices

(cell phones) by Commissioners during public meetings of the City Commission.

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, 10-021 and 19-069.

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(c) The meeting shall be conducted consistent with Robert's Rules of Order, except insofar as its rules are superseded as provided in this Resolution.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 LRA, 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 the use of cell phones by Commissioners is not permitted during Commission meetings. Commissioners shall be prohibited from accepting or sending any electronic communications via cell phone during any city commission meeting. As an exception to the above, if a phone is on for emergency communications purposes, ringers shall be off or in silent mode. Any communications related to City business during meetings is subject to public records law.

Section 8: 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 _____ day of _____, 2021.

Authenticated by the Presiding Officer and Clerk of the
Commission on _____ day of _____, 2021.

Filed with the Clerk on _____, 2021.

Mayor Teri Johnston	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK